

ORDINANCE 2006-011

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA CONCERNING AMENDMENTS TO LAND DEVELOPMENT REGULATIONS (LDRs); PROVIDING FINDINGS; PROVIDING FOR AMENDMENTS TO CHAPTER 910, CONCURRENCY MANAGEMENT SYSTEM, BY AMENDING TABLE OF CONTENTS, BY AMENDING DETERMINATION OF CONCURRENCY, BY AMENDING DETERMINATION OF CONCURRENCY COMPONENTS SECTION 910.09(4)(A), BY INCREASING POST BUILDING PERMIT ROAD CONSTRUCTION COMMENCEMENT DATE FROM 2 YEARS FROM CERTIFICATE OF OCCUPANCY TO 3 YEARS OF FIRST BUILDING PERMIT; BY ADDING NEW PROPORTIONATE FAIR SHARE MITIGATION SECTION; 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) BE AMENDED AS FOLLOWS:

PART I: FINDINGS.

It is hereby ascertained, determined, and declared that:

- A. Pursuant to Article VIII, Section 1 of the Florida Constitution, and Sections 163.3202, 125.01, and 125.66, Florida Statutes, the Board has all powers of local self-government and such power may be exercised by the enactment of County ordinances.
- B. The proportionate fair-share program provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors.

PART II: AMENDMENTS TO CHAPTER 910, CONCURRENCY MANAGEMENT SYSTEM, OF INDIAN RIVER COUNTY LAND DEVELOPMENT REGULATIONS ORDINANCE.

1. Update of Chapter 910, Concurrency Management System, Table of Contents

Sec. 910.01.	Title, background and intent.
Sec. 910.02.	Certificate of concurrency determination.
Sec. 910.03.	No taking or abrogation of vested rights.
Sec. 910.04.	Definitions.
Sec. 910.05.	Interpretation and administration of the Indian River County Concurrency Management System.
Sec. 910.06.	Establishment of fee for concurrency review.
Sec. 910.07.	Development review system.

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Sec. 910.08.	Determination of concurrency, generally.
Sec. 910.09.	Determination of concurrency, components.
Sec. 910.10.	Level of service standards established in the comprehensive plan.
Sec. 910.11.	Determination of concurrency specifically.
<u>910.12</u>	<u>Proportionate Fair-Share Mitigation</u>
Sec. 910. 12 . <u>13</u>	Appeal process and vested rights determination.
Sec. 910. 13 . <u>14</u>	Assignability and transferability.

2. Increase Post-C.O. Building Permit Road Construction Commencement Date from 2 years to 3 years and to make Chapter 910 consistent with the adopted CIE.

LDR Section 910.09(4)(a) is hereby amended, to read as follows:

(4) Transportation.

(a) Transportation supply (capacity). Transportation supply ~~must~~ **shall** be determined on a segment by segment basis. For concurrency purposes, all segments on the county's thoroughfare plan ~~must~~ **shall** be considered. Capacity for segments will be based either on FDOT's generalized capacity tables or individual segment capacity studies approved by the public works director pursuant to the criteria specified in Chapter 952, Traffic. Transportation supply for each segment is:

1. The segment's existing peak hour, peak season, peak direction capacity; or
2. The segment's new roadway capacity if facility expansion for the segment is proposed and if:
 - a. At the time the development order or permit is issued, the facility **expansion** is in place or under construction; or

b. A development order or permit is issued subject to a condition that the facility expansion needed to serve the new development is included in the county's adopted five-year schedule of capital improvements and is scheduled to be in place or under actual construction not more than three (3) years after issuance of the project's first building permit or its functional equivalent. For purposes of this section, the county may recognize and include transportation projects included in the first three years of the adopted Florida Department of Transportation five year work program. In order to apply

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this provision to a facility expansion project, the Capital Improvements Element must include the following policies:

- i. The estimated date of commencement of actual project construction and the estimated date of project completion (for Indian River County, this is included in policy 5.11 of the county's CIE and within Appendix B of the county's CIE), and**
- ii. A provision that a plan amendment is required to eliminate, defer, or delay construction of any road or mass transit facility or service which is needed to maintain the adopted level of service standard and which is listed in the five-year schedule of capital improvements (for Indian River County, this is included in Policy 1.2 of the county's CIE); or**
- c. At the time a development order or permit is issued, the facility is the subject of a binding executed agreement which requires the facility to be in place or under actual construction no more than three (3) years after the issuance of the project's first building permit or its functional equivalent; the agreement may assign all or a portion of the created capacity; or**
- d. At the time a development order or permit is issued, the facility is guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place or under actual construction not more than three years after issuance of a building permit or its functional equivalent. [Section 163.3180(2)(c), F.S.]; the agreement may assign all or a portion of the created capacity; or**
 - ~~b. — The county grants conditional project approval such that a development order or permit is issued subject to the conditions that the transportation facilities needed to serve the new development are included in Capital Improvements Element Table 13.24, the county's adopted five year schedule of priority transportation capital improvements, and are scheduled to be in place or under actual construction not more than two (2) years after issuance of a certificate of occupancy for the development. By reference, the schedule of capital improvements recognizes and includes transportation projects included in the first three (3) years of the applicable, adopted Florida Department of Transportation five year work program. Table 13.24 also includes the estimated date for the commencement of actual construction and the estimated date~~

