

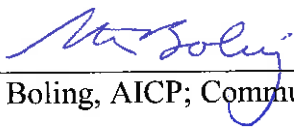
INDIAN RIVER COUNTY, FLORIDA
MEMORANDUM

COMMUNITY
DEVELOPMENT

TO: Joseph A. Baird; County Administrator

12A1

DEPARTMENT HEAD CONCURRENCE:


Stan Boling, AICP; Community Development Director

DATE: April 23, 2015

SUBJECT: Consideration of Draft Parking Regulations for Vacation Rentals

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of May 5, 2015.

BACKGROUND

At its February 10, 2015 meeting, the Board of County Commissioners heard a presentation from Dr. Miles Conway regarding vacation rentals, including parking conditions at a vacation rental adjacent to his property on south SR A-1-A (see attachment #1). That vacation rental, owned by Mitchell Dudek who is represented by attorney Barry Segal, is the subject of a Code Enforcement Board action which has been appealed to circuit court.

After hearing from Dr. Conway, Mr. Segal, and others, the Board voted unanimously to direct staff to draft parking regulations for vacation rentals. Community Development staff and Deputy County Attorney Bill DeBraal have conducted research and drafted an LDR (land development regulation) amendment ordinance for the Board's initial review. The Board is now to review the draft and determine whether or not to direct staff to initiate the formal LDR amendment process with any initial ordinance modifications desired by the Board.

ANALYSIS

The term "vacation rentals" refers to residential units rented-out for short-term stays, typically for periods of one week or less. In high tourist areas across the nation, including many parts of Florida, vacation rentals are popular and controversial to varying degrees. Staff's research indicates that many local government regulations do not specifically treat "vacation rentals" except through interpretations of regulations for residential units or lodging units (e.g. hotels, motels, bed and breakfast use categories). Staff has also found that some communities, such as those in the Florida Keys, have extensive vacation rental regulations and local licensing requirements.

History of County Regulations and State Pre-emption

Indian River County's history of vacation rental regulations, together with the State's recent actions to pre-empt local vacation rental regulations, are summarized as follows.

- **1980s to 2012:** County code was interpreted to classify any residential unit rented for a period of less than 30 days as a lodging unit requiring commercial zoning or approval as a bed and breakfast or residential resort (e.g. Disney). Occasional code enforcement activity occurred when staff received complaints about a vacation rental in a residential area (Summerplace, Roseland).
- **2011:** State law was enacted pre-empting local governments from prohibiting, restricting, or regulating short term/vacation rentals. Local ordinances in place prior to June 1, 2011 were grandfathered-in.
- **2012:** As part of an extensive LDR clean-up, staff proposed numerous modifications to the County code, including a modification to clarify the 30 day rental period applied to residential units since the 1980s. During the PZC and BCC hearings for those amendments, vacation rentals owner Glenn Powell spoke against the modification and the prohibition interpretation of the old code. At the June 19 and July 10, 2012 BCC hearings, County Attorney Alan Polackwich indicated that the existing code had a legal “gray area” that staff was trying to address with a proposed modification.

During discussion, BCC members indicated that vacation rentals can be properly run and that by explicitly making them legal, many could “come out of the shadows” and be properly licensed by the state. At the July 10, 2012 hearing, the BCC adopted an ordinance that specifically allows residential units to be rented-out for any period of time (daily, weekly, or longer). At that hearing, the BCC directed staff to develop a mechanism to handle complaints and ensure that known vacation rentals get properly licensed by the state. Excerpts of minutes from both BCC hearings are attached (see attachment #2)

- **2012 – Present:** Since the July 2012 code change, code enforcement staff has handled and maintained a log of general inquiries and complaints related to vacation rentals. Site specific complaints are investigated and turned over to the state Department of Professional Business Regulation (DPBR) for its determination on whether or not a state vacation rental dwelling license is required. State investigations can take a long time, especially if rental activity is minimal. While a state investigation is active, the state will not provide code enforcement staff any information about the investigation. Violations of local regulations, if any, are handled through normal code enforcement procedures. Upon a determination by the state that a license is required, and upon issuance of a state license, staff notifies the license holder about County residential parking requirements (see attachment #3).

To date, staff has received 5 general inquiries and 9 site-specific complaints regarding vacation rentals. Of those 9 complaints, 5 were determined not to be used as a vacation rental, 2 were issued state licenses, and 2 have open investigations by the state. A copy of the current log is attached (see attachment #5). Based on that data, it appears that the number of site specific complaints in the unincorporated county has been relatively low, so far.

- **2014:** The 2011 state law was modified to allow local regulation of vacation rentals but still pre-empted local governments from prohibiting vacation rentals or regulating the duration or frequency of vacation rentals.

- **2014/2015:** The Dudek case was heard by the Code Enforcement Board (CEB). In that case, the CEB voted 4-1 to find a violation of parking location regulations and entered a continuing order “that parking not occur in anything other than the designated parking area”. Mr. Dudek appealed the CEB decision to circuit court. That lawsuit is currently pending.

Existing Indian River County Residential Parking Regulations

Regulations on the number and location of automobiles regularly parked at a single-family residence are intended to maintain the visual/aesthetic character of residential neighborhoods, while accommodating parking needs. For any residential unit, the general parking minimum is two spaces per unit. That parking standard minimum is typical for most jurisdictions and for a single-family residence is easily met by providing a typical driveway. Current County parking regulations for a single-family zoned lot allow a maximum of 3 automobiles (not including RVs, which are separately regulated) to be parked outside an unenclosed area, with two exceptions. One exception allows for one additional vehicle for each licensed driver permanently residing at the residence. The second exception allows the parking of automobiles by persons visiting the residence without those automobiles counting toward the previously described limitations. The current regulations also prohibit parking within a required yard such as within the front yard setback area of a lot. It should be noted that in general, a car may be parked (but not stored) within a public local road right-of-way.

It is staff’s position that the existing code’s exception for parking by persons visiting the residence (the second exception described above) is not intended to apply to vacation unit renters or “guests” of the vacation unit renters. The current code, however is not clear on that point but would be clarified and addressed through the amendment now being considered.

Comparison of Parking Standards for Vacation Rentals

Staff has researched vacation rental parking standards and obtained information from nine Florida local governments as well as information from six out-of-state local jurisdictions (see attachment #6). Staff’s research indicates that Vero Beach specifically prohibits vacation rentals and therefore has no standards relating to that use. Neither Fellsmere nor Sebastian have specific standards for vacation rentals, the same as Indian River County.

Several of the surveyed jurisdictions specifically restrict vacation rental parking locations to driveways and designated areas (Islamorada, Bal Harbor Village, and communities in California and Nevada). With respect to regulating the number of parking spaces, several jurisdictions require a minimum number of spaces or fraction of a space per room. A few jurisdictions limit the maximum number of spaces based on the number of designated spaces shown on a local government vacation rental application.

Draft Ordinance

Based on the Board’s direction, staff has drafted an initial ordinance proposal that defines the term “vacation rental”, clarifies existing parking regulations for single family residences in general, and establishes parking regulations specific to vacation rentals. As structured, the proposed “vacation rental” definition closely follows the state’s definition of such use for state vacation rental dwelling licensing purposes. Thus, the County’s definition will “capture” every unit that requires a state license.

