

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, CONCERNING AN AMENDMENT TO ITS LAND DEVELOPMENT REGULATIONS (LDRS); PROVIDING FOR AN AMENDMENT TO CHAPTER 901, DEFINITIONS; BY AMENDING SECTION 901.03, ESTABLISHING A DEFINITION FOR OFF-SITE ACCESSORY LANDSCAPING SERVICES; BY AMENDMENT TO CHAPTER 911, ZONING; BY AMENDING SECTION 911.06(4), AGRICULTURAL AND RURAL DISTRICTS USES; 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 901, DEFINITIONS, AND CHAPTER 911, ZONING BE AMENDED AS FOLLOWS:

**SECTION #1:**

Amend LDR Section 901.03 by establishing a definition for “Off-site accessory landscaping services” to read as follows:

**Off-site accessory landscaping services installation and mowing/trimming maintenance services (not including pest control services) involving landscaping material such as grass, ground covers, shrubs, vines, hedges, trees, and palms accessory to a legally established wholesale nursery on agriculturally zoned property at least 400,000 square feet in size, where the total parking/driveway/building area associated with the landscaping service use is set back at least fifty (50) feet from property lines and is limited to no more than fifty (50) percent of the nursery site area under cultivation and where outdoor parking area associated with the landscaping services use is visually screened from adjacent properties and streets. For purposes of this definition, area under cultivation includes green houses, grow houses, shade houses, and similar structures. This definition does not include services authorized and conducted in compliance with a valid home occupation permit issued by the County, and does not include or allow for the burning, mulching, or dumping of off-site debris on the wholesale nursery/landscaping services site.**

**SECTION #2:**

Amend the “Agricultural Uses” portion of the use table from LDR Section 911.06(4), to read as follows:

Uses	District				
	A-1	A-2	A-3	RFD	RS-1
<i>Agricultural</i>					
General farming	P	P	P	-	-
Dairy farming	A	A	A	-	-
Livestock and poultry raising	P	P	P	-	-
Stables (noncommercial)	P	P	P	A	A
Stable (commercial)	P	P	P	-	-

**Bold Underline:** Additions to Ordinance

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

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Sludge spreading	A	A	A	-	-
Tree farms	P	P	P	-	-
<i>Kennel and animal boarding places</i>					
Commercial	A	A	A	-	-
Noncommercial	P	P	P	P	A
Fruit and vegetable juice extractions and packing houses	A	A	A	-	-
Small animal specialty farms	A	A	A	-	-
Tenant dwelling	S	S	S	-	-
Residential migrant housing facility	S	S	S		
<i>Nursery and greenhouses</i>					
Noncommercial	P	P	P	A	A
Commercial (cultivation, wholesaling, and off-site <b>accessory landscaping services*</b> allowed; no retail sales allowed on-site)	P	P	P	-	-
Agricultural businesses, excluding wholesaling and processing	S	S	S	-	-
Agricultural industries	S	S	S	-	-
Fish farms and water dependent plant and/or animal production	A	A	A	-	-
Agricultural research facilities	A	A	A	-	-
Aquaculture	A	A	A	A	A
Fruit spreading (subject to subsection 917.06(15))	P	P	P	-	-

**\*See definition of “off-site accessory landscaping services” in Chapter 901**

Editor’s note: all other portions of the LDR Section 911.06(4) use table to remain as is, unamended.

**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 \_\_\_\_\_, 2019, for a public hearing to be held on the \_\_\_\_ day of \_\_\_\_\_, 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 \_\_\_\_\_

**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