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~~of completion for each of the transportation capital improvements. Where a development order or permit is issued pursuant to the provisions of this section, the development order or permit shall include a condition that a comprehensive plan amendment will be required to eliminate, defer, or delay construction of any transportation facility improvement which is listed in the comprehensive plan's five year schedule of capital improvements, and which is needed to maintain the adopted level of service standard for roadway segments impacted by the project. In approving a development permit, the county may impose conditions requiring that transportation facilities necessary to serve the project be in place or under construction by a date certain which shall not exceed two (2) years from the issuance of a certificate of occupancy; or~~

~~c. At the time a development order or permit is issued, the necessary transportation facilities are the subject of a binding executed agreement which requires the necessary transportation facilities to serve the new development to be in place or under construction not more than two (2) years after the issuance of a certificate of occupancy for the development. In approving a binding executed agreement, the county may impose conditions requiring that transportation facilities necessary to serve the project be in place or under construction by a date certain which shall not exceed two (2) years from the issuance of a certificate of occupancy; or~~

~~d. At the time a development order or permit is issued, the necessary transportation facilities are guaranteed in an enforceable development agreement, pursuant to Section 163.3220 F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place or under actual construction not more than two (2) years after issuance of a certificate of occupancy for the development. In approving a development agreement, the county may impose conditions requiring that transportation facilities necessary to serve the project be in place or under construction by a date certain which shall not exceed two (2) years from the issuance of a certificate of occupancy.~~

e. The segment is the subject of a proportionate fair-share agreement. In such case, the segment capacity increase reflected in the proportionate fair share agreement shall be available only to the parties to a proportionate fair share agreement.

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3. New Proportionate Fair-Share Mitigation Section LDR Section 910.12.

(1) Purpose and Intent

The purpose of this section is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with §163.3180(16), F.S.

(2) Findings

(a) The Indian River County Commission finds and determines that transportation capacity is a commodity that has a value to both the public and private sectors and that the County Proportionate Fair-Share Program:

1. Provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative and creative efforts of the public and private sectors;
2. Allows developers to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their proportionate fair share of the cost of expanding or improving a transportation facility;
3. Contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive facilities planning, thereby reducing the potential for moratoria or unacceptable levels of traffic congestion; and
4. Maximizes the use of public funds for adequate transportation facilities to serve future growth, and may, in certain circumstances, allow the County to expedite transportation improvements by supplementing funds currently allocated for transportation improvements in the Capital Improvements Element.

(3) Applicability

The Proportionate Fair-Share Program shall apply to any development project in Indian River County where the project's traffic impact study or the county traffic

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engineer determines that there is insufficient capacity on one or more segments to satisfy the development project's transportation concurrency requirements. The Proportionate Fair-Share Program does not apply to developments of regional impact (DRIs) using proportionate fair share under §163.3180(12), F.S., or to developments exempted from concurrency as provided in this concurrency chapter.

(4) General Requirements

(a) An applicant whose project meets the criteria of Section 910.12(3) may choose to satisfy transportation concurrency requirements by making a proportionate fair-share contribution, pursuant to the following requirements:

- 1. The proposed development is consistent with the comprehensive plan and applicable land development regulations, and**
- 2. The five-year schedule of capital improvements in the County Capital Improvements Element (CIE) includes one or more transportation improvements that, upon completion, will provide sufficient capacity for the deficient segments to accommodate the traffic generated by the proposed development.**

(b) The County may choose to allow an applicant to satisfy transportation concurrency for a deficient segment, through the Proportionate Fair-Share Program, by the developer contributing to an improvement that, upon completion, will create additional capacity on the deficient segment sufficient to accommodate the additional traffic generated by the applicant's proposed development even if the improvement project for the deficient segment is not contained in the 5-year schedule of capital improvements in the CIE where:

