

## Section 911.15. - General provisions.

(1) *Height exceptions and limitations.*

- (a) *Height exceptions.* The height limitations stipulated in the applicable districts shall not apply to the following, provided that no such structure exceeds the height limits for airport approach areas, as established in paragraph (b), below:

Church steeples and spires;

Chimneys;

Flag poles;

Silos;

Windmills;

Aircraft control towers and navigational aids;

Utility transmission towers;

Solar energy collectors; and

Similar structures.

Notwithstanding, any radio, television or microwave transmission or receiving tower which is greater than seventy (70) feet in height shall only be allowed subject to the criteria established for such towers in Chapter 971, Specific Land Use Criteria. Additional information about towers may be found in Chapter 917, Accessory Uses and Structures.

(b) *Height limitations.*

1. No structure shall be erected which would conflict with the airport zoning ordinance height regulations of section 911.17(4)(a).
  2. Parapet walls located at the building roof-top edge may extend no more than five (5) feet above the building height limitations (thirty-five (35) feet or forty-five (45) feet, as applicable).
  3. Other than the parapet wall provision references in 911.15(1)(b)2. above, roof-top structures such as screen walls, elevator shafts and enclosures, stairways and enclosures, and similar structures shall be set back from the building roof-top edge one (1) foot horizontal distance for every one (1) foot of vertical rise above the applicable building height limitation.
- (c) *Coastal hotel, motel and resort development height exceptions.* The height limitations stipulated in the CG, General Commercial District, may be modified for hotels, motels, and resort developments located east of State Road A1A provided that no building structure exceeds the height limits for airport approach areas and provided that the following criteria are met:
1. One and one-half (1½) feet of additional setback from the coastal construction control line (CCCL) shall be provided for each foot in height exceeding thirty-five (35) feet.
  2. Once the additional setback is established, all structures exceeding six (6) feet in height shall be prohibited within the designated additional setback area.
  3. In no case shall any building structure be allowed to exceed forty-five (45) feet in height.
- (d) *West County Industrial Park height exception.* The height limitations stipulated in the IL (Light Industrial), IG (General Industrial), and PD Industrial Zoning Districts may be modified for industrial and warehouse distribution

buildings located west of I-95 and within an industrial park, industrial subdivision, or a group of adjacent industrial parks or subdivisions, one hundred (100) acres or larger in size. Building heights may be modified upon a showing of compliance with the following:

1. A minimum setback of two thousand (2,000) feet from I-95 to the portion of the building that exceeds general height limitations.
2. A minimum setback of five hundred (500) feet from SR60 and two hundred (200) feet from 98th Avenue to the portion of the building that exceeds general height limitations. Where there is no intervening building between SR60 and 98th Avenue and the portion of the building that exceeds general height limitations, a Type "C" or greater buffer shall be provided between the building and SR60 or 98th Avenue, and the installed buffer plant sizes shall meet or exceed the "replacement landscaping" standards of section 926.12(3) specified for projects more than eighteen (18) months but less than seven (7) years old.
3. For any industrial park or industrial subdivision perimeter not adjacent to SR60 or 98th Avenue, a special minimum setback shall be provided between the perimeter of the industrial park or industrial subdivision containing the building to the portion of the building that exceeds general height limitations. That special setback shall be equal to the applicable general setback plus an additional setback of four (4) feet (horizontal) for each one (1) foot (vertical) in building height that exceeds general height limitations. For example, a building or portion of a building that exceeds general building limitations by thirty (30) feet shall have an additional setback of one hundred twenty (120) feet from the industrial park or industrial subdivision perimeter. In addition, a Type "C" or greater buffer shall be provided along that perimeter. Where that perimeter abuts residentially designated property, all required buffer landscape materials shall have installed plant sizes that meet or exceed the "replacement landscaping" standards of section 926.12(3) specified for projects more than eighteen (18) months but less than seven (7) years old.
4. A maximum building height of eighty (80) feet.

In addition, all buildings shall meet the airport zoning height regulations of section 911.17 and applicable normal building coverage and floor area ratio (FAR) requirements.

