

ORDINANCE 2018-____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AMENDING TITLE X, IMPACT FEES, OF THE CODE OF INDIAN RIVER COUNTY, PROVIDING FOR AMENDMENTS TO CHAPTER 1000, PURPOSE AND INTENT; BY AMENDING SECTION 1000.13(2), REVIEW; 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 TITLE X, IMPACT FEES, OF THE CODE OF INDIAN RIVER COUNTY, CHAPTER 1000, PURPOSE AND INTENT, BE AMENDED AS FOLLOWS:

SECTION ONE:

Amend Section 1000.13 – “Review” as follows:

- (1) Each fiscal period, the county administrator shall present a proposed capital improvements program (CIP) to the board of county commissioners for: emergency services facilities, correctional facilities, public buildings, law enforcement facilities, library facilities, solid waste facilities, park and recreation facility, public education facilities and traffic facilities. This CIP shall assign funds, including any accrued interest, from the facilities impact fee trust funds to specific facility improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal year shall be retained in the same facility impact fee trust fund until the next fiscal year, except as provided by the refund provisions of this chapter.
- (2) The fee schedules contained in this title shall be reviewed **and updated** by the board of county commissioners ~~at least once~~ every ~~third year~~ **five (5) years, consistent with Florida Statutes 163.31801.**

SECTION TWO: 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 THREE: 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any other Indian River County ordinance that are inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.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 FOUR: 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.

Attachment 3

SECTION FIVE: 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 _____, 2018, for a public hearing to be held on the ____ day of _____, 2018, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

Commissioner Peter D. O'Bryan _____

Commissioner 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: _____
_____, 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