

ORDINANCE NO. 2005- 023

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA AMENDING INDIAN RIVER COUNTY CODE SECTION 103.03.1. "PLANNING AND ZONING COMMISSION" TO PROVIDE EACH COMMISSIONER WITH THE ABILITY TO APPOINT ONE MEMBER AND REQUIRING THAT MEMBER TO RESIDE IN THE SAME DISTRICT AS THE COMMISSIONER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Indian River County Planning and Zoning Commission was established by Section 103.03, Indian River County Code; and

WHEREAS, the Planning and Zoning Commission consists of 7 voting members and one non-voting member designated by the School Board; and

WHEREAS, each County Commissioner has had the pleasure of appointing one voting member to the Planning and Zoning Commission, and two members are chosen by the Board from the public at large; and

WHEREAS, Section 902.05, Indian River County Code, sets forth the role of the Planning and Zoning Commission and given the important role bestowed upon the Commission, it is vital for each district to have representation on the Commission;

WHEREAS, the Planning and Zoning Commission is designated as the local planning agency for the County, and as such, it would be most fair to have each district in the County represented on the Commission to insure that each district has a voice and a vote in planning and zoning decisions that affect their district; and

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

SECTION 1. AMENDMENT.

Section 103.03.1. of the Indian River County Code is hereby amended to read as follows:

Section 103.03. Regulatory commissions and boards.

1. Planning and zoning commission. There is hereby created a planning and zoning commission to carry out the procedures, duties, and functions set forth for it in the

zoning ordinances. The board shall consist of seven (7) members plus a school board representative designated and approved by the school board who shall be a non-voting member of the planning and zoning commission. Each County Commissioner shall appoint one member who must reside in that Commissioner's district. The remaining two members shall be appointed from the public at large. The board shall be the local planning agency for the county. All members shall be residents of the county.

2 – 5. No change.

(Ord. No. 90-20, § 1, 9-18-90; Ord. No. 97-17, § 1, 5-13-97; Ord. No. 2001-020, § 1, 7-17-01; Ord. No. 2003-036, § 1, 12-2-03; Ord. No. 2003-040, 12-9-03)

SECTION 2. CODIFICATION.

It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Indian River County Code and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention; providing, however, that Sections 2, 3, 4, 5 and 6 shall not be codified.

SECTION 3. SEVERABILITY.

If any section, or any sentence, paragraph, phrase, or word of this ordinance is for any reason held to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance, and it shall be construed to have been the legislative intent to pass the ordinance without such unconstitutional, invalid or inoperative part.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect upon filing with the Florida Secretary of State.

This ordinance was advertised in the Press Journal on the 6th day of July, 2005, for a public hearing on 19th day of July, 2005, at which time it was moved for adoption by Commissioner Wheeler, and seconded by Commissioner Davis, and adopted by the following vote:

Chairman Thomas S. Lowther	<u>Aye</u>
Vice Chairman Arthur R. Neuberger	<u>Aye</u>
Commissioner Wesley S. Davis	<u>Aye</u>
Commissioner Gary C. Wheeler	<u>Aye</u>
Commissioner Sandra L. Bowden	<u>Aye</u>

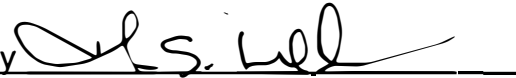
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The Chairman thereupon declared the ordinance duly passed and adopted this 19th day of July, 2005.

Attest: J. K. Barton, Clerk

INDIAN RIVER COUNTY, FLORIDA
by its Board of County Commissioners

By 
Deputy Clerk

By 
Thomas S. Lowther, Chairman

Approved as to form and Legal
Sufficiency


William K. DeBraal
Assistant County Attorney

BCC Approved:

July 19, 2005

ACKNOWLEDGMENT by the Department of State of the State of Florida, this 27 day of July, 2005.

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