

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, CONCERNING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS (LDRs); PROVIDING FOR AMENDMENTS TO CHAPTER 910, CONCURRENCY MANAGEMENT SYSTEM; BY AMENDING SECTION 910.11(1)(B) DETERMINATION OF CONCURRENCY, SPECIFICALLY; AND BY PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; CODIFICATION; SEVERABILITY; AND EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT THE INDIAN RIVER COUNTY LAND DEVELOPMENT REGULATIONS (LDRs) CHAPTER 910, CONCURRENCY MANAGEMENT SYSTEM, BE AMENDED AS FOLLOWS:

**SECTION #1:**

**Amend LDR Section 910.11 (1)(b), first two paragraphs, “Concurrency analysis”, specifically; as follows:**

(1) *Transportation.*

(b) *Concurrency analysis.* The public works department and community development department shall be the agencies responsible for determining whether adequate capacity is available to support traffic expected from a given proposed development such that a finding of concurrency may be rendered. Using the information inventoried pursuant to section 910.11(1)(a) above, expected development generated traffic shall be assigned to those two-lane roadway segments identified as receiving at least eight (8) or more peak season/peak hour/peak direction trips and those four-lane (or wider) roadway segments identified as receiving fifteen (15) or more peak season/peak hour/peak direction trips generated by the development under consideration pursuant to section 910.11(1)(a)2 above. The community development department will review and assign trips to segments for all individual single family residential traffic concurrency determination applications. Trips for individual single-family concurrency determinations shall be assigned as provided in 910.09(4)(b)3. Traffic Engineering Division staff will review and assign trips to segments for all projects generating less than ~~one~~**four** hundred (~~100~~**400**) average trips per day.

For larger projects generating ~~one~~**four** hundred (~~100~~**400**) or more average trip ends per day, the applicant shall submit a traffic impact analysis (TIA) or traffic impact statement (TIS) **as required by Chapter 952 regulations.** Based on this TIA or TIS, the public works department will assign trips to roadway segments. The community development staff will update the database as concurrency determination certificates are issued.

**SECTION #2: SEVERABILITY**

If any clause, section or provision of this Ordinance shall be declared by a court of competent jurisdiction to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this Ordinance and the remaining portion of this Ordinance shall be in full force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

**Bold Underline:** Additions to Ordinance

~~Strike through:~~ Deleted Text from Existing Ordinance

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**SECTION #3: REPEAL OF CONFLICTING ORDINANCES**

The provisions of any other Indian River County ordinance that are inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

**SECTION #4: INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Indian River County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

**SECTION #5: EFFECTIVE DATE**

This Ordinance shall take effect upon filing with the Department of State.

This ordinance was advertised in the Press-Journal on the \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2018, for a public hearing to be held on the \_\_\_rd day of \_\_\_\_\_, 2018, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

Chairman Peter D. O’Bryan	_____
Vice Chairman Bob Solari	_____
Commissioner Susan Adams	_____
Commissioner Joseph E. Flescher	_____
Commissioner Tim Zorc	_____

BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY

The Chairman there upon declared the ordinance duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

BY: \_\_\_\_\_  
Peter D. O’Bryan, Chairman

ATTEST: Jeffrey R. Smith, Clerk of Court and Comptroller

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ORDINANCE 2018-\_\_\_\_\_

BY: \_\_\_\_\_  
Deputy Clerk

This ordinance was filed with the Department of State on the following date: \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

\_\_\_\_\_  
Dylan Reingold, County Attorney

APPROVED AS TO PLANNING MATTERS

\_\_\_\_\_  
Stan Boling, AICP; Community Development Director

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