As structured, the draft ordinance clarifies the County's current regulations by referring to "carport or garage" parking areas rather than referring to enclosed or unenclosed parking areas. The draft ordinance also establishes automobile parking maximums for vacation rentals. As currently proposed, for vacation rentals with a garage and/or carport, the maximum number of parked automobiles is the total number of garage/carport spaces plus one space per bedroom not to exceed 5 automobiles parked outside a garage/carport. For vacation rentals with no garage or carport, the current proposal limits the total number of parked automobiles to 2 plus one space per bedroom not to exceed a total of 5 automobiles on site.

In addition to the parking limitations described above, a vacation rental may provide and use "excess" parking spaces if such spaces meet parking location requirements and are visually screened from view from any adjacent public or private street. As proposed, excess spaces cannot be occupied between 10 pm and 8 am and must be reviewed and approved by planning staff through the administrative approval site plan process. In practice, the current proposal to allow excess spaces will be useable on larger sites, will maintain visual compatibility from the view from adjacent streets, and will accommodate larger numbers of parked automobiles thereby accommodating larger numbers of people at vacation rentals.

Issues Other Than Parking

Since the Board's February 10, 2015 meeting, other issues and concerns have been raised. Those issues are discussed below.

– Event Sites

One issue relates to use of vacation rentals for events involving large gatherings of people. Staff's initial review with the Deputy County Attorney indicates that the County could prohibit or separately regulate the renting of a residence (conventional residence or vacation rental) for compensation for a large gathering event. Such commercial "event site" regulations could include a prohibition of advertising a residential unit for events, and could limit the size of a gathering or occupancy of a rented residence to provide a quantitative standard for enforcement. In addition, as an alternative to prohibiting all events, "event site" regulations could be structured to limit the number of large gatherings allowed during a calendar year at a residence rented for such purpose. For example, retail sales in the form of garage sales are allowed at a residence but are limited to three garage sale events per calendar year. If the Board wishes to prohibit or limit large gathering events, then the currently proposed provision for excess parking spaces should be deleted or revised.

– Fire Safety

Another issue recently raised related to fire safety for vacation rentals. In response to that issue, County Fire Prevention staff coordinated with DPBR staff. According to DPBR staff, a licensed vacation rental is required to have functioning smoke detectors and a fire extinguisher. Actual site inspections by DPBR staff, however, appear to be rare and are scheduled only in response to complaints. Inspections of vacation rentals by Fire Prevention are not currently provided in the county code. Consequently, local inspections of vacation rentals for smoke detectors and fire extinguishers cannot be required without a change to the county code.

- Citation Powers

Based on Florida Statutes Chapters 162 and 489, County Code Section 103.07, and County Resolution No. 92-59, County code enforcement officers have the power to issue citations for various violations subject to specific procedures. Those procedures include issuance of a warning for an initial violation with time given for compliance. A violation that occurs thereafter may be cited per occurrence. Under the citation resolution currently in place, a \$50 citation may be issued for each vehicle in violation of a parking regulation after a warning has been issued to the owner of the premises. Specific types of violations and associated fine amounts could be added to the County's current citation schedule by adoption of a resolution, as was done in 2013 when fertilizer ordinance violations were added to the schedule by Resolution No. 2013-089. County code section 103.07, Resolution No. 92-59, and a citation procedures flowchart are attached (see attachment #7).

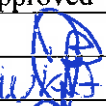




RECOMMENDATION

Staff recommends that the BCC provide staff direction on the draft ordinance, including issues other than parking, and determine whether or not to direct staff to initiate the formal LDR amendment process.

ATTACHMENTS

1. Excerpt from February 10, 2015 BCC Minutes
2. Excerpts from June 19, 2012 and July 10, 2012 BCC Minutes
3. Sample Notice to Owner of Vacation Rental Regarding Residential Parking Requirements
4. Sample Vacation Rental Dwelling State License Details
5. Log of Vacation Rental Complaints
6. Chart: Comparison of Parking Standards for Vacation Rentals
7. County Citation Powers Documents
8. First Draft of Proposed Ordinance

APPROVED AGENDA ITEM:
FOR: May 5, 2015
BY: Joseph A. Bault

Indian River Co,	Approved	Date
Admin.		4/30/15
Legal		4-29-15
Budget		4/29/15
Dept.		4/29/15
Risk Mgr.		

Shores had adopted a Resolution regarding the Florida Auditor General's audit of the Florida Municipal Power Agency and the plans of the City of Vero Beach, in response to that audit. He asked fellow Commissioners if they wished to draft a similar Resolution.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner O'Bryan, the Board unanimously directed the County Attorney's Office to: (1) draft a Resolution similar to one that was adopted by the Town of Indian River Shores with regards to the Florida Municipal Power Agency's preliminary and tentative audit findings and recommendation concerning the Florida Municipal Power Agency (FMPA), and the plans of the City of Vero Beach in response to that audit report, and (2) bring back the draft Resolution for Board review.

C. Commissioner Joseph E. Flescher
None

1:30
p.m. D. Commissioner Peter D. O'Bryan
1. Parking for Vacation Rentals
(memorandum dated January 26, 2015) 302-314
(Clerk's Note: This item was heard following Item 13.F. Update on the Public Service Commission Meeting, and is placed here for continuity).

Commissioner O'Bryan reported that on August 13, 2014, a Code Enforcement Board Order was filed against Michael D. Dudek for residential parking violations at his vacation rental property in the White Surf Subdivision, and that Mr. Dudek's attorney, Barry G. Segal, has filed a challenge to that Order. Commissioner O'Bryan explained that the volume of renters at the home has led to parking issues with the adjoining property owners, Dr. Miles Conway, Dr. Walter Forman, and Dr. Thomas Gillman, and proposed that the County Attorney's office draft an Ordinance regulating parking at vacation rentals, with the maximum number of allowable cars tied to the size of the home.

There was a brief discussion among the Board about vacation rentals in residential areas.

Dr. Miles Conway, 2340 South Highway A1A, stated that he, Dr. Thomas Gillman, and Dr. Walter Forman, are in civil litigation with Mr. Dudek, because they have been putting up with untenable conditions for over a year. He noted that he resides in the Kansas City Colony subdivision, just north of

the White Surf Subdivision, and that the other two property owners live in the same subdivision as Mr. Dudek. He presented supporting evidence that the transient rentals are negatively impacting his quality of life and that of Drs. Gilman and Forman, as well as other beachfront property owners. Dr. Conway elaborated on issues related to these transient rentals as follows: large volumes of cars being parked at individual properties and on right-of-way; damage to the sand dunes; sea turtle disorientation; unknown persons wandering around in the middle of the night; trespassing; noise pollution; and vandalism, and invited individual Board Members to spend time at the site to see what is going on.

Vice Chairman Solari asked Dr. Conway to clarify what remedy he was seeking from the Board.

Dr. Conway responded that he would like to see the Board enact a two to three car limit at individual properties.