- The Board of County Commissioners holds an advertised public hearing to consider the proportionate share agreement and corresponding future changes to the 5-year CIE, and**
- The County adopts, by ordinance, an amendment adding the improvement to the 5-year schedule of capital improvements in the CIE. To qualify for consideration under this section, the proposed improvement must be reviewed by the Board of County Commissioners, and determined to be financially feasible pursuant to §163.3180(16)(b)1, F.S., consistent with the comprehensive plan, and in compliance with the provisions of this ordinance. Financial feasibility for this section means that additional contributions, payments or revenue sources to fund the improvement project are reasonably anticipated during a period not to exceed 10 years.**

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- (c) Any improvement project proposed to meet a developer's fair-share obligation must meet design standards of the County for locally maintained roadways and those of the Florida Department of Transportation (FDOT) for the state highway system.**

(5) Application Process

- (a) Upon identification of a lack of capacity to satisfy transportation concurrency, an applicant may choose to satisfy transportation concurrency through the proportionate fair-share program pursuant to the requirements of section 910.12(4).**
- (b) Prior to submitting an application for a proportionate fair-share agreement, the applicant shall attend a pre-application meeting with planning and traffic engineering staff to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the Strategic Intermodal System (SIS), then the Florida Department of Transportation (FDOT) will be notified and invited to participate in the pre-application meeting.**
- (c) Eligible applicants shall submit an application to the County that includes an application fee as established by resolution and the following:**
- 1. Name, address, and phone number of owner(s), developer and agent;**
 - 2. Property location, including parcel identification numbers;**
 - 3. Legal description and survey of property;**
 - 4. Project description, including type, intensity, and amount of development;**
 - 5. Phasing schedule, if applicable;**
 - 6. Description of requested proportionate fair-share mitigation method(s);**
 - 7. Copy of concurrency application;**
 - 8. Copy of the project's Traffic Impact Statement (TIS) or Traffic Impact Analysis (TIA); and**
 - 9. Location map depicting the site and affected road network.**

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- (d) Within 10 business days, planning staff shall review the application and certify that the application is sufficient and complete. If an application is determined to be insufficient, incomplete, or inconsistent with the general requirements of the proportionate fair-share program as indicated in section 4 910.12(4), then the applicant shall be notified in writing of the reasons for such deficiencies within 10 business days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application shall be deemed abandoned. The Board of County Commissioners may, in its discretion, grant an extension of time not to exceed 60 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.**
- (e) Pursuant to §163.3180(16)(e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the Strategic Intermodal System requires the concurrence of the Florida Department of Transportation (FDOT). If an SIS facility is proposed for proportionate share mitigation, the applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.**
- (f) When an application is deemed sufficient, complete, and eligible, a proposed proportionate fair-share obligation and binding agreement will be prepared by the County or the applicant with direction from the County and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a Strategic Intermodal System (SIS) facility, no later than 60 days from the date at which the application was determined to be sufficient and no fewer than 14 days prior to the Board of County Commissioners meeting when the agreement will be considered.**
- (g) The County shall notify the applicant regarding the date of the Board of County Commissioners meeting at which the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the Board of County Commissioners.**

(6) Determining Proportionate Fair-Share Obligation

- (a) Proportionate fair-share mitigation for concurrency impacts may include, separately or collectively, private funds, contributions of land, and construction and contribution of facilities as provided in §163.3180 (16)(c), F.S.**
- (b) A development shall not be required to pay more than its proportionate fair share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ based on the form of mitigation as provided in §163.3180 (16)(c), F.S.**

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(c) The methodology used to calculate an applicant’s proportionate fair-share obligation shall be as provided for in Section 163.3180 (12), F. S., as follows:

The cumulative number of peak hour, peak direction trips from the complete buildout of the proposed development, or buildout of the stage or phase being approved, that are assigned to the proportionate share program segment divided by the change in the peak hour directional maximum service volume (MSV) of the proportionate share program segment resulting from construction of the proportionate share program improvement, multiplied by the anticipated construction cost of the proportionate share project in the year that construction will occur.

This methodology is expressed by the following formula:

Proportionate Fair Share = \sum [(Development Trips_i) ÷ (SV Increase_i)] X Cost_i]

(Note: In the context of the formula, the term “cumulative” does not include a previously approved stage or phase of a development.)

Where:

\sum = Sum of all deficient links proposed for proportionate fair-share mitigation for a project.

Development Trips_i = Those trips from the stage or phase of development under review that are assigned to roadway segment “i” and have triggered a deficiency per the concurrency management system;

SV Increase_i = Service volume increase provided by the eligible improvement to roadway segment “i”;

Cost_i = Adjusted cost of the improvement to segment “i”. Cost shall consist of all improvements and associated costs, including design, right-of-way acquisition, planning, engineering, inspection, and physical development costs, directly associated with construction at the anticipated cost in the year that construction will occur.

