

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, CONCERNING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS (LDRs); PROVIDING FOR AMENDMENTS TO CHAPTER 914, SITE PLAN REVIEW AND APPROVAL PROCEDURES; BY AMENDING SECTIONS 914.06(1) AND 914.06(5) GENERAL THRESHOLDS AND PROCEDURES FOR SITE PLAN REVIEW AND APPROVAL, SPECIFICALLY; AND BY AMENDING SECTION 914.14(3) GENERAL SUBMITTAL REQUIREMENTS 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 914, GENERAL THRESHOLDS AND PROCEDURES FOR SITE PLAN REVIEW AND APPROVAL, BE AMENDED AS FOLLOWS:

SECTION #1:

Amend LDR Section 914.06 (1), “Site plan thresholds”; as follows:

(1) *Site plan thresholds.*

(a) *Major site plans.* The following projects shall constitute major site plan projects and shall require, except as noted in paragraph 4 below, major site plan approval.

1. Residential projects having three (3) or more dwelling units.
2. Nonresidential projects comprised of five thousand (5,000) square feet or more or new impervious surface area, or projects comprised of new impervious surface area representing more than ten (10) percent of the site/area of development, whichever is less.
3. Where three (3) or more minor site plan requests or six (6) or more administrative approval requests for a single project area/site have been submitted and approved over any five-year period of time; where potential cumulative impacts exceed the criteria of a major site plan application or together may create a substantial impact, the director of the community development department may require any subsequent minor site plan or administrative approval application to be reviewed pursuant to the criteria of a major site plan.
4. The following major site plan projects shall require the same approval process required of minor site plan projects:
 - a. Residential projects ~~involving four (4) or fewer dwelling units; and **that constitute a permitted use and that propose less than 25 residential units.**~~
 - b. Nonresidential projects involving less than one hundred fifty thousand (150,000) square feet of new impervious surface area, regardless of new building area amount.

(b) *Minor site plan.* The following projects shall constitute minor site plan projects and shall require minor site plan approval.

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1. Any residential project, comprised of less than three (3) units determined not be an exempted single-family development (see section 914.04).
 2. Nonresidential projects comprised of less than five thousand (5,000) square feet of new impervious surface area.
 3. Nonresidential projects adding or replacing two thousand (2,000) square feet or more of building gross floor area that do not constitute a major site plan.
- (c) *Administrative approvals.* The following projects shall constitute administrative approval site plan projects and shall require administrative approval.
1. A modification or alteration to any project covered in section 914.04 of this chapter, consisting of less than one thousand five hundred (1,500) square feet of new impervious surface area which does not require major or minor site plan approval.
 2. Improvements or activities which are required to obtain administrative approval pursuant to requirements specified in other chapters of this code.

SECTION #2:

Amend LDR Section 914.06 (5), “Departmental review of site plan applications”; as follows:

(5) *Departmental review of site plan applications.*

- (a) *Coordinating division.* The planning division shall be responsible for the coordination of all site plan reviews. Applicants shall submit all applications and materials to the planning division.
- (b) *Completeness review:*
 1. The planning division shall review all applications to ensure completeness before distribution to reviewing departments and agencies. Only complete applications will be distributed to the reviewing departments and agencies. Failure to submit required application material will result in the application material not being distributed; the application will be deemed incomplete. Planning staff shall notify the applicant within ~~five (5)~~ **three (3) working** days of submittal if the application is incomplete **and will route the proposed site plan within three (3) working days of a determination of application completeness.**
 2. Applicants shall have thirty (30) days from the notice of an incomplete application to complete the application; failure of the applicant to complete the application within the thirty (30) day period shall void the application request.
 3. Once the application is deemed to be complete, it will be distributed by the planning division for departmental review, and consideration at the appropriate TRC meeting.
- (c) *Application distribution for review.* For complete applications, the planning division shall distribute all appropriate application material(s) to the appropriate TRC members, all appropriate county departments, and other state, regional and local review agencies.
- (d) *TRC review and comments.* Each TRC member shall review the application and submit written comments to the planning division within ~~eleven (11)~~ **eighteen (18)** days after the

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routing of the site plan application materials and prior to the ~~date the application is scheduled, by the planning division to be considered at a TRC meeting.~~ **TRC meeting date at which the application is scheduled to be considered.**

Prior to each TRC meeting, the planning division shall conduct an inter-departmental staff coordination meeting to coordinate draft comments and transmit post-coordination meeting draft comments to the applicant by email or similar medium prior to the TRC meeting. The technical review committee shall consider each application, shall complete a technical evaluation of the site plan application, and shall identify any deficiencies or discrepancies, **and for each comment shall either indicate that the comment involves a code, safety, or engineering requirement or that the comment is advisory. Comments shall consist of the draft comments and items discussed at the TRC meeting.** Complete **and final** comments on all applications considered at the TRC meeting shall be assembled and forwarded to the applicant within four (4) working days. ~~Applications~~ **At the discretion of the technical review committee, applications** with substantial deficiencies may, **upon post-TRC re-submittal,** be rescheduled for **re-review** by the ~~technical review committee at the discretion of the~~ **at another** technical review committee **meeting.**