Discussion/debate ensued between the Board and Dr. Conway about the existing parking regulations for residential homes.

Commissioner Flescher voiced concerns that formulating regulations governing residential parking might impede upon individual property rights.

Commissioner O'Bryan said that the parking rules for homeowners will fall under the existing County Code, as far as guests visiting a single-family residence; however, he was proposing separate regulations governing commercial vacation rentals.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Vice Chairman Solari, to direct staff to draft parking regulations for vacation rentals, either by the addition of wording to our existing County Code, or by drafting a new Ordinance to deal with parking at residences that are being employed as vacation rentals.

Chairman Davis asked staff to provide him with a list of properties at which there have been complaints related to transient rentals.

Dr. Conway related that since the City has tightened up its restrictions on transient vacation rentals, these types of rentals will migrate over to the County.

A brief discussion ensued between the Board and staff about the collection of Tourist Taxes.

Dr. Conway stated that he would like to speak at a future Board meeting on the deleterious impact of transient rentals on property values and other associated issues.

Daniel Lamson, Executive Director, Indian River Neighborhood Association, spoke in support of Commissioner O'Bryan's proposed parking regulations, and provided for the record, emailed correspondence from three homeowners having problems associated with neighboring short-term rental properties.

Barry Siegel, Esq., representing Mr. Dudek, provided to the Clerk a copy of the Florida Attorney General's Legal Opinion that a local government may not restrict vacation rentals, and cautioned the Board that the proposed Ordinance may have unintended consequences.

Attorney Reingold, responding to Board questions, clarified that while a local government may regulate vacation rentals, it may not enact a local law, ordinance, or regulation which would operate to prohibit vacation rentals.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

E. Commissioner Tim Zorc

2:46
p.m.

1. Update on Foreign Trade Zone from the Port Canaveral Meeting held on January 21, 2015
(no back-up)

(Clerk's Note: This item was heard following Item 14.B.1. Resolution Regarding FMPA Audit, and is placed here for continuity).

Commissioner Zorc stated that the Port Canaveral Board of Commissioners was receptive to his request to create an Indian River County sub-zone within Port Canaveral Foreign Trade Zone 136, but would need to review their Charter. He asked for authorization to attend any future meetings about the County's request to be included in Foreign Trade Zone 136.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved out-of-County travel, as needed, for Commissioners and staff to attend meetings regarding: (1) the Florida Municipal Power Agency (FMPA); and (2) Port Canaveral Foreign Trade Zone 136.

**8.H. CONSIDERATION OF CHANGE ORDER No. 1 TO CONTRACT AGREEMENT
WITH TIMOTHY ROSE CONTRACTING, INC. FOR CONSTRUCTION OF
PUBLIC ACCESS IMPROVEMENTS ON THE FLINN TRACT OF THE LAGOON
GREENWAY**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved Change Order No. 1 to the Lagoon Greenway Phase I Construction Agreement with Timothy Rose Contracting, Inc., and authorized the County Administrator to execute the Change Order on behalf of the County, as recommended in the memorandum of June 12, 2012.

CHANGE ORDER ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

Chairman Wheeler called a break at 10:15 a.m. and reconvened the meeting at 10:27 a.m., with all members present.

**9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL
AGENCIES - NONE**

10. PUBLIC ITEMS

10.A. PUBLIC HEARING

**10.A.1. CONSIDERATION OF PROPOSED LDR (LAND DEVELOPMENT
REGULATION) AMENDMENTS (LEGISLATIVE)**

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE
OFFICE OF THE CLERK TO THE BOARD

June 19, 2012

9

Planning Director Stan Boling, using a PowerPoint presentation (on file), recapped his memorandum dated June 7, 2012, providing background and analysis on the proposed Land Development Regulations (LDR) amendments, which are the result of staff's Evaluation and Appraisal Report (EAR) process. He said that the Board needs to adopt the comprehensive plan policies, pointed out that some of the added amendments were initiated by the Board, and some were initiated through staff to clean up, clarify, and/or update the LDRs. He reviewed the proposed recommendations from the Agriculture Advisory Committee and the proposed recommendations and exceptions from the Planning and Zoning Commission. Director Keating also spoke about short-term lodging in single-family zoning districts; the definition in the County Code of hotel/motel; not currently having a definition of lodging facility (a use that is allowed only in commercial zoning districts); what staff has done over the years regarding 30-day stays; and the proposal to clarify the definitions in the ordinance. He recommended the Board direct staff to make any necessary changes to the proposed LDRs, and announce their intention to adopt the ordinances at the July 10, 2012, 5:01 p.m. hearing.

The Chairman opened the Public Hearing.

Glenn Powell, 12845 Bay Street, Roseland, owner of several single family homes and short-term rentals in Sebastian and Roseland, said he had four houses that were charming but did not lend themselves to attracting a good long-term tenant, so over the years he rented them as short-term vacation homes. He provided background, revealed his ongoing monthly costs, and noted that when he purchased the properties, he researched the County Code for single family residences, but it did not address rental terms or time limitations. He thereafter voiced concerns over: (1) the County Code being silent on short-term rentals, (2) how changing the LDR would affect him, and (3) not being notified of the workshops/meetings that had taken place. He claimed that the Courts have held that short-term rentals are not a business use. Mr. Powell emphasized that in addition to collecting lodging taxes, he also maintains the properties, and is an asset to his neighborhood; and if there is a code that specifically prohibits short-term rentals,

people will still continue to rent, but the landlords will not collect the taxes, and it will be a black market rental business. He relayed that on June 2, 2011, Governor Rick Scott signed a Bill into law that reclassifies a single-family home as a vacation rental, and a local law cannot restrict, prohibit, or regulate the rentals based on the classification use for occupancy.

Vice Chairman O'Bryan said that his family has used short-term rentals in the past, and felt they provide a family friendly environment. He believed that most of the people that moved or brought their business to this County visited here first. He asked the County Attorney to review the State Law that Mr. Powell referenced, and provide an opinion before the final meeting, so the Board can take appropriate action.

Commissioner Davis also revealed that his family uses short-term rentals when traveling. He could only recall two negative complaints in his eight years of being a commissioner.

Community Development Director Bob Keating acknowledged that there have not been a lot of complaints, and reiterated that staff is not changing the policy, they are only clarifying it.

Chairman Wheeler believed that by clarifying the ordinance, it is in effect, changing it.

Commissioner Davis did not favor changing the ordinance, he wanted time to observe whether there is a real or perceived problem; at this time he believed it to be perceived.

Mr. Powell said the people who come for short-term rentals have money, are educated, and seek out what Indian River has to offer. He said there are regulations that can be put into place to take care of the concerns of single-family residences.

Attorney Polackwich focused on legal issues and the interpretation of the proposed amendments to the ordinance. He recalled that vacation rentals are defined under Chapter 509 of the Florida Statutes, which also deals with hotels and vacation rentals at the State level, and are

regulated by the Division of Hotels and Restaurants, Department of Business and Professional Regulations, which is why this situation has been dealt with through the definition of hotel/motel. He said the County Code is gray, and staff's position is that because the ordinance includes "any building," they now want to clarify that "any building" includes single-family residences.

