

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING THE TEXT OF THE COMPREHENSIVE PLAN'S CAPITAL IMPROVEMENTS ELEMENT BY UPDATING THE COUNTY'S 5 YEAR CAPITAL IMPROVEMENTS PROGRAM (CIP) SCHEDULE AND RELATED DATA AND ANALYSIS SECTIONS; AND PROVIDING SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners adopted the Indian River County Comprehensive Plan on February 13, 1990, and

WHEREAS, F.S. 163.3177(3)(b) requires an annual review and update of the County's Capital Improvements Program; and

WHEREAS, F.S. 163.3177(3)(b) exempts amendments to the County's 5 year CIP from the standard comprehensive plan amendment process and instead allows the County to amend the County's 5 year CIP schedule and related data and analysis sections by ordinance through the County's standard ordinance adoption procedures, which involve holding only one public hearing; and

WHEREAS, the Board of County Commissioners of Indian River County, pursuant to F.S.125.66(2), advertised for a Public Hearing to Consider Adopting an Ordinance Amending the County's 5 year CIP schedule and related data and analysis sections of the Capital Improvements Element of the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners of Indian River County held an Adoption Public Hearing on December 13<sup>th</sup>, 2022, at which parties in interest and citizens were heard;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Indian River County, Florida, that:

**SECTION 1. Amendment to the Schedule of Capital Improvements Program**

Indian River County hereby adopts the 5-year CIP schedule and related data and analysis section of the Capital Improvements Element; (Exhibit A).

**SECTION 2. Financial Feasibility**

The Board of County Commissioners finds that the proposed amendment of the 5 year CIP schedule and related data and analysis section of the Capital Improvements Element is financially feasible.

SECTION 3. Repeal of Conflicting Provisions

All previous ordinances, resolutions, or motions of the Board of County Commissioners of Indian River County, Florida, which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 5. Severability

It is declared to be the intent of the Board of County Commissioners that, if any provision of this ordinance is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions.

SECTION 6. Effective Date

A certified copy of this ordinance shall be filed with the Department of State by the clerk of the Board of County Commissioners within 10 days of enactment by the Board of County Commissioners and shall take effect upon filing with the Department of State.

This ordinance was advertised in the Press-Journal on the 27<sup>th</sup> day of November, 2022, for a public hearing held on the 13<sup>th</sup> day of December, 2022, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

Joseph H. Earman, Chairman	_____
Susan Adams, Vice Chairman	_____
Joesph E. Flescher, Commissioner	_____
Deryl Loar, Commissioner	_____
Laura Moss, Commissioner	_____

BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY

BY: \_\_\_\_\_  
Joseph H. Earman, Chairman

ATTEST: Jeffrey R. Smith, Clerk of Court and Comptroller

ORDINANCE NO. 2022 - \_\_\_\_\_

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

\_\_\_\_\_  
Phillip J. Matson, AICP  
Community Development Director