(d) For purposes of determining proportionate fair-share obligations, the County shall determine improvement costs based upon the actual and/or anticipated costs of the improvement in the year that construction will occur. These costs will be determined by the county’s public works department.

(e) If the County has accepted an improvement project proposed by the applicant, then the value of the improvement shall be based on an engineer’s certified cost estimate provided by the applicant and approved by the county’s public works director or other method approved by the county’s public works director.

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- (f) If the County has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at 120 percent of the most recent assessed value by the County property appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by the County and at no expense to the County. Said appraisal shall assume no approved development plan for the site. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the County at no expense to the County. If the estimated value of the right-of-way dedication proposed by the applicant (based on a County-approved appraisal) is less than the County estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference. If the estimated value of the right-of-way dedication proposed by the applicant (based on a County-approved appraisal) is more than the county estimated total proportionate fair-share obligation for the development, then the county will give the applicant traffic impact fee credit for the difference.**

(7) Impact Fee Credit for Proportionate Fair-Share Mitigation

- (a) Proportionate fair-share mitigation payments for a development project shall be applied as a credit toward the traffic impact fees assessed to that development project.**
- (b) Impact fee credits for a proportionate fair-share contribution will be determined when the traffic impact fee obligation is calculated for the proposed development. If the applicant's proportionate fair-share obligation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the applicant must pay the remaining impact fee amount.**
- (c) A proportionate fair-share contribution is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any traffic impact fee credit based upon proportionate fair-share contributions for a proposed development may not be transferred to any other location.**
- (d) The amount of traffic impact fee (TIF) credit for a proportionate fair-share contribution may be up to but shall not exceed the project's proportionate fair share amount and will be determined based on the following formula:**

TIF Credit = [(Proportionate fair share impacted roadways' VMT) ÷ (Total Project VMT)] X (Total Project Traffic Impact Fee Liability)

Where:

VMT (Vehicle miles of travel on a link) = (length of link) X (number of trips assigned to that link)

Total Project VMT = Total vehicle miles of travel on all links impacted by proportionate fair share project

- (e) **A proportionate fair share impact fee credit shall be applied consistent with the following formula:**

Applicant payment = [(Total project traffic impact fees assessed) + (Proportionate Share Payment)] – (TIF CREDIT)

- (8) Proportionate Fair-Share Agreements

(a) Upon executing a proportionate fair-share agreement (Agreement) and satisfying other concurrency requirements, an applicant shall receive a CCI5 (or its successor upon amendment of initial concurrency regulations) County certificate of concurrency approval. Should the applicant fail to apply for building permits within the timeframe provided for in the county concurrency certificate, then the project's concurrency vesting shall expire, and the applicant shall be required to reapply. Once a proportionate share payment for a project is made and other impact fees for the project are paid, no refunds shall be given. All payments, however, shall run with the land.

(b) Payment of the proportionate fair-share contribution for a project and payment of other impact fees assessed to that project shall be due and must be paid prior to the effective date of the proportionate fair share agreement. The effective date shall be specified in the agreement and shall be the date the agreement is approved by the Board or its designee.

(c) All developer improvements accepted as proportionate fair share contributions must be completed within 3 (three) years of the issuance of the first building permit for the project which is the subject of the proportionate fair share

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agreement and be accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. The security instrument shall conform to the subdivision construction security requirements of 913.10(1)(D). It is the intent of this section that any required improvements be completed within 3 (three) years of the issuance of the first building permit for the project which is the subject of the proportionate fair share agreement.

- (d) Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must occur prior to the effective date of the proportionate fair share agreement.
- (e) Any requested change to a development project subsequent to issuance of a development order shall be subject to additional proportionate fair-share contributions to the extent the change would increase project costs or generate additional traffic that would require mitigation.
- (f) Applicants may withdraw from a proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the County are nonrefundable.
- (g) The County may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.

(9) Appropriation of Fair-Share Revenues

- (a) Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the County capital improvements element, or as otherwise established in the terms of the proportionate fair-share agreement. Proportionate fair-share revenues may also be used as the 50% local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).
- (b) In the event a scheduled facility improvement is removed from the CIP, then the proportionate fair share revenues collected for its construction may be applied toward the construction of alternative improvements within that same corridor or sector where the alternative improvement will mitigate the impacts of the development project on the congested roadway(s) for which the original proportionate fair share contribution was made.