Richard Gillmor, Sebastian Councilmember and Congressional candidate, addressed the LDR's regarding vacation rentals. He felt the vacation rental business is self-regulating, and he cautioned the Board not to fix what is not broken. He suggested that staff invite other short-term rental landlords to future workshops.

There being no other speakers, the Chairman closed the Public Hearing.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner Flescher, to direct staff to remove the proposed changes to the "Hotel/Motel" section of the Land Development Regulations.

Discussion ensued among the Board as to how to make the amendment to the Land Development Regulations clearer.

MOTION WAS AMENDED by Commissioner Solari, SECONDED by Commissioner Flescher, to allow short-term rentals for less than one month.

The Chairman CALLED THE QUESTION and the motion carried. The Board unanimously directed staff to: (1) remove the proposed changes to the "Hotel/Motel" section of the Land Development Regulations; and

(2) include a sentence that would allow for short-term rentals less than one month at a time.

The Commissioners and staff debated the density transition area buffer requirement in the subdivision and site plan ordinance.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Davis, the Board unanimously approved to eliminate any Land Development Regulation wording that implements the density transition area requirements of Future Land Use Element (FLUE) Policy 1.48.

In conclusion, the Board announced its intention to adopt the final ordinances at the Special Call Meeting, scheduled for July 10, 2012, at 5:01 p.m.

10.B. PUBLIC DISCUSSION ITEMS – NONE

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING FOR JULY 10, 2012:

PELICAN ISLAND AUDUBON SOCIETY'S REQUEST FOR SPECIAL EXCEPTION USE

APPROVAL FOR A COMMUNITY CENTER (QUASI-JUDICIAL)

County Attorney Polackwich read the notice into the record.

11. COUNTY ADMINISTRATOR MATTERS

11.A. APPEAL OF COMMUNITY DEVELOPMENT DIRECTOR'S DENIAL OF 12

IMPACT FEE REFUND APPLICATIONS SUBMITTED BY IMPACT FEE

CONSULTANTS (QUASI-JUDICIAL)

June 19, 2012

13

3. PLEDGE OF ALLEGIANCE

Commissioner Flescher led the Pledge of Allegiance to the Flag.

4. PUBLIC ITEMS

4.A. PUBLIC HEARINGS

4.A.1. FINAL HEARING: CONSIDERATION OF PROPOSED LDR (LAND DEVELOPMENT REGULATION) AMENDMENTS (LEGISLATIVE)

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE
OFFICE OF THE CLERK TO THE BOARD

Community Planning Director Stan Boling, using a PowerPoint presentation (on file), reported that this is the second and final hearing to consider amendments to various Land Development Regulations (LDRs). He stated that several of the proposed regulations include LDR amendments that implement the adopted Evaluation and Appraisal Report (EAR) Comprehensive Plan policies; however, the LDR amendments under consideration do not include the Urban Service Boundary buffer initiative or the West Gifford initiative. He reviewed the proposed LDR amendments and pointed out that the proposed revisions would: (1) revise the previously proposed changes to the definition of hotel/motel and add a provision specifically allowing residential dwelling units to be rented out for short-term vacation stays; and (2) delete the previously proposed changes that would implement density transition area Future Land Use Element (FLUE) Policy 1.48. He also noted that the County's LDRs need to be amended to be consistent with the EAR amendments to the Comprehensive Plan, and the other proposed amendments that were initiated by staff, and the Commissioners at the Board of County Commission meeting of June 19, 2012. He thereafter summarized the points from an e-mail he received from David Risinger (on file) regarding his objections to short-term stay issues, and the responses from the County Attorney.

The Chairman opened the Public Hearing.

THE FOLLOWING INDIVIDUALS SUPPORTED SHORT-TERM RENTAL UNITS:

Glenn Powell, 12845 Bay Street, Roseland, said he was the “poster child” for short-term vacation rentals; therefore, he provided background and reiterated concerns from when he spoke at the Board of County Commission meeting of June 19, 2012, regarding issues of short-term vacation rentals, individual property rights, the County Code being silent on short-term rental times and limitations, and the role of the government controlling private ownership rights.

John Conway, owner of Sebastian Riverfront Resort, and Sebastian Vacation Rentals

Bill Waterman, 460 10th Place SW, Oakridge, licensed vacation manager

THE FOLLOWING INDIVIDUALS OPPOSED SHORT-TERM RENTAL UNITS:

David Hunter, resident of Central Beach, Indian River County

Jim Gregg, landlord, lives in gated community

Terry Potts, Board Member of Amelia Plantation Property Owners’ Association

Beth Casano, 1610 3rd Court, Rockridge Property Owners’ Association President

Randy Fryar, owner of four properties in Indian River County

Susan Aiken, Floralton Beach Subdivision

Commissioner Davis sought and received details on how to differentiate between legitimate and non-legitimate rental businesses.

Commissioner Flescher clarified that legitimate short-term rental businesses are licensed, inspected by the County Health Department, and lodging taxes are collected when the dwellings are rented (7% for State, 4% for County).

Community Development Director Bob Keating affirmed for Vice Chairman O'Bryan that Code Enforcement could/would address complaints regarding bad behavior at short-term rentals.

Chairman Wheeler expressed that those living in gated communities should address concerns and issues through their Property Owners' Association. He did not want to pass an ordinance that would prevent short-term vacation rentals Countywide.

Director Boling, in response to Commissioner Davis, disclosed that the existing definition is unclear, and staff's interpretation of the County Ordinance is that to rent for less than 30 days constitutes a hotel/motel usage.

Director Keating confirmed that the current code is enforceable, but believed it would be best to clarify, not change it.

Attorney Polackwich explained why the ordinance is unclear, and why staff reached its conclusion by implication, rather than by a direct sentence in the definition stating that any structure offering a combination of rooms for rent or lease for longer than one month at a time, shall not be considered a hotel or motel. He made it clear that the definition does not expressly address the question of what happens if a property is rented for less than a month; therefore, staff interpreted the provision to mean that if a house is rented for less than one month, it is regarded as a hotel/motel.

Chairman Wheeler believed that most of the complaints would have occurred whether the ordinance addressed the situation or not, since those individuals are probably operating illegal rentals. He also emphasized that anytime a citizen suspects that someone is renting without a license, they need to call Code Enforcement.

There being no additional speakers, the Chairman closed the Public Hearing.

Commissioner Davis favored weekly rentals, observed that the individuals not doing the right thing are causing the problems, and felt that passing a regulation that would not permit short-term rentals would put the law abiding landlords out of business.

Commissioner Flescher shared Commissioner Davis's sentiments. He believed that approving the amendments would make things better. He said he would rather see rental houses registered and well maintained, as opposed to those that cannot be rented and left to fall into foreclosure. He concluded that adopting the proposed ordinances would be the best option for all County citizens.

Vice Chairman O'Bryan determined that most issues with short-term rentals were due to a lack of communication. He believed issues/situations could be resolved if people would be good neighbors, and more proactive. He thanked the speakers for expressing their opinions, and said that if they have any issues, to contact staff or the Commissioners to ensure the property is being rented legally.