- (2) *Yard encroachments.* Every part of a required yard shall be open and unobstructed from the ground to the sky, except as hereinafter provided or as otherwise permitted in this ordinance. No structure shall be erected within any easement, except as specifically authorized by this ordinance.
  - (a) *Structural overhangs.* Cornices, awnings, eaves, gutters or other similar structural overhangs, at least seven (7) feet above grade, may extend up to four (4) feet into any required yard, provided that no such overhang shall extend to within six (6) feet of any property line.
  - (b) *Sills and belt courses.* Sills, belt courses and similar ornamental features may extend six (6) inches into any required yard.
  - (c) *Air conditioners, pool heaters and similar mechanical equipment.* Air conditioning equipment, pool heaters, sprinkler system controls and similar mechanical equipment (including utility pad mounted equipment) may project into any required yard provided that the equipment is mounted adjacent to the building.

In order to minimize potential noise nuisance to adjacent properties, air conditioners, pool heaters and similar mechanical equipment in planned developments and small-lot subdivisions with reduced yard setbacks shall be:

- Located adjacent to a garage or other non-living area, and not located adjacent to an outdoor living area such as a porch or patio; or
- Located at least ten (10) feet from all property lines; or

- County-approved as a "quiet" low decibel model unit or installed with a county-approved sound barrier or other county-approved noise-mitigating improvement.
- (d) *Fire escapes, outside stairways, balconies, chimneys and other similar appurtenances.* Open or enclosed fire escapes, outside stairways, balconies, and chimneys and flues may project up to four (4) feet into any required yard, provided such projections shall not unduly obstruct light and ventilation.
- (e) *Docks and accessory waterfront structures.* Docks and other permitted accessory waterfront structures are allowed within required yards, excluding required side yards.
- (f) *Swimming pools and related structures.*
  1. *Swimming pools.* No swimming pool shall be located closer than ten (10) feet to any rear property line or within any easement for utilities, drainage or access.
  2. *Special yard situations.*
    - a. On multi-frontage lots with one (1) yard which abuts a road right-of-way classified as an arterial road on the county's thoroughfare plan map, no swimming pool shall be located closer than ten (10) feet to the property line abutting the arterial road, or within any easement for utilities, drainage, or access, provided that the yard adjacent to the arterial road is not the yard providing the main entrance to the lot.
    - b. On lots where no rear yard, as defined in the zoning code, exists having a width at least one-half ( $\frac{1}{2}$ ) the applicable minimum lot width, one (1) side yard or side yard area may be designated by the property owner as a "rear yard" for purposes of applying the regulations contained within this section.
  3. *Pool decks and patios.* No deck or patio constructed in conjunction with any swimming pool shall be located within an easement or closer than five (5) feet to any property line.
  4. *Pool enclosures.* No screen enclosures for swimming pools shall be located within an easement or closer than ten (10) feet to: the rear property line on interior lots, the rear or side property line on corner and multi-frontage lots. For purposes of this paragraph, yards which are not adjacent to the main entrance of the lot, but which abut a road classified as an arterial road on the county's thoroughfare plan map shall be considered rear yards. Pool enclosures shall not encroach on the required rear yard on either double frontage lots or corner lots if the rear yard abuts or faces the front yard providing the main entrance to another lot.
- (g) *Play equipment, lights, outdoor furniture.* Play equipment, wires, lights, outdoor furniture, mailboxes, ornamental entry columns and gates, and outdoor equipment are allowed within required yards.
- (h) *Unenclosed porches, steps and paved terraces.* An unroofed porch, steps or paved terrace area may project into the front yard for a distance not to exceed ten (10) feet.
- (i) *Gasoline pumps, canopies, and islands.* Gasoline pumps and pump islands, associated with either a service station or as an accessory facility, may be located within a front yard, provided they are located no closer than fifteen (15) feet to any public right-of-way. Canopies for the gasoline pumps shall stand alone, independent and unconnected to any other structure on the site. Structural supports for the canopy shall not be located closer than fifteen (15) feet to any public right-of-way and overhanging portions of the canopy shall not be extended closer than ten (10) feet to any public right-of-way.
- (j) *Walls and fences.* Fences and walls are allowed within required yards, subject to the provisions of chapter 917, Accessory Uses and Structures.
- (k) *Utility buildings.* Utility buildings or sheds of one hundred (100) square feet or less may be located within a required side or rear yard, provided a minimum of five (5) feet is maintained from the side or rear property line and clear of all easements. Only one (1) such utility building or shed may be allowed to encroach into a required yard on a single lot or parcel of land. A utility building or shed (one hundred (100) square feet or less) that is to

be located to within five (5) feet of a side or rear property line shall be located no closer than ten (10) feet to the principal structure and shall not exceed the height of the principal structure. (Refer to chapter 917 regulations for accessory storage buildings.)

