

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, CONCERNING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS (LDRs); PROVIDING FOR AMENDMENTS TO CHAPTER 926, LANDSCAPE AND BUFFER REGULATIONS; BY AMENDING SECTION 926.05 GENERAL REQUIREMENTS; 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 926, LANDSCAPE AND BUFFER REGULATIONS, BE AMENDED AS FOLLOWS:

SECTION #1:

The Chapter 926 Landscape and Buffer Regulations section 926.05 General Requirements shall be amended to establish sub-section 926.05(8), to read as follows:

(8) Reduction of landscaping requirements for projects in remote agricultural locations. For a development project subject to Chapter 926 landscape and buffer requirements, situated on property designated AG-2 (Agricultural 2 up to 1 unit per 10 acres) or AG-3 (Agricultural 3 up to 1 unit per 20 acres), and located west of 102nd Avenue, an applicant may request a reduction in the requirements of section 926.08 perimeter buffer standards and section 926.10 non-vehicular area landscaping standards. Such request shall be considered by the Community Development Director and may be granted by the Director upon a finding that a reduction in requirements is warranted based on mitigating factors which may include but are not limited to the following:

- (a) Separation of the project development area from adjacent property under different ownership.**
- (b) Separation of the project development area from an adjacent residential use.**
- (c) Presence of intervening vegetation (existing vegetation located between the project development area and adjacent property) or other intervening features.**
- (d) Separation and/or intervening vegetation between the project development area and an adjacent road used by the public.**

The project site plan shall note any approved reduction in landscaping requirements and shall show the project-specific required landscaping improvements.

A decision of the Community Development Director may be appealed as provided in section 902.07 "Appeals from decision of the community development director or his designee".

SECTION #3: 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 #4: 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 #5: 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 #6: EFFECTIVE DATE

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

This ordinance was advertised in the Press-Journal on the _____ day of _____, 2017, for a public hearing to be held on the _____ day of _____, 2017, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

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

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

The Chairman there upon declared the ordinance duly passed and adopted this _____ day of _____, 2017.

BY: _____
Joseph E. Flescher, Chairman

ORDINANCE 2017-_____

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

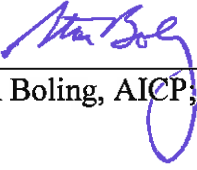
BY: _____
Deputy Clerk

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