Commissioner Solari understood the perspectives of both the landlords and the residents of the neighboring properties. He believed the existing mechanisms could deal with the issues, and if the Board prevented people from renting short-term rentals, and made them annual rentals, it might be just as bad. He wanted the County to continue making people aware of the County Code, local laws, and State mechanisms; therefore he suggested staff research the State mechanisms and develop something in terms of local mechanisms that could be used and readily available to those with complaints.

MOTION WAS MADE by Vice Chairman O'Bryan,
SECONDED by Commissioner Solari, to adopt the 18
ordinances as proposed by staff.

Chairman Wheeler concurred with the other Commissioners' comments and added that many problems in the neighborhoods have not "just been brought to light," but believed they have been going on for years, either illegally or through Code Enforcement violations.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board adopted the following ordinances:

Ordinance 2012-013 concerning amendments to its Land Development Regulations (LDRs); providing for amendments to Chapter 901, Definitions, by amending definitions in alphabetical order in Section 901.03, and by providing for repeal of conflicting provisions; codification; severability; and effective date.

Ordinance 2012-014, concerning amendments to its Land Development Regulations (LDRs); providing for amendments to Chapter 902, Administrative Mechanisms, by amending appeals from decisions of the Community Development Director or his designee Section 902.07; and by amending Technical Review Committee Section 902.10; and by providing for repeal of conflicting provisions; codification; severability; and effective date.



**INDIAN RIVER COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT**

1801 27th Street, Vero Beach FL 32960

772-226-1237 / 772-978-1806 fax

www.ircgov.com

December 17, 2012

Ann Cotton
8617 SE Merritt Way
Jupiter FL 33458

RE: Vacation Rental at 6450 Frances Manor and Indian River County Limitations on Vehicles Parked at Single Family Dwellings

Dear Ms. Cotton:

Recently, the state notified county staff that you obtained a state license for a vacation rental at 6450 Frances Manor within the Amelia Plantation subdivision. Staff is contacting you, and has contacted every other vacation rental state license holder in the unincorporated area of the county, to ensure that each license holder is aware of the county's limitation on vehicles parked at a single-family dwelling. Within the unincorporated area of the county, no more than (three) 3 vehicles may be parked outside of an enclosed area (garage or attached carport). A copy of the pertinent county regulations is attached for your reference. This parking limitation applies to the residence/vacation rental at 6450 Frances Manor.

Staff requests that you ensure that your vacation rental clients are aware of and comply with the county's single family dwelling parking regulations. Also, staff encourages you to contact the Amelia Plantation subdivision property owners association regarding any private restrictions or policies.

If you have any questions, please do not hesitate to contact me at (772) 226-1235 or sboling@ircgov.com.

Sincerely,

Stan Boling, AICP
Planning Director

Attachment: As Stated

cc: Board of County Commissioners (via e-mail)
Joe Baird, County Administrator (via e-mail)
Alan S. Polackwich, Sr., County Attorney (via e-mail)
Robert M. Keating, AICP
Roland M. DeBlois, AICP (via e-mail)
Kelly Buck (via e-mail)
Amelia Plantation P.O.A. (US Mail)

901 Definition:

Unenclosed storage the temporary placement of recreational vehicles, boats, trailers and similar recreational equipment in an open area or accessory structure without walls. For the purposes of this section, recreational vehicles and similar equipment stored in accessory garages or attached carports shall be considered to be in enclosed areas.

912.17(2)(b)

- (b) *Parking or storage of automobiles.* A maximum of three (3) automobiles (not including recreational vehicles) may be parked in an unenclosed area on a single-family zoned lot. However, one additional vehicle for each licensed driver permanently residing at the premises may be parked on the lot. No automobile may be parked or stored in any required yard area. The provisions of this section shall not preclude the parking of automobiles by persons visiting a single-family home.

Licensee Details**Licensee Information**

Name: **DUDEK MITCHELL D (Primary Name)**
DUDEK RENTAL (DBA Name)

Main Address: **3 ROYAL PALM POINTE PHE**
VERO BEACH Florida 32960-3151

County: **INDIAN RIVER**

License Mailing: **3 ROYAL PALM POINTE PHE**
VERO BEACH FL 32960

County: **INDIAN RIVER**

LicenseLocation: **2400 23 ST SE**
VERO BEACH FL 32963

County: **INDIAN RIVER**

License Information

License Type: **Vacation Rental - Dwelling**

Rank: **Dwelling**

License Number: **DWE4101319**

Status: **Current,Active**

Licensure Date: **04/29/2014**

Expires: **04/01/2016**

Special Qualifications	Qualification Effective
Single	04/29/2014
IndianRiver APR	04/29/2014
SINGLE UNIT	04/29/2014

Alternate Names[View Related License Information](#)[View License Complaint](#)[View Recent Inspections](#)

1930 North Monroe Street, Tallahassee, FL 32309 :: Email: [Customer Contact Center](#) :: Customer Contact Center: 850.487.1395

INDIAN RIVER COUNTY VACATION RENTAL COMPLAINTS (through April 2015)

	Address of Complaint	Verify License w/DBPR	Date complaint given to DBPR	Code Officer	Status
1	2125 W Beachside Ln	No license	7/16/2012	Rose	Case closed by the state, no license required
2	1571 Smugglers Cove	No license	7/11/12	Vanessa	Case closed by the state, no license required
3	6450 Frances Manor	No license sent initial contact letter to owners	Sent initial contact letter to owners	Kelly	License issued
4	3011 Calcutta Dr	No license	12/7/2012	Kelly	Case closed by the state, no license required
5	580 Reef Rd	No license	12/2/2013	Rose	Case closed by the state, no license required
6	8515 De Havilland Ct	No license	2/11/2014	Vanessa	Case closed by the state, no license required
7	2400 23 rd St SE	No license	3/21/2014	Vanessa	Licensed issued
8	12576 A1A	No license	4/21/2015	Betty	Under state investigation
9	1491 Smugglers Cove	No license	4/23/2015	Vanessa	Under state investigation

F:/users/kelly/vacationrentals/vaccomplaintchart

Comparison of Parking Standards for Vacation Rentals (April 2015)

Jurisdiction	Comments	Parking Location	Min. # Spaces	Max. # Spaces
1. Vero Beach, FL	Prohibits vacation rentals in residential districts (in lawsuit)	N/A	N/A	N/A
2. Fellsmere, FL	No specific standards for vacation rentals	—	—	—
3. Sebastian, FL	No specific standards for vacation rentals; no complaints in recent years	—	—	—
4. Brevard County, FL	Allows single family resort dwellings	No parking along street	1 off-street space per bedroom	—
5. St. Lucie County, FL	Applies parking at lodging use rate	—	.71 to 1.29 spaces per occupied room	—
6. Manatee County, FL	No specific standards for vacation rentals	Must park in driveway or along street; cannot block driveways or hydrants	—	—
7. Fort Myers Beach, FL			1 space per bedroom or guest room	
8. Islamorada, FL	Specific standards apply; application for vacation rentals required	Park in driveways only; parking over sidewalks or in right-of-way prohibited	—	Limited to max # presented in vacation rental application
9. Bal Harbor Village, FL	Specific standards apply; application for vacation rentals required	Park in areas shown in vacation rental application	—	Limited to max # presented in vacation rental application
10. Duluth, Minn.	—	—	1 space per 2 bedrooms	—
11. Coconino, Ariz	—	—	1 space per bedroom	—
12. Douglas County, Nev.	Max. occupancy 2 persons per bedroom plus 4 extra persons per residence	On site and assigned spaces only	—	Limited to max # shown on vacation rental application
13. South Lake Tahoe, CA	Currently changing regulations. Max. occupancy 2 persons per bedroom plus 4 extra persons per residence	As shown on vacation rental application	—	Limited to max # shown on vacation rental application

