

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, CONCERNING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS (LDRS); AMENDING SECTION 911.06(4), AGRICULTURAL AND RURAL DISTRICT USES, OF CHAPTER 911, ZONING, BY PROHIBITING COMMERCIAL OR RESIDENTIAL LAWN CARE SERVICES BUSINESSES IN AGRICULTURAL DISTRICTS; 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 911, ZONING, BE AMENDED AS FOLLOWS:

**SECTION #1:**

**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   | -   | -    |
| 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 <b><u>wholesale nurseries and greenhouses, including cultivation, wholesaling, ancillary retail and landscaping services that are a part of farm operations as protected under Florida Statutes Section 823.14; does not include or allow commercial or residential lawn care services</u></b> ( <del>cultivation, wholesaling, and off site landscaping services allowed; no retail sales allowed on site</del> ) | P        | P   | P   | -   | -    |

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|   |   |   |   |   |   |
|---|---|---|---|---|---|
| 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 | - | - |

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

## **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 this Ordinance may be re-numbered or re-lettered 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 \_\_\_\_ day of \_\_\_\_\_, 2020, for a public hearing to be held on the \_\_\_\_ day of \_\_\_\_\_, 2020, and on the \_\_\_\_ day of \_\_\_\_\_, 2020 for a second public hearing to be held on the \_\_\_\_ day of \_\_\_\_\_, 2020, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

|                                  |       |
|----------------------------------|-------|
| Chairman Susan Adams             | _____ |
| Vice Chairman Joseph E. Flescher | _____ |
| Commissioner Bob Solari          | _____ |
| Commissioner Tim Zorc            | _____ |
| Commissioner Peter D. O'Bryan    | _____ |

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BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY

The Chairman there upon declared the ordinance duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

BY: \_\_\_\_\_  
Susan Adams, 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

\_\_\_\_\_  
Phil Matson, AICP; Community Development Director