

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, CONCERNING AN AMENDMENT TO ITS LAND DEVELOPMENT REGULATIONS (LDRS); PROVIDING FOR AN AMENDMENT TO CHAPTER 926, LANDSCAPE AND BUFFER REGULATIONS; BY AMENDING SECTION 926.06, LANDSCAPE MATERIALS STANDARDS; 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:

Amend LDR Section 926.06(3), Trees; as follows:

(a) Canopy trees:

1. Canopy trees, except for narrow canopy tree species identified under [subsection] 926.06(3)(d)1.b., below, shall be species having an average mature crown spread of greater than fifteen (15) feet (under local climatic conditions) and having a trunk(s) with over five (5) feet of clear wood. "Clear wood" refers to that portion of the trunk between the ground and the lowest lateral limbs.
2. All new canopy trees shall be planted in a planting area of at least one hundred forty-four (144) square feet, with minimum dimensions being at least twelve (12) feet in any direction. Larger areas may be required by the community development director or his designee for newly planted or existing trees to be preserved, as required by Chapter 927, tree protection.
3. Clusters of palms, such as sabal palms, may be used as canopy trees provided that a minimum of three (3) palms are clustered to equal one (1) canopy tree. Clusters of palms and specimen palms (specified below), if used, shall consist of no more than one-third (1/3) of the total canopy tree requirement.
 - a. A multi-trunk palm may be substituted for one (1) canopy tree provided that the total height of the combined clear trunks (ground to lowest frond, measured along the truck) is a minimum of eighteen (18) feet.
 - b. A Canary Island date palm, Sylvester palm, ~~or~~ Bismark palm, **or palm with a similar quality large "frond canopy" as approved by Planning staff** with a clear trunk of at least two (2) feet and an overall height of at least twelve (12) feet may count as one (1) canopy tree. Such a palm may count as two (2) canopy trees if it has a clear trunk of at least eight (8) feet and an overall height of at least eighteen (18) feet.
 - c. A palm of the Roystonea genus with a minimum clear trunk of ten (10) feet may be counted as one (1) canopy tree.

4. Minimum canopy tree spacing shall be provided as follows:

- a. Between full canopy trees (e.g. oak, pine, bay): twenty-five (25) feet.
- b. Between narrow canopy tree varieties (e.g., cypress and holly) not including magnolia: Fifteen (15) feet.
- c. Between full canopy trees and narrow canopy tree varieties (e.g., cypress and holly) not including magnolia: Twenty (20) feet.

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.

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 26th day of May, 2019, for a public hearing to be held on the 11th day of June, 2019, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

Chairman Bob Solari _____

Vice Chairman Susan Adams _____

Commissioner Joseph E. Flescher _____

Commissioner Tim Zorc _____

Commissioner Peter D. O'Bryan _____

ORDINANCE 2019-____

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

The Chairman there upon declared the ordinance duly passed and adopted this _____ day of _____, 2019.

BY: _____
Bob Solari, 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