Comparison of Parking Standards for Vacation Rentals (April 2015)

Jurisdiction	Comments	Parking Location	Min. # Spaces	Max. # Spaces
14. Sonoma County, CA	Max. occupancy 18 persons per residence except for recognized holidays	On-street parking "may be considered"	1 space per 2 guest rooms	—
15. San Luis Obispo Co., CA	—	Limited to garage or driveway only	—	—

Indian River County	Comments	Parking Location	Min. # Spaces	Max. # Spaces
A. Existing	Section 911.15 and right-of-way ordinance regulate parking locations. No vacation rental regulations; vacation rental considered same as a residential unit	Off-street parking required for commercial and multi-family development. In single-family areas parking allowed in right-of-way but not in required front yard areas	<p>Motels: 1 space per rentable room</p> <p>Bed & Breakfast: 2 spaces plus one space per rentable room</p> <p>Multi-family: 2 spaces per unit</p> <p>Note: all spaces off-site with landscaping between parking area and street</p>	—
B. Draft Proposal	Create definition of "vacation rental" consistent with state definition used for licensing ("transient public lodging establishment"); create specific parking standards for vacation rentals in 911.15	Limited to garage, carport, and driveway. Over flow parking allowed elsewhere on site if screened from view from street and shown on approved administrative approval site plan	—	Total number of garage and carport spaces plus up to 5 spaces in designated driveway (one such space per bedroom not to exceed five spaces). Extra "overflow" spaces allowed if screened from view from street and shown on approved administrative approval site plan.

Section 103.07. - Code enforcement citation procedures—General.

- (1) These procedures are enacted pursuant to F.S. §162.21.
- (2) Citation authorization; application. A code enforcement officer so designated by the county is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted county code or ordinance; the county court will hear the charge. Designation as a code enforcement officer does not provide the code enforcement officer with the power of arrest or subject the code officer to the provisions of F.S. §§ 943.085 through 943.255.
- (3) Notification prior to citation issuance; procedures.
 - (a) Prior to issuing a citation, a code enforcement officer shall provide notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than thirty (30) days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the time period, the code enforcement officer may issue a citation to the person who has committed the violation. A code enforcement officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety or welfare, or if the violation is irreparable or irreversible. ^[3]

Notwithstanding the preceding paragraph (103.07(3)(a)), the board of county commissioners shall adopt, by resolution, a schedule of violations and penalties to be assessed by code enforcement officers, including standard notification time periods for specific types of violations, said time periods not exceeding thirty (30) days.

- (b) A citation issued by a code enforcement officer shall be in a form prescribed by the county and shall contain:
 1. The date and time of issuance.
 2. The name and address of the person to whom the citation is issued.
 3. The date and time the civil infraction was committed.
 4. The facts constituting reasonable cause.
 5. The number of the section of the code or ordinance violated.
 6. The name and authority of the code enforcement officer.
 7. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
 8. The applicable civil penalty if the person elects to contest the citation.
 9. The applicable civil penalty if the person elects not to contest the citation.
 10. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
 - 11.

A statement to read as follow: I hereby elect to waive my right to a court hearing and in lieu thereof select to have my case heard by the Indian River County Code Enforcement Board or designated special master. I understand that the decision of the code enforcement board or designated special master shall be final and binding on me. _____ (signature).

- (4) After issuing a citation to an alleged violator, a code enforcement officer shall deposit the original citation and one copy of the citation with the county court, unless the alleged violator elects to appear before the code enforcement board or designated special master in which case the citation and copy shall be deposited with the secretary of the code enforcement board.
 - (5) Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082, 775.083.
 - (6) The provisions of this section shall not apply to the enforcement of building codes adopted pursuant to F.S. § 553.73, as they apply to construction, provided that a building permit is either not required or has been issued by the county.
 - (7) The provisions of this section are an additional and supplemental means of enforcing county codes and ordinances; nothing contained in this section shall prohibit the county from enforcing its codes or ordinances by any other means.
- (Ord. No. 92-9, § 1, 4-21-92)

RESOLUTION NO. 92-59

A RESOLUTION OF INDIAN RIVER COUNTY, FLORIDA, ADOPTING A SCHEDULE OF PENALTIES FOR COUNTY CODE VIOLATIONS CITED IN ACCORDANCE WITH THE CITATION PROVISIONS OF COUNTY CODE CHAPTER 103; ESTABLISHING NOTIFICATION TIME FRAMES FOR DIFFERENT TYPES OF CODE VIOLATIONS; AND DESIGNATING CODE ENFORCEMENT OFFICERS FOR PURPOSES OF IMPLEMENTING THE CITATION PROVISIONS OF COUNTY CODE CHAPTER 103.

WHEREAS, Indian River County has adopted codes and ordinances in the interest of public health, safety and welfare; and

WHEREAS, enforcement of county codes and ordinances in a timely, efficient, and equitable manner is of fundamental importance in the successful implementation of such codes and ordinances; and

WHEREAS, Florida Statute Chapters 162 and 489 enable local governments to adopt citation procedures relating to general code violations and unlicensed contractor violations; and

WHEREAS, at their regular meeting of April 21, 1992, the Board of County Commissioners held a public hearing and adopted County Ordinance 92-09, which establishes county citation procedures in accordance with Florida Statutes; and

WHEREAS, Ordinance 92-09 provides that the Board of County Commissioners shall adopt, by resolution, a schedule of violations and penalties to be assessed by county designated code enforcement officers in implementing the ordinance, with said schedule including notification time periods for specific types of violations; and

WHEREAS, it is appropriate for the County to designate certain county personnel as code enforcement officers for purposes of implementing citation procedures;

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

1) DESIGNATION OF CODE ENFORCEMENT OFFICERS

The following county personnel are hereby designated code enforcement officers for purposes of enforcing county codes in accordance with the citation provisions of County Code Chapter 103, for the violation categories as herein described:

<u>County Personnel</u>	<u>Violation Category</u>
Code Enforcement Officers	General Code Enforcement
Environmental Planners	Land Development Code Environmental Violations
Building Division Inspectors	Unlicensed Contractors; Building Code Violations
Fire Safety Inspectors	Fire Safety Codes; Debris Burning Violations

RESOLUTION NO. 92-59

2) SCHEDULE OF PENALTIES AND NOTIFICATION TIME FRAMES

A Schedule of Penalties and Notification Time Frames, attached hereto as "Attachment A", is hereby adopted to be used in conjunction with the implementation of the citation provisions of Chapter 103 of the County Code.

