

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING SECTION 914.06 (GENERAL THRESHOLDS AND PROCEDURES FOR SITE PLAN REVIEW AND APPROVAL) OF CHAPTER 914 (SITE PLAN REVIEW AND APPROVAL PROCEDURES), OF THE CODE OF INDIAN RIVER COUNTY; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN 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, SITE PLAN REVIEW AND APPROVAL PROCEDURES BE AMENDED AS FOLLOWS:

**SECTION #1:**

**Amend LDR Section 914.06, as follows:**

Section 914.06. - General thresholds and procedures for site plan review and approval.

(1) *Site plan thresholds.*

(a) *Major site plans.* The following projects shall constitute major site plan projects and shall require, except as noted in paragraph 4 below, major site plan approval.

1. Residential projects having three (3) or more dwelling units.

2. Nonresidential projects comprised of five thousand (5,000) square feet or more or new impervious surface area, or projects comprised of new impervious surface area representing more than ten (10) percent of the site/area of development, whichever is less.

3. Where three (3) or more minor site plan requests or six (6) or more administrative approval requests for a single project area/site have been submitted and approved over any five-year period of time; where potential cumulative impacts exceed the criteria of a major site plan application or together may create a substantial impact, the director of the community development department may require any subsequent minor site plan or administrative approval application to be reviewed pursuant to the criteria of a major site plan.

4. The following major site plan projects shall require the same approval process required of minor site plan projects:

a. Residential projects that constitute a permitted use and that propose less than twenty-five (25) residential units.

b. Nonresidential projects involving less than one hundred fifty thousand (150,000) square feet of new impervious surface area, regardless of new building area amount.

**c. Solar facilities located in the A-1, A-2, and/or A-3 zoning districts regardless of new impervious area.**

**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 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 #5: EFFECTIVE DATE**

This Ordinance shall take effect upon filing with the Department of State.

This ordinance was advertised in the Indian River Press Journal on the 15<sup>th</sup> day of October, 2023, for a public hearing to be held on the 31<sup>st</sup> day of October, 2023, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

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

The Chairman there upon declared the ordinance duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY

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

ORDINANCE 2023-\_\_\_\_

ATTEST: Ryan L. Butler, 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

\_\_\_\_\_  
William K. DeBaal, County Attorney

APPROVED AS TO PLANNING MATTERS

\_\_\_\_\_  
Andrew Sobczak; Planning and Development Services Director

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