- (e) *Resubmission, staff-level approval, and scheduling major site plans for planning and zoning commission consideration.* The applicant's response to the TRC comments shall consist of five (5) revised plan sets, **a traffic study if required by Chapter 952 regulations, a concurrency certificate or evidence of application for a concurrency certificate if required by Chapter 910 regulations,** and an itemized letter **that recites each staff comment, details** ~~detailing how all of the discrepancies have been adequately addressed~~ **each comment has been adequately addressed, and states where any corresponding plan revision can be located.** Once all ~~deficiencies~~ **comments** have been adequately addressed, all technical and informational requirements met, and the commenting members of the TRC have recommended approval or approval with conditions on the application, the application shall be **approved by the community development director or his designee if staff-level approval, or** scheduled for consideration before the planning and zoning commission **if not staff level approval.**
1. An applicant may request, at any time in the review process, that the application be forwarded to the planning and zoning commission for consideration. Said request shall be submitted to the planning division in writing and shall acknowledge that, in staff's opinion, the application is not ready for consideration due to a lack of adequate responses to staff and/or reviewing agency comments.
- (f) *Approval of minor site plans.* The TRC is authorized to approve, approve with conditions or deny minor site plan applications not requiring ~~administrative permit~~ **Planning and Zoning Commission** approval. Within seven (7) working days after the applicant submits to staff a complete response to TRC comments (also known as a resubmittal), the county shall either issue site plan approval or a ~~discrepancy~~ **comment** letter. Once all commenting TRC members have reviewed and approved the applicant's responses to comments, the minor site plan shall be signed and approved. All approved minor site plans shall be signed by the community development director or his designee. ~~Appeals of~~

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~~decisions of the TRC may be made by applicants pursuant to the provisions of Section 914.13.~~

- (g) For all site plan applications that are not associated with a request involving a public hearing but are required to be reviewed by the Planning and Zoning Commission, the applicant shall submit the following along with his response to TRC comments and revised site plans:

A separate document that verifies the duration of the required sign posting and summarizes all contacts with the public. The summary shall, at a minimum, describe the nature of contacts (e.g. from nearby resident, by phone), the types of comments received, and changes to the project proposal (if any) based on comments received.

(h) Appeals of decisions made by the community development director or by the TRC may be made by applicants pursuant to the provisions of Section 914.13.

SECTION #3:

Amend LDR Section 914.14 (3), “General submittal requirements”; as follows:

(3) *General submittal requirements.*

- (a) Three (3) surveys meeting the minimum technical standards and containing the information required in section 914.14(9), are required for major site plans, and may be required by the community development director for minor site plans and administrative approvals.
- (b) Ten (1) plan sets containing all the information required in this section (914.14). If a formal pre-application conference was held for the project, the applicant shall submit a written response to each item in the project's pre-application conference discrepancy letter or a written description of all revisions made to the project plans since the pre-application conference review.
- (c) A completed and signed site plan application form (furnished by the planning division).
- (d) A completed and signed land clearing and tree removal permit application pursuant to Chapter 927, or a completed acknowledgement form (furnished by the planning division) stating that no tree removal and/or land clearing as defined in Chapter 927 is to take place on-site.
- (e) When applicable, a completed stormwater management application and two (2) copies of the stormwater report pursuant to the requirements of Chapter 930.
- (f) A landscape plan meeting the requirements of Chapter 926.
- (g) A copy of the deed for the subject property.
- (h) Written authorization from the property owner(s) if the applicant/agent is other than the property owner(s).
- (i) A concurrency certificate, or evidence of application for a **concurrency certificate, or a copy of the approved traffic methodology for the development project.**

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- (j) For minor site plans and administrative approvals, the community development director or his/her designee may waive or modify submittal, information, tabulation, or any other application requirements if he/she deems that such information is not necessary or appropriate for a review of the proposed project.
- (k) Traffic impact ~~analysis or statement~~ **study**. All proposed developments which are determined to generate ~~one thousand (1,000) trips per day or more, or generate between~~ **onefour** hundred (~~100~~**400**) **or more average daily trips** ~~and nine hundred ninety nine (999) trips, or~~ and are located at a critical transportation location, as determined by the public works director, shall submit a traffic ~~impact analysis~~ **study** pursuant to the requirements of Chapter 952 **prior to the post-TRC resubmittal**. All projects generating between ~~onefour~~ **four** hundred (~~100~~**400**) **or more average daily trips** ~~and nine hundred ninety nine (999) trips shall submit traffic impact statements~~ **studies prior to the post-TRC resubmittal**.
- (l) A shared (non-concurrent) parking study shall be required where there is a proposal by the applicant to reduce normal parking requirements pursuant to section 954.08 of the land development regulations.

SECTION #4: 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.

SECTION #5: 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 #6: 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 #7: EFFECTIVE DATE

This Ordinance shall take effect May 1, 2018.

This ordinance was advertised in the Press-Journal on the ____th 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:

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ORDINANCE 2018-____

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

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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