

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING SECTION 901.03 (DEFINITIONS IN ALPHABETICAL ORDER) OF CHAPTER 901 (DEFINITIONS), AND SECTION 912.05(3) (ACCESSORY USES AND STRUCTURES) OF CHAPTER 912 (SINGLE-FAMILY DEVELOPMENT), OF THE CODE OF INDIAN RIVER COUNTY; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN 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, AND CHAPTER 912, SINGLE-FAMILY DEVELOPMENT BE AMENDED AS FOLLOWS:

SECTION #1:

Amend LDR Section 901.03, Definitions in alphabetical order; as follows:

Accessory apartment a second dwelling unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

Accessory structure a structure which is customarily associated with, subordinate in size and incidental in use to the principal structure and located on the same site. **However, accessory structures may be larger in size than a single-family dwelling, subject to the regulations of LDR Section 912.05(3).** Examples are tool sheds and garages.

Accessory use a use which:

- (a) Is clearly incidental to, customarily found in association with, and serves a principal use;
- (b) Is subordinate in purpose, area, and extent to the principal use served; and
- (c) Is located on the same lot as the principal use, or on an adjoining lot in the same ownership as that of the principal use **and legally combined via a Unity of Title or equivalent legal instrument.**

Accessway a paved area intended to provide ingress and egress of vehicular traffic from a public or private right-of-way to an off-street parking area.

SECTION #2:

Amend LDR Section 912.05(3), Accessory uses and structures; as follows:

(3) *Accessory uses and structures.*

- (A) Uses and structures accessory to a single-family dwelling may be allowed upon a property as ~~provided for by the definition of accessory use and accessory structure in Chapter 901;~~ these definitions are as follows:

- 1. For properties that are less than 0.5 acres in size, the cumulative floor area of all accessory structures shall be at least one (1) square foot less than the floor area of the principal single-family dwelling.**
- 2. For properties that are at least 0.5 acres in size but less than 1.0 acres in size, the cumulative floor area of all accessory structures shall not exceed 1.5 times the area of the principal single-family dwelling.**
- 3. For properties that are at least 1.0 acres in size but less than 4.59 acres (200,000 square feet) in size, the cumulative floor area of all accessory structures shall not exceed 2.0 times the area of the principal single-family dwelling.**
- 4. For properties that exceed 4.59 acres (200,000 square feet) in size, the cumulative floor area of all accessory structures shall not exceed 3.0 times the area of the principal single-family dwelling.**
- 5. For items 1-4 above, the floor area measurement for both the accessory structure(s) and the principal single-family dwelling shall be based on enclosed area (including enclosed garages), but not unenclosed areas such as open and screened porches, carports, terraces, and patios.**

Accessory use a use which:

- ~~(a) — Is clearly incidental to, customarily found in association with, and serves a principal use;~~
- ~~(b) — Is subordinate in purpose, area, and extent to the principal use served; and~~
- ~~(c) — Is located on the same lot as the principal use, or on an adjoining lot in the same ownership as that of the principal use.~~

~~*Accessory structure* a structure which is customarily associated with, subordinate in size and incidental in use to the principal structure and located on the same site. Examples are tool sheds and garages.~~

SECTION #3: 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 #4: 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 #5: INCLUSION IN THE CODE OF LAWS AND ORDINANCES

ORDINANCE 2023-____

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 #6: EFFECTIVE DATE

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

This ordinance was advertised in the Indian River Press Journal on the ___ day of _____, 2023, for a public hearing to be held on the ___ day of _____, 2023, for a public hearing to be held on the ___ day of _____, 2023, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

| | |
|---------------------------------|-------|
| Chairman Joseph H. Earman | _____ |
| Vice Chairman Susan Adams | _____ |
| Commissioner Joseph E. Flescher | _____ |
| Commissioner Deryl Loar | _____ |
| Commissioner Laura Moss | _____ |

The Chairman there upon declared the ordinance duly passed and adopted this _____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

BY: _____
Joseph H. Earman, Chairman

ATTEST: Ryan L. Butler, 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

William K. DeBraul, County Attorney

APPROVED AS TO PLANNING MATTERS

Andrew Sobczak; Interim Community Development Director