The resolution was moved for adoption by Commissioner Scurlock _____ and the motion was seconded by Commissioner Wheeler _____, and, upon being put to a vote, the vote was as follows:

Chairman Carolyn K. Eggert	_____	Aye
Vice Chairman Margaret C. Bowman	_____	Aye
Commissioner Don C. Scurlock, Jr.	_____	Aye
Commissioner Richard N. Bird	_____	Aye
Commissioner Gary C. Wheeler	_____	Aye

The Chairman thereupon declared the resolution duly passed and adopted this 21 day of April, 1992.

BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA

By Carolyn K. Eggert
Carolyn K. Eggert
Chairman

Attest:
JK Barton
Jeffrey K. Barton
Clerk by A. Scurlock
D.C.
u\rol\cit.res

Indian River Co	Approved	Date
Admin.	JEC	4-14-92
Legal	TPO	4-14-92
Budget	N/A	
Dept.	RNK	4/14/92
Risk Mgr.	N/A	

RESOLUTION NO. 92- 59
Attachment A

CITATION ORDINANCE
SCHEDULE OF PENALTIES & NOTIFICATION TIME FRAMES
(Page 1 of 2)

<u>VIOLATION TYPE</u>	<u>SECTION</u>	<u>FINE</u>	<u>NOTICE TIME FRAME</u> ¹
<u>Contracting</u>			
Unlicensed contracting	400.01(1)	\$500	N/A
Contractor advertisement violation	400.01(5)	\$500	N/A
Licensed contractor or owner-builder hiring unlicensed contractor(s)	400.01(6)	\$500	N/A
Uninsured contractor violation	400.05	\$500	N/A
Fraudulent license	400.07(1)	\$500	N/A
Deliberate disregard of county contracting ord.	400.07(6)	\$500	N/A
Other contracting violations specified in F.S. Chapter 489	489.127(F.S.) 489.132(F.S.)	\$500	N/A
<u>General</u>			
Debris burning w/o permit	925	\$450	N/A
Violation of issued burn permit	925	\$300	24 hrs.
Boat/trailer storage	911.15(7)	\$50	48 hrs.
Commercial veh. storage	911.15(3)	\$50	48 hrs.
Occupancy w/o C.O.	914/401	\$450	24 hrs.
Building Code violation (w/o required permit)	401.06	\$450	24 hrs.
Industrial waste dumping	973	\$450	24 hrs.
Junk vehicle	911.15(4)	\$50	10 days
Noise/vibration violation	974	\$50	24 hrs.
R.O.W. violations:			
- Vehicle	312.06(2)	\$50	48 hrs.
- Sign	312.06(1)(g)	\$100	24 hrs.
- Illegal Business	312.06(1)(m)	\$250	24 hrs.
- Obstruction	312.06(1)(c)	\$100	48 hrs.
- Illegal (non-waste) fluid discharge	312.06(1)(e)	\$100	48 hrs.
- Work without proper traffic controls	312.06(1)(k)	\$250	N/A
- Parade without permit	312.06(1)(n)	\$250	N/A
- Other R.O.W. violations	312.06	\$100	48 hrs.

¹The notification time frame established herein may be waived if the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.

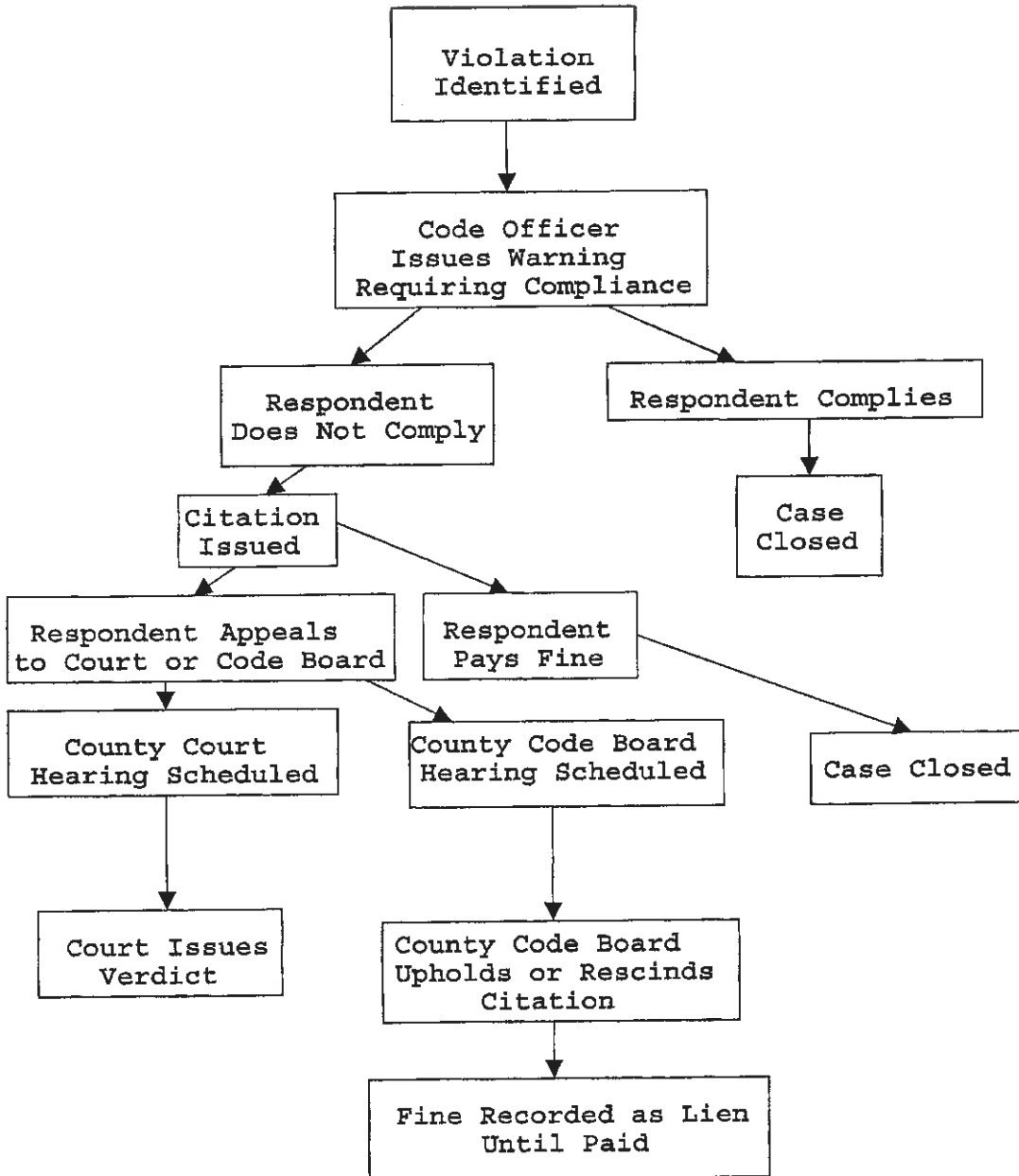
RESOLUTION NO. 92-59
Attachment A

CITATION ORDINANCE
SCHEDULE OF PENALTIES & NOTIFICATION TIME FRAMES
(Page 2 of 2)

<u>VIOLATION TYPE</u>	<u>SECTION</u>	<u>FINE</u>	<u>NOTICE TIME FRAME</u>
Illegal sign:	956.12	\$100	24 hrs.
- Banner			
- Snipe sign			
- A-frame sign			
- Other portable sign			
Stormwater violation	930	\$100	48 hrs.
Vehicle parking & storage	911.15(4)	\$50	48 hrs.
Sea turtle lighting vio.	932.09	\$50	24 hrs.