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4. Renumbering LDR Sections 910.12 and 910.13 to Section 910.13 and 910.14

Section ~~910.12~~ 910.13. Appeal process and vested rights determination.

(1) Purpose and intent. This section is established to provide a mechanism for the hearing and decision of appeals of decisions or actions by the community development director or his designee on concurrency determinations and vested rights determinations.

(2) Authorization.

(a) The board of county commissioners of Indian River County is hereby authorized to:

1. Hear and decide appeals when it is alleged that there is an error in any order, requirement, decision, or determination made by the community development director or his designee in the concurrency determination.

2. Hear and decide appeals when it is alleged that there are vested rights.

(b) Upon appeal and in conformance with land development regulations, the board of county commissioners in exercising its powers may reverse or affirm wholly or partly, or may modify the order, requirement, decision, interpretation, application, or determination of the community development director or his designee.

(c) A majority vote of a quorum of all members of the board of county commissioners shall be necessary to reverse any order, requirement, decision, interpretation, application or determination of the community development director or his designee.

(3) Appeal procedures.

(a) The applicant, or any other person(s) whose substantial interests may be affected or determined in the proceeding may initiate an appeal.

(b) Appeals must be filed within fifteen (15) days following action or determination by the respective official.

(c) An appeal must be filed with the community development department on an application form prescribed by the county within the specified time limit. All such appeals shall recite the reasons why such an appeal is being taken.

The appeal shall be accompanied by a fee to be determined by resolution of the board of county commissioners. The community development director shall schedule the hearing of the appeal in front of the board of county commissioners within thirty (30) days following receipt of the application.

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- (d) The community development director must review the appeal and prepare a report which contains the department's findings and recommendation.
- (e) All appeals shall be heard at a meeting of the board of county commissioners. All interested parties shall have a right to appear before the board of county commissioners and address specific concerns directly related to the appeal. Any person may appear by agent or attorney. All such hearings shall be conducted in compliance with the rules of procedure for the board of county commissioners. The time and place scheduled for hearing shall be given to the applicant in writing.
- (f) The final decision of the board of county commissioners must be reached within sixty (60) days following the receipt of the appeal by the community development department director.
- (g) The same procedure identified in section 910.13(3) will be applicable to the vested rights determination. The criteria identified in section 910.03 will be utilized for the vested rights determination.

(Ord. No. 90-16, § 1, 9-11-90)

Section ~~910.13~~ 910.14. Assignability and transferability.

(a) A certificate of concurrency determination shall run with the land and shall transfer to a successor in interest to the original applicant upon written disclosure of such transfer to the community development department. The disclosure shall provide the full legal name of the person or business entity acquiring the interest in the property; the nature of the interest; the address of the principal place of business of the successor; telephone number, name and address of registered agent if corporation; name, address and title of officers or agents authorized to transact business with the county, together with proof of authorization if other than president or vice-president or general partner; and the name and address of any new design professional for the project if applicable. A transferee applicant must also assume in writing on form acceptable to the county attorney all commitments, responsibilities, and obligations of the prior applicant, including all special conditions of the concurrency determination certificate.

(b) Failure to make the required disclosure and assumption shall suspend a concurrency determination certificate until such time as proper disclosure and assumption are made.

(c) Transfer of the certificate of concurrency determination shall not toll or modify the calculation of time limits set forth in the concurrency determination certificate. Following any transfer, such time limits shall be calculated as if the transfer had not occurred.

(d) A concurrency determination certificate shall not be assignable or transferable to other developments.

(Ord. No. 90-16, § 1, 9-11-90)

PART III: GENERAL PROVISIONS.

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SECTION ONE: 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 TWO: 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 THREE: 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 FOUR: EFFECTIVE DATE.

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

Approved and adopted by the Board of County Commissioners of Indian River County, Florida, on this 11th day of April, 2006.

This ordinance was advertised in the Press-Journal on the 27th day of March, 2006, for a public hearing to be held on the 11th day of April, 2006, at which time it was moved for adoption by Commissioner Wheeler, seconded by Commissioner Davis, and adopted by the following vote:

Chairman Arthur R. Neuberger	_____ Aye _____
Vice Chairman Gary C. Wheeler	_____ Aye _____
Commissioner Sandra L. Bowden	_____ Aye _____
Commissioner Thomas S. Lowther	_____ Aye _____
Commissioner Wesley S. Davis	_____ Aye _____

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

BY: _____
Arthur R. Neuberger, Chairman

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ATTEST BY: _____
Jeffrey K. Barton, Clerk

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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

William G. Collins II, County Attorney

APPROVED AS TO PLANNING MATTERS

Robert M. Keating, AICP; Community Development Director

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