- (l) *Parking areas and driveways.* Where off-street parking is required pursuant to chapter 954, parking, such off-street parking area may encroach into the required front yard setbacks, providing that the encroachment does not extend into a required landscape buffer along the street frontage pursuant to the Indian River County landscape ordinance, chapter 926.

Parking areas and driveways are allowed to encroach within required side yards of multifamily residential and nonresidential districts. Also, within multi-family residential and non-residential districts, parking areas and driveways may encroach within required rear yards of corner lots. On single-family zoned lots, driveways must be located a minimum of five (5) feet from a side or rear lot line (on corner lots) at the point of intersection with the right-of-way. Driveways may come within two (2) feet of a side lot line, subject to the above referenced five-foot minimum setback at the right-of-way line. On corner and other multi-frontage lots, driveways may come within two (2) feet of a rear lot line, subject to the above referenced five-foot minimum setback at the right-of-way line. Common or shared driveways may be located across lot lines and within sideyard setbacks when located within recorded cross-access easements.

- (m) *Sidewalks.* Sidewalks, pedestrian paths, and recreational courts and similar on-grade improvements formally shared between owners of abutting properties, may encroach within required yards.
- (n) *Planters.* Planters for flowers and shrubs may be extended up to four (4) feet into any required yard setback provided that the planter is constructed in a manner contiguous to the building.
- (o) *[Structures exempted from yard requirements.]* The following structures shall be exempted from the minimum yard requirements: underground utility equipments, clothes lines, flag poles, mail boxes, police call boxes, traffic signals, fire hydrants, light poles, or any similar structure or device as approved by the community development director.
- (p) *[Dune cross over structures.]* Dune crossover structures serving one (1) parcel shall be allowed to be located within five (5) feet of a side property line. Crossover structures shared by two (2) adjacent parcels may be located on and over the common boundary between the two (2) adjacent parcels if located in a common beach access easement. No crossover structure shall be located within any easement other than a beach access easement.
- (q) *Screening enclosures, patios, and decks.* No screening enclosures, patios, or decks shall be located closer than five (5) feet to any rear property line or within any easement for utilities, drainage, or access.
- (r) *Dumpsters.* Dumpsters are allowed to encroach within required side yard setbacks in the same manner as allowable parking encroachments as set forth in subsection 911.15(2)(l). Notwithstanding the requirements of subsection 911.15(2), all dumpsters must be screened.
- (s) *Compost piles.* Compost piles are allowed to be located within rearyard setback areas but may not be located within easements unless written consent is granted by the holder of the dominant estate.
- (t) *Building entry/exit landings.* An unenclosed building entry/exit landing located adjacent to a building may project up to five (5) feet into any required yard but shall not project into an easement.
- (u) *Generators and associated above ground fuel tanks (permanent facilities).*
1. Above ground fuel tanks having a capacity in excess of five hundred (500) gallons are subject to the requirements of [subsection] 917.06(1).
  2. A generator or above ground fuel tank not located within five (5) feet of a building may be located no closer than ten (10) feet from a side or rear property line.
  3. Where allowed by applicable building and fire codes, a generator or fuel tank located within five (5) feet of a

building may be allowed within five (5) feet of any side or rear property line. For a legally created lot of record that is less than seventy (70) feet wide, a generator or fuel tank may be located no closer than two and one-half (2.5) feet from a side or rear property line where allowed by applicable building and fire codes.

4. A generator or above ground fuel tank may be allowed to encroach up to five (5) feet into a required front yard setback.
5. Generators and above ground fuel tanks shall be screened from adjacent neighboring side and rear yards by a four (4) foot tall opaque feature which may consist of existing or planted vegetation, a wall, a fence, or other improvements approved by the planning division.
6. No generator or fuel tank (above ground tank or below ground tank) shall be located within a public right-of-way or drainage and/or utility easement.


