

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA AUTHORIZING A TEMPORARY MORATORIUM FOR ONE (1) YEAR, WITHIN THE UNINCORPORATED AREAS OF INDIAN RIVER COUNTY SPECIFIC TO THE OSLO CORRIDOR STUDY AREA PROHIBITING THE FILING, ACCEPTANCE, PROCESSING AND/OR CONSIDERATION OF ANY APPLICATION OR REQUEST FOR A ZONING CHANGE OR COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR NONCODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING PROVISIONS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, as provided in Article VIII, Section 1 of the Florida Constitution and Chapter 125, Florida Statutes, counties have broad home rule powers to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety and welfare of the residents of the County; and

WHEREAS, the Indian River County Board of County Commissioners ("Board") specifically determines that the enactment of this ordinance is necessary to protect the health, safety and welfare of the residents of Indian River County; and

WHEREAS, pursuant to Section 163.3202, Florida Statutes, Indian River County has enacted land development regulations, consistent with its adopted Comprehensive plan, which protect the quality of life in Indian River County; and

WHEREAS, the County has not comprehensively evaluated and analyzed the Oslo Corridor; and

WHEREAS, on May 20, 2025, the Board determined that a temporary moratorium of one (1) year was necessary to allow the Planning and Development Services Department sufficient time to analyze, evaluate, and comprehensively restructure the Future Land Use designations, as well as to finalize cohesive development guidelines and architectural standards specific to the Oslo Corridor study area; and

WHEREAS, a temporary moratorium is a recognized important land-use planning tool to preserve the status quo during the planning process and ensure the community's problems are not exacerbated during the time it takes to formulate a regulatory scheme; and

WHEREAS, the Growing Smart User's Manual, published by the American Planning Association, identifies a temporary moratorium as a smart growth tool used to avoid "a rush of development applications before a local government can adopt or amend its comprehensive plan or development regulations" (Meck, S. E.D., 2002a, p 51); and

WHEREAS, the Growing Smart Legislative Guidebook, also published by the American Planning Association, conveys that the "first purpose for moratoria is when a local

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government is preparing a comprehensive plan or extensive amendment of land development regulations” (Meck, S. E.D., 2002b, p 8-179).

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT:

Section 1. Recitals Adopted

Each of the recitals set forth above is hereby adopted, re-adopted and incorporated herein.

Section 2. Enactment Authority.

Article VIII, Section 1 of the Florida Constitution and Chapter 125, Florida Statutes vest broad home rule powers in counties to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety and welfare of the residents of the County. The Board specifically determines that the enactment of this ordinance is necessary to protect the health, safety and welfare of the residents of Indian River County.

Section 3. Temporary Moratorium.

Beginning on the effective date of this ordinance and continuing for a period of one (1) year—unless rescinded earlier by subsequent ordinance of the Indian River County Board of County Commissioners—a temporary moratorium is hereby imposed within the Oslo Corridor Study Area located in the unincorporated area of Indian River County. During the term of this moratorium, the County shall suspend the filing, acceptance, processing, and/or consideration of any application or request for a zoning change or Comprehensive Plan amendment affecting properties within the designated Oslo Corridor Study Area. See attached Exhibit A.

Section 4. Expiration of Temporary Moratorium.

The temporary moratorium imposed by Section 3 of this ordinance expires one (1) year from the moratorium effective date set forth in this ordinance. The moratorium may be extended or terminated early by adoption of an ordinance or resolution of the Indian River County Board of County Commissioners.

Section 5. Severability.

If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall remain in full force and effect.

Section 6. Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Effective Date. This ordinance shall become effective upon adoption by the Board of County Commissioners and filing with the Department of State.

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This ordinance was advertised in the Indian River Press Journal on the 1st day of June, 2025, for a public hearing to be held on the 17th day of June, 2025, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____ and adopted. The vote on this ordinance was as follows:

Chairman Joseph E. Flescher _____

Vice Chairman Deryl Loar _____

Commissioner Susan Adams _____

Commissioner Joseph H. Earman _____

Commissioner Laura Moss _____

The Chairman thereupon declared the ordinance duly passed and adopted this 17th day of June, 2025.

**BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY**

BY: _____
Joseph E. Flescher, Chairman

ATTEST: Ryan L. Butler, Clerk of Court and Comptroller

BY: _____
Deputy Clerk

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This ordinance was filed with the Department of State on the following date: _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Jennifer W. Shuler, County Attorney OR
Susan J. Prado, Deputy County Attorney

APPROVED AS TO PLANNING MATTERS

Chris Balter; Planning & Development Services Director