

**BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA**



**COMMISSION AGENDA
PUBLIC HEARING**

WEDNESDAY, MARCH 22, 2006 - 5:00 P.M.

**County Commission Chamber
County Administration Building
1840 25th Street, Vero Beach, Florida, 32960-3365
WWW.IRCGOV.COM**

COUNTY COMMISSIONERS

Arthur R. Neuberger, Chairman	District 2	Joseph A. Baird, County Administrator
Gary C. Wheeler, Vice Chairman	District 3	William G. Collins II, County Attorney
Sandra L. Bowden	District 5	Kimberly Massung, Executive Aide to BCC
Wesley S. Davis	District 1	Jeffrey K. Barton, Clerk to the Board
Thomas S. Lowther	District 4	

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| 1. | <u>CALL TO ORDER</u> | <u>5:00 P.M.</u> |
| 2. | <u>INVOCATION</u> | Wesley S. Davis - Commissioner |
| 3. | <u>PLEDGE OF ALLEGIANCE</u> | Arthur R. Neuberger - Chairman |
| 4. | <u>COUNTY ATTORNEY</u> | |
| | Extension of Moratorium on Small Lot Single-Family Subdivisions
(backup memorandum dated March 15, 2006) | 1-5 |
| 5. | <u>QUESTIONS AND COMMENTS FROM BOARD MEMBERS</u> | |
| 6. | <u>OPEN PUBLIC HEARING</u> | |
| 7. | <u>ADJOURNMENT</u> | |

NOTICE: All Proceedings before this Board are electronically recorded. Any person who decides to appeal any action taken by the Board at these meetings will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made. Upon the request of any party to the proceedings, individuals testifying during a hearing will be sworn in. Any party to the proceedings will be granted the opportunity to cross-examine any individual testifying during a hearing upon request. Anyone with a disability requiring accommodation to attend this meeting should contact the Indian River County General Services Director at (772) 226-1223 at least forty-eight (48) hours prior to the meeting.



Office of *Public Hearing: 3/22/06*
INDIAN RIVER COUNTY
ATTORNEY

William G. Collins II, County Attorney
 Marian E. Fell, Assistant County Attorney
 William K DeBraal, Assistant County Attorney

MEMORANDUM

TO: The Board of County Commissioners

FROM: William K. DeBraal, Assistant County Attorney *WKD*

DATE: March 15, 2006

RE: Public Hearing – Extension of Moratorium on small lot single-family subdivisions

On October 11, 2005, the Board of County Commissioners voted to enact a temporary moratorium on the process of application for small lot subdivisions. Small lot single-family subdivisions require administrative permit approval in the RS-6, TR-6, RM-6, RM-8 and RM-10 districts. Historically, the small lot subdivision was designed for affordable housing. Recently, developers have used the small lot single-family subdivisions to build houses with price tags starting in excess of \$400,000. Under our current ordinance, there is no mechanism in place to tie affordability with smaller sized lots. The Growth Awareness Committee volunteered to draft an amendment that would reserve small lot subdivisions only for use with affordable housing. The Board directed staff to work with the Growth Awareness Committee to accomplish the desired goal.

The Growth Awareness Committee has submitted a draft ordinance to Community Development staff for review and comment. Due to the complexity of the ordinance, staff would like to spend additional time studying the draft ordinance amendment and recommends extending the moratorium for an additional six months.

At its March 14, 2006 meeting, the Board of County Commissioners directed staff to prepare an ordinance that would extend the temporary moratorium on the process of application for small lot subdivisions. Since the ordinance would affect more than ten acres of land in the County, the Board must hold two public hearings. At the March 14 meeting, the Board decided to hold one of the public hearings after 5:00 pm. The first public hearing will take place on March 22, 2006 at 5 pm.

Like the previous ordinance, the moratorium will not apply to subdivisions by Habitat for Humanity of Indian River County, Inc. or small lot subdivisions that have submitted a complete preliminary plat application before October 11, 2005.

