

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, CONCERNING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS (LDRs); PROVIDING FOR AMENDMENTS TO CHAPTER 913, SUBDIVISIONS AND PLATS; BY AMENDING SECTIONS AND SECTIONS 913.07(4)(A) AND 913.07(4)(F) SPECIFICALLY; 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 914, GENERAL SUBMITTAL REQUIREMENTS AND CHAPTER 913 SUBDIVISIONS AND PLATS, BE AMENDED AS FOLLOWS:

**SECTION #1:**

**Amend LDR Section 913.07 (4)(A), “Preliminary plat application and review submission of application”; as follows:**

(4) *Preliminary plat application and review.*

(A) *Submission of application.*

1. Upon completion of the formal pre-application conference, the applicant may apply for preliminary plat approval. At his or her option, an applicant may simultaneously apply for preliminary plat approval and for land development permit review. No land development permit may be issued until the preliminary plat is approved. An applicant shall apply for preliminary plat approval by furnishing to the community development director:
  - a. A complete application form, as provided by the community development department;
  - b. The appropriate filing fee established by the board of county commissioners;
  - c. Ten (1) sets of the plat drawings and a written response to each item in the project's pre-application conference discrepancy letter or a written description of all revisions made to the project plans since the pre-application conference review;
  - d. Two (2) sealed surveys;
  - e. One (1) aerial of the site with overlay of project showing the surrounding two hundred (200) feet of adjacent properties;
  - f. Two (2) copies of the owner's deed;
  - g. If an agent is used, a letter from the property owner authorizing the agent to function on his behalf, plus one copy of the letter;
  - h. Two (2) copies of a tree and vegetation survey showing the boundaries and acreage of environmentally sensitive areas (see Chapter 928) and environmentally significant areas (see Chapter 929), where such areas exist on-site.

**Bold Underline:** Additions to Ordinance

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

F:\Community Development\CurDev\Ordinances\2018Ordinances\2018-\_\_\_\_ 913.07(4)(A) and (F) - Preliminary Plat application and review.docx

- i. An initial or conditional concurrency certificate, or evidence of application for a certificate, **or a copy of the approved traffic methodology for the development project.**

The community development director or his designee shall determine whether or not an application is complete and can be routed for interdepartmental review. No incomplete application shall be routed for review. The applicant shall be notified as soon as an incomplete determination has been made.

**SECTION #2:**

**Amend LDR Section 913.07 (4)(F), “Reviews”; as follows:**

(F) *Reviews.*

1. *Technical review committee review.*

- a. **Within three (3) working days of a preliminary plat application, the community development department shall make an application completeness determination and shall contact the applicant if the submittal is determined to be incomplete. The Within three (3) working days of a determination of completeness, the** community development department will forward one copy of the proposed preliminary plat to each of the county divisions or other interested agencies ~~within three (3) working days of the initial submittal of the preliminary plat~~ for their review and written comments or approval.
- b. Within ~~eleven (11)~~ **eighteen (18)** days after the receipt of the **routing of the** preliminary plat and prior to the ~~date the application is scheduled to be considered at a TRC meeting,~~ TRC members shall submit to the ~~planning division written staff approvals or the identification of any discrepancies~~ **TRC meeting date at which the application is scheduled to be considered, each TRC member shall review the application and submit written comments to the planning division. Prior to each TRC meeting, the planning division shall conduct an inter-departmental staff coordination meeting to coordinate draft comments and transmit post-coordination meeting draft comments to the applicant by email or similar medium prior to the TRC meeting.**
- c. At a technical review committee (TRC) meeting, the discrepancy comments will be reviewed.
- d. The community development department shall, within four (4) working days from the TRC meeting, transmit a **comment** letter to the applicant or his engineer identifying all of the discrepancies pertaining to the preliminary plat that were discussed at the TRC meeting. **Each comment shall either indicate that the comment involves a code, safety, or engineering requirement or that the comment is advisory. Comments shall consist of the draft comments and items discussed at the TRC meeting.**