(3) *Parking of commercial vehicles in residential areas.*

(a) *Restrictions on the parking of commercial vehicles in residential areas.* No commercial vehicles, as defined in County Code Section 901.03, shall be parked overnight nor for an extended period (more than ten (10) hours in any calendar month) on any residentially used lot, in the street abutting such lot, or on residentially zoned land, except:

1. Within residential zoning districts, one (1) commercial vehicle consisting of a pick-up truck or van with a rack for transporting materials or equipment and items other than the personal effects of private passengers, not exceeding a length of twenty-three (23) feet, height of nine (9) feet, or gross vehicle weight of fifteen thousand (15,000) pounds, shall be allowed per residential premises.
2. Commercial vehicles temporarily parked on a lot for the purpose of providing construction, transportation, or other services specifically for the location where such vehicles are parked.
3. In no case shall a commercial vehicle which is used for hauling explosives, gasoline or liquefied petroleum products be permitted to be parked for an extended period in a residential area.
4. "Class A" tow trucks or hydraulic wreckers, on an emergency towing service rotation list with the local sheriff's or police department, used by the resident of the premises, limited to one (1) per premises and parked off-street in a garage, carport or driveway. Under this paragraph, one (1) tow truck or wrecker is allowed to be parked or stored at a residence.
5. One (1) commercial vehicle shall be allowed per residential premises within the A-1, A-2, and A-3 districts.

(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 subsections 1—3. below, a maximum of three (3) automobiles (not including recreational vehicles) may be parked outside of a carport or garage on a single-family zoned lot. However, one (1) 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 and improved or stabilized driveway. The limitations on the number of automobiles parked outside of a carport or garage shall not preclude the parking of automobiles by persons visiting a single-family home.

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1. For a vacation rental that has a carport or garage, 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. Automobiles parked outside of a carport or garage shall

be parked within a designated and improved or stabilized driveway and not within any required yard area.

2. 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 and improved or stabilized driveway and not within any required yard area.
3. For all vacation rentals, all automobiles except for service and delivery vehicles shall be parked on-site and shall not be parked within a road right-of-way except within a designated and improved or stabilized driveway.

(5) *Setback and buffer requirements.*

- (a) *Street and road setbacks.* In the event of the recording of any proposed street or road in the office of the Clerk of the Circuit Court of Indian River County, or in the event of the designation or establishment by the Board of County Commissioners of any proposed public street or road, the same shall thereupon immediately be used as the reference point for the purpose of determining setbacks for new construction under the terms of this ordinance. This provision shall not prevent the reconstruction of a full or partially damaged or destroyed legally nonconforming structure so long as the rebuilt structure is consistent with the county's building code.
- (b) *Required setbacks from natural waterbodies.* All residential properties which abut the intracoastal waterway, Indian River or other natural water bodies shall provide for a minimum rear yard setback of fifty (50) feet for unplatted parcels and twenty-five (25) feet for existing platted lots, between all structures and the waterbody. In no case, however, with reference to existing parcels or lots of record, shall the buffer exceed twenty (20) percent of the parcel or lot depth perpendicular to the applicable waterway. Additional setbacks may apply to properties adjacent to the St. Sebastian River and Indian River Lagoon Aquatic Preserve as set forth in Chapter 929, Upland Habitat Protection.
- (c) *S.R. 60 front building setback requirement.* All developments adjacent to S.R. 60 right-of-way shall have a minimum front setback of seventy-five (75) feet from the S.R. 60 right-of-way. This seventy-five-foot setback shall not apply to individual lots of record lawfully created prior to October 9, 1992 having a depth of one hundred fifty (150) feet or less as measured from S.R. 60 road right-of-way.
- (d) *Interstate 95 buffer requirement.* All developments that are adjacent to the I-95 right-of-way and that require major site plan approval shall preserve or provide a Type C buffer between any outdoor storage area(s) and I-95 where the outdoor storage areas(s) is not visually screened by an intervening building or structure.

(6) *Required corner visibility.*


- (a) *Location.* On every corner lot, the triangle formed by the street lines of such lot and a line drawn between points on such street lines which are thirty (30) feet from the intersection thereof shall be clear of any structure or planting of such nature and dimension as to obstruct lateral vision; provided that this requirement shall generally not apply to the trunk of a tree, (but shall apply to branches and foliage), or a post, column or similar structure which is no greater than one foot in cross section or diameter. In addition, when applicable, all sight distance requirements of the Indian River County landscape chapter shall also be maintained.
- (b) *Vertical clearance.* Such lateral vision shall be maintained between a height of thirty (30) inches and ten (10) feet above the average elevation of the existing surface of both streets measured along the centerlines adjacent to the visibility triangle.