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04\23\92

GENERAL CITATIONS
ENFORCEMENT PROCEDURE
FLOWCHART



F:\Community Development\Users\ROLAND\Code Enforcement\Citation flow chart.doc

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, CONCERNING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS (LDRS); PROVIDING FOR AMENDMENTS TO CHAPTER 901, DEFINITIONS, CHAPTER 911, ZONING, AND CHAPTER 912, SINGLE-FAMILY DEVELOPMENT; BY AMENDING SECTION 901.03, ESTABLISHING THE DEFINITION FOR “VACATION RENTAL”; BY AMENDING GENERAL PROVISIONS SECTION 911.15(4), PARKING OR STORAGE OF VEHICLES; AND BY AMENDING PARKING AND STORAGE SECTION 912.17(2), PARKING OR STORAGE OF VEHICLES; AND 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) CHAPTER 901, DEFINITIONS, CHAPTER 911, ZONING, AND CHAPTER 912, SINGLE-FAMILY DEVELOPMENT, BE AMENDED AS FOLLOWS:

SECTION #1:

Amend LDR Section 901.03, To Establish a Definition of “Vacation rental”; as follows:

Vacation rental: any residential dwelling rented or leased more than three times in a calendar year to a tenant, individual, group of individuals, or party for a period of less than 30 days, or which is advertised or held out to the public as a dwelling which may be regularly rented or leased for a period of less than 30 days.

SECTION #2:

Amend LDR General Provisions Section 911.15(4), on Parking or storage of vehicles, as follows:

(4) Parking or storage of vehicles.

(a) *Parking or storage of junk vehicles.* No junk vehicle shall be parked, and no motor vehicle frame, vehicle body, or vehicle body part shall be stored on residentially zoned or used property unless expressly permitted by this chapter, except when parked or stored in a completely enclosed garage or building. In any agricultural district, one such vehicle is permitted in the rear yard, completely screened from view of neighboring homes and properties.

(b) *Parking or storage of automobiles.* **Except as provided in sub-section 1. below, a maximum of three (3) automobiles (not including recreational vehicles) may be parked in an unenclosed area outside of a carport or garage** on a single-family zoned lot. However, one additional vehicle for each licensed driver permanently residing at the premises may be parked on the lot. No automobile may be parked or stored in any required yard area **except in a designated driveway.** **The limitations on the number of automobiles parked outside of a carport or garage** provisions of this section shall not preclude the parking of automobiles by persons visiting a single family home.

1. For a vacation rental, the number of automobiles that may be parked outside of a carport or garage shall be limited to one automobile per bedroom not to exceed a total of five (5) automobiles parked outside the carport or garage. For a vacation

rental that has no carport or garage, the total number of automobiles parked shall be limited to two automobiles plus one automobile per bedroom not to exceed a total of five (5) automobiles parked on site. Automobiles parked outside of a carport or garage shall be parked within a designated driveway and not within any required yard area.

- a. For a vacation rental, the number of automobiles parked outside of a carport or garage may exceed the limitations and maximum set forth above if the excess parking spaces are provided on the single-family lot, are visually screened from view from any adjacent public or private street, and are not occupied by automobiles from 10 pm to 8 am. In addition, prior to use of any excess parking spaces, the vacation rental owner shall apply for and obtain approval from the planning division of an administrative approval site plan depicting each excess parking space and demonstrating compliance with these regulations.

SECTION #3:

Amend LDR Parking and Storage Section 912.17(2), Parking or storage of vehicles, as follows:

(2) Parking or storage of vehicles.

- (a) *Parking or storage of junk vehicles.* No junk vehicle shall be parked, and no motor vehicle frame, vehicle body, or vehicle body part shall be stored on residentially zoned or used property unless expressly permitted by this chapter, except when parked or stored in a completely enclosed garage or building. In any agricultural district, one such vehicle is permitted in the rear yard, completely screened from view of neighboring homes and properties.
- (b) *Parking or storage of automobiles.* ~~A~~ **Except as provided in sub-section 1. below, a maximum of three (3) automobiles (not including recreational vehicles) may be parked in an unenclosed area outside of a carport or garage on a single-family zoned lot. No automobile may be parked or stored in any required yard area except in a designated and improved driveway. The limitations on the number of automobiles parked outside of a carport and garage** ~~provisions of this section shall not preclude the parking of automobiles by persons visiting a single-family home.~~

1. For a vacation rental, the number of automobiles that may be parked outside of a carport or garage shall be limited to one automobile per bedroom not to exceed a total of five (5) automobiles parked outside the carport or garage. For a vacation rental dwelling that has no carport or garage, the total number of automobiles parked shall be limited to two automobiles plus one automobile per bedroom not to exceed a total of five (5) automobiles parked on site. Automobiles parked outside of a carport or garage shall be parked within a designated driveway and not within any required yard area.

- a. **For a vacation rental, the number of automobiles parked outside of a carport or garage may exceed the limitations and maximum set forth above if the excess parking spaces are provided on the single-family lot, are visually**

screened from view from any adjacent public or private street, and are not occupied by automobiles from 10 pm to 8 am. In addition, prior to use of any excess parking spaces, the vacation rental owner shall apply for and obtain approval from the planning division of an administrative approval site plan depicting each excess parking space and demonstrating compliance with these regulations.

SECTION #4: 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 #5: 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 #6: 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 #7: EFFECTIVE DATE

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

This ordinance was advertised in the Press-Journal on the _____ day of _____, 2015, for a public hearing to be held on the _____ day of _____, 2015, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

Chairman Wesley S. Davis	_____
Vice Chairman Bob Solari	_____
Commissioner Joseph E. Flescher	_____
Commissioner Tim Zorc	_____
Commissioner Peter D. O'Bryan	_____

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

Bold Underline: Additions to Ordinance

~~Strike-through:~~ Deleted Text from Existing Ordinance

F:\Community Development\CurDev\Ordinances\2015Ordinances\2015-_____901,911,912

The Chairman there upon declared the ordinance duly passed and adopted this _____ day of _____, 2015.

BY: _____
Wesley S. Davis, Chairman

ATTEST: Jeffrey R. Smith, 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

Dylan Reingold, County Attorney

APPROVED AS TO PLANNING MATTERS

Stan Boling, AICP; Community Development Director