APPROVED FOR *3-22-06*
 BOARD MEETING *Public Hearing*
[Signature]
 COUNTY ATTORNEY

Indian River Co.	Approved	Date
Admin.	<i>[Signature]</i>	<i>3/15/06</i>
Legal	<i>WKR</i>	<i>3/15/06</i>
Budget	-	-
Dept CD	<i>AMK</i>	<i>3/15/06</i>
Risk Mgr.	-	-

Recommendation:

Staff recommends the Board of County Commissioners conduct the first of two public hearings concerning the extension of the moratorium ordinance for an additional six months, until October 11, 2006.

Attachment: Draft Ordinance

ORDINANCE NO. 2006-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, EXTENDING THE TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ADMINISTRATIVE PERMITS AND THE ISSUANCE OF ADMINISTRATIVE PERMIT APPROVALS FOR "SMALL LOT SINGLE-FAMILY SUBDIVISIONS"; PROVIDING FOR PROHIBITION; PROVIDING FOR EXCEPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; SETTING FORTH EXPIRATION AND EFFECTIVE DATES.

WHEREAS, pursuant to Section 1(f), Article VIII, of the Florida Constitution and Chapter 125, Florida Statutes, Indian River County is authorized and required to protect the public health, safety and welfare and may exercise any power for governmental purpose except when expressly prohibited by law; 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 Board of County Commissioners has adopted Indian River County Code Section 971.41(9) "small lot single-family subdivisions" as an administrative permit use allowed in the RS-6, RT-6, RM-6, RM-8, and RM-10 zoning districts with the intent of providing affordable housing to the residents of Indian River County; and

WHEREAS, the County finds that most recent developments utilizing the small lot single-family subdivision are not delivering affordable housing units as they are advertising homes for sale in excess of \$400,000.00; and

WHEREAS, the Growth Awareness Committee has been working with the Community Development Department staff to draft an ordinance that would reserve the use of small lot subdivisions for affordable housing; and

WHEREAS, drafting this ordinance has proven to be challenging and additional time is needed before the amended ordinance is ready to be brought before the various committees and Board of County Commissioners; and

WHEREAS, the Board desires to extend the temporary moratorium put in place on October 11, 2005, for an additional six months in order to preserve the status quo

during the drafting process to ensure that the community's affordable housing problems are addressed through this ordinance rather than exacerbated during the time it takes to formulate any desired modifications to the small lot single-family subdivision ordinance,

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

SECTION 1. PROHIBITION

Except as otherwise provided herein, no applications for administrative permits for small lot single-family subdivisions shall be accepted, processed, or issued until October 11, 2006.

SECTION 2. EXCEPTIONS

The prohibitions set forth in Section 1 hereof shall not apply to:

1. Applications for small lot single-family subdivisions by Habitat for Humanity of Indian River County, Inc., a proven deliverer of affordable housing utilizing the small lot single-family subdivision.
2. Any small lot single-family subdivision on which a completed preliminary plat application (which includes a traffic study) had been submitted prior to October 11, 2005 and which has subsequently determined to meet all applicable requirements of the land development code.

SECTION 3. CONFLICTS

The application of any Indian River County ordinance in conflict herewith is hereby suspended during the time period set forth in Section 1 to the extent of such conflict.

SECTION 4. SEVERABILITY

If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 5. EFFECTIVE DATE

This ordinance shall take effect upon the Chairman declaring the ordinance duly passed.

ORDINANCE NO. 2006-_____

This ordinance was advertised in the Vero Beach Press-Journal on the 15th day of March, 2006; for a public hearing to be held on the 22nd day of March, 2006, and was advertised in the Vero Beach Press-Journal on the ____ 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 _____, seconded by Commissioner _____, and adopted by the following vote:

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


The Chairman thereupon declared the ordinance duly passed and adopted this 11th day of April, 2006.

BOARD OF COUNTY COMMISSION
INDIAN RIVER COUNTY, FLORIDA

By: _____
Arthur R. Neuberger, Chairman

ATTEST: Jeffrey K. Barton, Clerk

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY: 
WILLIAM K. DEBRAAL
ASSISTANT COUNTY ATTORNEY

ACKNOWLEDGMENT by the Department of State of the State of Florida, this ____ day of _____, 2006.