(7) *Unenclosed storage of recreational vehicles, trailers and boats.*

- (a) Any recreational vehicle not in normal daily usage for transportation of the occupants of the residence shall be considered as "stored" for purposes of this chapter.
- (b) Unenclosed storage of trailers, campers and boats; restrictions in residential zoning districts. Recreational



vehicles and boats may be stored on any lot. However, any trailers, campers or boats which are stored in unenclosed areas on any single-family or two family lot in any residential zoning district shall meet the following standards:

1. *Ownership of recreational vehicles and boats; authorized storage.* Such storage shall be limited to vehicles owned by the occupant(s) of the residence or the house guests of the occupant(s).
  2. *Limitation on number of recreational vehicles.* Not more than one recreational vehicle per dwelling unit may be stored in an unenclosed area upon each site, except that one additional recreational vehicle per dwelling unit may be parked on the property for a period not in excess of two (2) weeks in any continuous time period or six (6) weeks in any one-year period.
  3. *Limitation on number of boats.* No more than one boat per dwelling unit shall be stored in an unenclosed area upon each site except that one additional boat per dwelling may be parked on the property for a period not in excess of two (2) weeks in any continuous time period or six (6) weeks in any one-year period.
  4. *Location of unenclosed storage areas.* Such storage shall not be located in any required front or side yard, or any easement; except that such vehicles may be stored on a designated driveway.
  5. *Licensing.* Recreational vehicles and boat trailers shall have a valid motor vehicle license at all times.
  6. *Use limitations.* Recreational vehicles and boats shall not be used for office or commercial purposes, nor for sleeping, housekeeping or living quarters while so stored.
  7. *No public facilities hook-ups.* No service facilities, such as water, sanitary, or electrical connections shall be attached; except a temporary electrical extension connected to the vehicle for battery charging or to facilitate repair is permitted.
  8. *Limitation on overall size of recreational vehicles.* Consistent with the Chapter 901 definition of "Recreational vehicle," the overall size of a recreational vehicle stored outside on a residentially zoned lot shall not exceed four hundred (400) square feet (vehicle length multiplied by width).
- (c) *Storage of recreational vehicles and boats in multifamily residential areas.* In any apartment, condominium or other multifamily use, recreational vehicle and boat storage may be permitted in a portion of a project which is specifically designated for recreational vehicle and/or boat parking; however, screening measures may also be required as a condition of site plan approval. No recreational vehicle or boat may be stored in the parking lot of a multifamily development, unless such parking lot has been designated on the approved site plan for the development as recreational vehicle storage area.
-  (8) *Prohibition of commercial event at residence.*
- (a) As defined in Section 901.03, it shall be a violation of this Code for any owner to lease a single-family residence as a location for a commercial event at residence to be held. It shall be prima facie evidence of a violation of this code for an owner to advertise or hold out the property to be used as a location for a commercial event at residence.
  - (b) A commercial event at residence held at a site that is:
    1. Four (4) acres or greater in area; and
    2. At a site that is zoned agricultural; or
    3. At a site used for agricultural purposes
 must first apply for and receive a temporary use permit as prescribed by IRC Code Chapter 972 prior to conducting the commercial event at residence.
  - (c) If the owner of the property is not on the premises at the time of a commercial event at residence, it shall be a rebuttable presumption of a violation of this section.

- (d) Notwithstanding the prohibitions contained in paragraph (a) above, should this ordinance impair an existing contra commercial event at residence that is scheduled to be performed prior to September 30, 2016, holding the commercial event at residence shall not be a violation of this Code, so long as the contract documents are provided to the community development director by October 31, 2015.