**Bold Underline:** Additions to Ordinance

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

F:\Community Development\CurDev\Ordinances\2018Ordinances\2018-\_\_\_\_ 913.07(4)(A) and (F) - Preliminary Plat application and review.docx

- e. The applicant shall respond, in writing, to each comment following receipt of the discrepancy letter and submit five (5) sets of a revised preliminary plat if deemed necessary by the community development staff with a written response to each item in the project's TRC discrepancy letter ~~and a written request to be placed on the planning and zoning commission's agenda for approval.~~ **Each response must recite the subject staff comment, adequately address the comment, and indicate where any corresponding revision has been made on the preliminary plat. If the preliminary plat requires PZC approval, the** ~~The~~ applicant's written response shall include a separate document that verifies the duration of the required sign posting and summarizes all contacts with the public. The summary shall, at a minimum, describe the nature of contacts (e.g. from nearby resident, by phone), the types of comments received, and changes to the project proposal (if any) based on comments received.
- f. ~~The TRC may require re-review of the project by TRC members to be discussed at another TRC meeting.~~ **At the discretion of the technical review committee, applications with substantial deficiencies may, upon re-submittal, be scheduled for re-review at another technical review committee meeting.**
- g. **As part of the post-TRC re-submittal, a traffic study shall be submitted if required by Chapter 952 regulations and a concurrency certificate or evidence of application for a concurrency certificate shall be submitted if required by Chapter 910 regulations.**
- g.h. Once all TRC comments have been adequately addressed, the community development department shall **approve the preliminary plat if the plat is a road plat or a plat for a residential subdivision and provides for less than 25 residential lots or units. All other preliminary plat applications that are not staff-level approval and that have been signed-off by the TRC members shall be** ~~scheduled the application~~ for consideration at the soonest available planning and zoning commission meeting.
  - 1. An applicant may request, at any time in the review process, that the application be forwarded to the planning and zoning commission for consideration. Said request shall be submitted to the planning division in writing and shall acknowledge that, in staff's opinion, the application is not ready for consideration due to a lack of adequate responses to staff and/or reviewing agency comments.
  - 2. *Planning and zoning commission review and action.* Upon completion of the county staff review, the preliminary plat plans and application, along with recommendations, will be forwarded to the Indian River County planning and zoning commission for review and consideration for approval. The decision of the planning and zoning commission shall be final unless the application is appealed to the board of county commissioners. Any approval shall be noted on the preliminary plat in the following form:

CERTIFICATE OF APPROVAL BY PLANNING AND ZONING COMMISSION

**Underline:** Additions to Ordinance

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

F:\Community Development\CurDev\Ordinances\2018Ordinances\2018-\_\_\_\_ 913.07(4)(A) and (F) - Preliminary Plat application and review.docx

THIS IS TO CERTIFY, That on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
the Indian River County Planning and Zoning Commission approved this preliminary  
plat.

\_\_\_\_\_ (Chairperson)

**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 May 1, 2018.

This ordinance was advertised in the Press-Journal on the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2018, for a public hearing to be held on the \_\_\_<sup>rd</sup> day of \_\_\_\_\_, 2018, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

Chairman Peter D. O’Bryan \_\_\_\_\_

Vice Chairman Bob Solari \_\_\_\_\_

Commissioner Susan Adams \_\_\_\_\_

Commissioner Joseph E. Flescher \_\_\_\_\_

Commissioner Tim Zorc \_\_\_\_\_

**Bold Underline:** Additions to Ordinance

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

F:\Community Development\CurDev\Ordinances\2018Ordinances\2018-\_\_\_\_ 913.07(4)(A) and (F) - Preliminary Plat application and review.docx

ORDINANCE 2018-\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY

The Chairman there upon declared the ordinance duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

BY: \_\_\_\_\_  
Peter D. O'Bryan, 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

**Bold Underline:** Additions to Ordinance

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

F:\Community Development\CurDev\Ordinances\2018Ordinances\2018-\_\_\_\_ 913.07(4)(A) and (F) - Preliminary Plat application and review.docx