

ORDINANCE NO. 2026-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, TO AMEND CERTAIN POLICIES, GOALS, AND OBJECTIVES THROUGHOUT THE INDIAN RIVER COUNTY'S COMPREHENSIVE PLAN TO REFLECT STATUTORY CHANGES; TO UPDATE NUMERICAL REFERENCES; TO CONSOLIDATE POLICIES; TO MOVE PREVIOUSLY INCORPORATED, PROVISIONS TO THE COUNTY'S LAND DEVELOPMENT REGULATIONS WHICH IS THE MORE APPROPRIATE LOCATION FOR SUCH REGULATORY LANGUAGE; TO ADDRESS EVALUATION AND APPRAISAL REVIEW MODIFICATIONS; AND TO ADOPT GENERAL UPDATES TO CERTAIN POLICIES; BY AMENDING CHAPTER 2, FUTURE LAND USE ELEMENT, CHAPTER 3A, SANITARY SEWER SUB-ELEMENT, CHAPTER 3B, POTABLE WATER SUB-ELEMENT, CHAPTER 3C, SOLID WASTE SUB-ELEMENT, CHAPTER 3D, NATURAL GROUNDWATER SUB-ELEMENT, CHAPTER 3E, STORMWATER MANAGEMENT SUB-ELEMENT, CHAPTER 4, TRANSPORTATION ELEMENT, CHAPTER 5 ECONOMIC DEVELOPMENT ELEMENT, CHAPTER 6, CAPITAL IMPROVEMENTS ELEMENT, CHAPTER 7 HOUSING ELEMENT, CHAPTER 8, CONSERVATION ELEMENT, CHAPTER 9, COASTAL MANAGEMENT ELEMENT, CHAPTER 10, RECREATION AND OPEN SPACE ELEMENT, CHAPTER 11, INTERGOVERNMENTAL COORDINATION ELEMENT, CHAPTER 12, PUBLIC SCHOOLS FACILITIES ELEMENT, AND CHAPTER 13, PROPERTY RIGHTS ELEMENT; PROVIDING FOR CODIFICATION INTO THE INDIAN RIVER COUNTY COMPREHENSIVE PLAN; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Florida Statutes sets forth Florida's Community Planning Act, which requires local governments to evaluate and appraise their comprehensive plans to determine whether amendments are needed to address state law updates and/or to address changes in local conditions; and

WHEREAS, Indian River County has conducted such an evaluation and appraisal as required by Chapter 163, Florida Statutes, and this ordinance contains

ORDINANCE NO. 2026-_____

general updates and edits deemed advisable to address local conditions and emerging trends, as well as revisions to reflect state of Florida statutory changes; and

WHEREAS, the Indian River County Board of County Commissioners, on September 9, 2025, approved the proposed EAR-based comprehensive plan amendments and directed County staff to transmit the proposed amendments to the Florida Department of Commerce (FL Commerce) and the applicable state reviewing agencies; and

WHEREAS, FL Commerce (the state land planning agency) sent their correspondence letter to the County on November 18, 2025, identifying two (2) proposed policy amendments that they considered to be more restrictive or burdensome than the County's currently adopted Comprehensive Plan and thus conflicted with the application of Chapter 2025-190, Section 28, Laws of Florida;

WHEREAS, the County has removed the proposed changes to these two (2) policies (Sanitary Sewer Sub-Element Policy 1.6, and Potable Water Sub-Element Policy 1.2), thus eliminating the items considered by FL Commerce to be more restrictive or burdensome.

WHEREAS, the Indian River County Board of County Commissioners finds that this ordinance promotes the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, THAT:

Section 1. Data, Inventory, and Analysis.

Updated data, inventory, and analysis supporting the Comprehensive Plan Elements, is hereby adopted as fully set forth in Exhibit "A" attached hereto and incorporated herein.

Section 2. Business Impact Estimate.

A business impact estimate was not prepared for this ordinance, as this ordinance is exempt from the Business Impact requirements pursuant to Section 166.041(4)(c)1., Florida Statutes.

ORDINANCE NO. 2026-_____

Section 3. Inclusion in the Comprehensive Plan.

It is the intention of the Indian River County Board of County Commissioners, and is therefore ordained, that the provisions of this ordinance shall be included in and be made a part of the Indian River County Comprehensive Plan; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “ordinance” may be changed to “element,” “objective,” “policy,” or appropriate designation.

Section 4. Severability.

If any section, phrase, sentence, portion or provision of this ordinance, or the application thereof to any person or circumstance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the other provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. Scrivener’s Error.

The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the Clerk to the Indian River County Board of County Commissioners, or the Clerk’s designee, without public hearing.

Section 6. Effective Date. This ordinance shall become effective upon adoption. However, pursuant to Florida Law, the Comprehensive Plan amendments adopted by this ordinance shall not become effective until the state land planning agency issues a notice of intent that the amendment is in compliance and that no challenge has been filed by an affected person. If challenged, the amendments shall become effective when a final order determining compliance is issued by the state land planning agency or the Administrative Commission.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2026

FIRST READING: September 9, 2025
ADVERTISED: August 17, 2025, and February 8, 2026
FINAL READING: February 24, 2026

ORDINANCE NO. 2026-_____

The Chairman of the Board of County Commissioners thereupon declared the ordinance duly passed and adopted this 24th day of February 2026.

BOARD OF COUNTY
COMMISSIONERS
OF INDIAN RIVER COUNTY

BY: _____
Deryl Loar, Chairman

Ryan L. Butler, Deputy Clerk of Circuit Court and Comptroller

ATTEST BY: _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: _____
Jennifer W. Shuler, County Attorney