(9) *Vacation rental local license and regulations.*

- (a) For purposes of vacation rental local regulations, "bedroom" is defined as follows: any room used principally for sleeping purposes and meeting applicable building code requirements for a bedroom.
- (b) The owner of a vacation rental unit shall obtain from the community development department a vacation rental license. A separate license shall be required for each vacation rental unit. Each license shall be valid for a period of three (3) years from the date of issuance unless terminated by the owner or found by the county to be in violation of license conditions, and each license may be renewed every three (3) years upon approval by the community development department. A license may be transferred to a new owner upon submission of updated license information and execution of and assumption of license obligations and conditions on a form provided by the community development department.
1. A license application shall be submitted to the community development department on a form provided by the department.
  2. License application review shall be managed by the community development department in coordination with other county departments, local agencies, and state agencies.
  3. Prior to issuance of a license or a license renewal, a county code enforcement officer shall conduct an inspection of the vacation rental unit for compliance with the requirements of this section of the zoning code [section 911.15(9)].
- (c) License application submittal requirements are as follows:
1. Rental unit manager contact information (cell phone number, email address, mailing address).
  2. Documentation that the applicant has obtained the following:
    - a. State license for vacation rental unit.
    - b. Local business tax receipt from the tax collector.
    - c. Local tourist tax account from the clerk of the circuit court.
  3. Parking compliance information: number of garage and/or carport spaces, number of rental unit bedrooms, maximum number of automobiles allowed outside of garage/carport, location of spaces accommodated on improved or stabilized driveway.
  4. Verification that carbon monoxide alarms, if required by code, and state license fire protection items have been provided in the vacation rental unit: smoke alarms, emergency lighting, fire extinguisher.
  5. Unit interior under air information: square footage and number of bedrooms.
  6. Verification of whether the unit is served by public sewer service or an on-site sewage treatment and disposal system (septic/drainfield system). If served by an on-site sewage treatment and disposal system, the applicant will be required to provide an existing system evaluation approved by the health department if the health department has no record of the system size permitted by the department.
  7. Acknowledgment form provided by the community development department, executed and dated by the rental unit owner and manager. The acknowledgment form shall provide information regarding the following county requirements for vacation rentals.
    - a. Prohibition on commercial events at residence (e.g., weddings).
    - b. Special parking regulations.



- c. Sea turtle protection and dune protection regulations (for rental units located east of SR A-1-A).
  - d. Noise regulations: Chapter 974 noise regulations which include day and night decibel level limitations, more stringent "no disturbance" requirements from 10:00 p.m. to 6:00 a.m., and no excessive noise that would cause annoyance to any reasonable person of normal sensitivity.
  - e. Limitations on dock/boat use: (for waterfront rental units): no more than two (2) boats moored per dock, dock used by unit owner or renter only, no live-aboard use; (all rental units): no more than two (2) boats stored or parked per unit.
  - f. Fire safety requirements and maximum sleeping occupancy limitations.
  - g. Fines and citation penalties for violations.
8. Acknowledgment that the following information will be posted or displayed inside the vacation rental unit prior to inspection of the unit by the county code enforcement officer and shall thereafter be continuously posted or displayed inside the vacation rental unit:
- a. Manager contact information.
  - b. Maximum number of parked automobiles and boats, and approved parking locations.
  - c. Trash and recycling pick-up days and protocol for placing and retrieving/storing containers.
  - d. Noise regulations: day and night decibel level limitations, more stringent "no disturbance" requirements from 10:00 p.m. to 6:00 a.m., and no excessive noise that would cause annoyance to any reasonable person of normal sensitivity.
  - e. Location of smoke alarms, emergency lighting, and fire extinguisher.
  - f. Emergency room information.
  - g. Sea turtle protection and dune protection information (for rental units located east of SR A-1-A).
  - h. Maximum sleeping occupancy (number of persons).
9. Acknowledgement that the applicant has contacted any applicable property owners association or homeowners association and is aware of private restrictions, if any, that may affect operation of a vacation rental at the subject residence.
10. Application fee established by resolution of the board of county commissioners.
- (d) Vacation rental local regulations are as follows:
- 1. To the extent that there is no conflict with these vacation rental regulations of section 911.15(9), all county regulations applicable to a residential unit that is not operated or used as a vacation rental unit shall also apply to a vacation rental unit.
  - 2. Parking and storage of vehicles shall conform to the requirements of zoning code section 911.15(4)(b).
  - 3. Commercial events shall be prohibited in accordance with zoning code section 911.15(8).
  - 4. The overnight maximum sleeping occupancy of a vacation rental unit shall not exceed the following:
    - a. For a unit served by public sewer service, two (2) persons per bedroom plus two (2) additional persons.
    - b. For a unit served by an on-site sewage treatment and disposal system (septic/drainfield system), two (2) persons per bedroom plus two (2) additional persons or the number of persons accommodated by the system as determined by the health department, whichever number of persons is less.
    - c. Notwithstanding paragraphs 4.a. and 4.b. above, a maximum (cap) of ten (10) persons shall apply to each unit whether the unit is served by public sewer service or by an on-site sewage treatment and disposal system (septic/drainfield system).

The unit occupancy limit confirmed by the county code enforcement officer shall be stated on the local license.

5. Fire protection items required for a state vacation rental license shall be provided in the vacation rental unit.
    - a. In addition, a carbon monoxide (CO) alarm, when required under Section R315, Carbon Monoxide Alarms of the Florida Building Code—Residential, shall be provided.
  6. Changes in the vacation rental manager and/or changes in the manager contact information shall be provided to the community development department within ten (10) days of the change.
  7. The local license number, the occupancy limit confirmed by the county code enforcement officer, the maximum number of vehicles allowed to be parked on site outside any garage or carport, the noise regulations statement contained in subsection (9)(c)7.d. of these regulations, and a statement that there are special sea turtle protection and dune protection regulations for units located east of SR A-1A, shall appear or be stated in any vacation rental unit advertisement or any rental offering associated with a vacation rental unit.
  8. Each year, the applicant shall submit to the community development department a copy of a valid current state license for the vacation rental unit.
  9. No amplification system, device, or sound system speakers, shall be used outdoors or directed outdoors in a manner that is audible from an adjacent residential property.
- (e) Interim operation of vacation rental unit:
1. Because of the length of time it may take to comply with all of the new requirements on this section, all short term vacation rental owners may lawfully operate but shall have until December 1, 2016, to obtain a license from the county and come into full compliance with the new standards and requirements imposed by this section [911.15(9)].
- (f) Claim of contract impairment:
1. It is not the intent of this ordinance [section 911.15(9)] to impair any existing contracts, leases, or reservations, that are evidenced by writing. An owner who asserts the enacted ordinance amendment impairs a short term vacation rental contract in effect on or before June 21, 2016, shall submit the contract lease or reservation, evidenced in writing, to the community development director for review and consideration. An owner shall have until December 1, 2016, to submit the claim of impairment to the community development director for determination. Appeal of the decision of the community development director shall follow the appeal procedure set forth in land development regulation section 902.07.
- (g) Units grandfathered-in for a higher occupancy cap.
1. A vacation rental unit in existence with a valid state license and operating with more than four (4) bedrooms on June 21, 2016, shall be considered grandfathered-in as a legal nonconformity and not subject to the occupancy limit maximum (cap) of ten (10) persons as stated in [subsection] (9)(d)4.c. so long as grandfathering is maintained in accordance with section 904.08(1) for legal nonconformities. Overnight maximum sleeping occupancy for grandfathered-in units shall be determined using the criteria of subsections (9)(d)4.a. and (9)(d)4.b. For purposes of determining the number of bedrooms in operation for a grandfathered-in unit on June 21, 2016, and for calculating the unit's maximum sleeping occupancy the number of bedrooms shown on the unit's approved building permit drawings of record as of June 21, 2016, shall be used.

(Ord. No. 90-16, § 1, 9-11-90; Ord. No. 91-7, § 10, 11, 2-27-91; Ord. No. 91-48, §§ 32, 33, 12-4-91; Ord. No. 92-11, § 11, 4-22-92; Ord. No. 92-39, § 9, 9-29-92; Ord. No. 93-7 § 3, 3-18-93; Ord. No. 93-8, § 25, 3-18-93; Ord. No. 94-25, §§ 3, 23, 8-31-94; Ord. No. 95-10, § 16A, 5-31-95; Ord. No. 96-6, § 18, 2-27-96; Ord. No. 2000-006, § 1, 3-14-00; Ord. No. 2000-026, § 2A, 7-18-00; Ord. No. 2004-005, 2-10-04; Ord. No. 2008-021, § 2, 12-16-08; Ord. No. 2012-016, § 12, 7-10-12; Ord. No. 2013-005, § 1, 6-18-13; Ord. No. 2013-010, § 1, 8-20-13; Ord. No. 2013-022, § 1, 12-10-13; Ord. No. 2015-013, § 1, 9-22-15; Ord. No. 2015-014, § 2, 10-13-15; Ord. No. 2016-006, § 1, 6-21-16)

