

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, CONCERNING AN AMENDMENT TO ITS LAND DEVELOPMENT REGULATIONS (LDR); PROVIDING FOR AN AMENDMENT TO CHAPTER 971, REGULATIONS FOR SPECIFIC LAND USES; BY AMENDING SECTION 971.41(10), ACCESSORY SINGLE-FAMILY DWELLING UNIT; 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 (LDR) CHAPTER 971, REGULATIONS FOR SPECIFIC LAND USES, BE AMENDED AS FOLLOWS:

**SECTION #1:**

Amend LDR Section 971.41(10), Accessory single-family dwelling unit; as follows:

(10) Accessory single-family dwelling unit:

- (a) The construction of an accessory dwelling unit on a residentially zoned lot shall be allowed subject to the provisions of this section 971.41(10). The standards and requirements of this section are intended to make available inexpensive dwelling units to meet the needs of older households, single member households, and single parent households. This is in recognition of the fact that housing costs continue to increase, that households continue to decline in size, and that the number of elderly Americans is on the rise.
- (b) Districts requiring administrative permit approval (no planning and zoning commission review or approval required if associated with a site plan reviewed as an administrative approval or minor site plan and if courtesy sign posting is provided on site prior to staff approval), ~~(pursuant to the provisions of section 971.04):~~

A-3	A-2	A-1	RFD	RS-1	RS-2	RS-3
RS-6	RT-6	RM-3	RM-4	RM-6	RM-8	RM-10
Con-2	Con-3	Rose-4	RMH-6	RMH-8		

- (c) Requirements of this section 971.41(10) shall not supersede property owner deed restrictions.
- (d) Additional information required:
  - 1. A site plan conforming to Chapter 914 requirements.
- (e) Criteria for accessory dwelling units:
  - 1. Accessory dwelling units shall be located only on lots which satisfy the minimum lot size requirement of the applicable zoning district, with the

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exception of legal nonconforming lots that are at least 75 feet wide and have a minimum lot area of 9,750 square feet.

2. ~~The~~ Any accessory dwelling unit shall be clearly incidental to the principal dwelling and shall be developed only in conjunction with or after development of the principal dwelling unit.
3. On lots that are less than 200,000 square feet in size, N~~o~~t more than one (1) accessory dwelling unit shall be established in conjunction with a principal dwelling unit.
4. No accessory dwelling unit shall be established in conjunction with a multifamily dwelling unit.
5. For lots that are one (1) acre in size or less, F~~o~~r the heated/cooled gross floor area of the accessory dwelling unit shall not exceed ~~thirty-three (33)~~ fifty (50) percent of the heated/cooled gross floor area of the principal structure or ~~seven hundred fifty (750)~~ 1,000 gross square feet, whichever is less. For lots greater than one (1) acre in size, the heated/cooled gross floor area of the accessory dwelling unit shall not exceed fifty (50) percent of the heated/cooled gross floor area of the principal structure or 1,200 gross square feet, whichever is less. Existing accessory dwelling units may be enlarged consistent with the above allowances. The Any accessory dwelling unit shall be no smaller than three hundred (300) gross square feet of heated/cooled area.
6. ~~No accessory dwelling unit shall have a doorway entrance visible from the same street as the principal dwelling unit. Lots 200,000 square feet in size or greater may be allowed a second accessory dwelling unit not exceeding 600 square feet in size.~~
7. For lots that are less than 200,000 square feet in size, D~~e~~tached accessory dwelling units shall be located no farther than seventy-five (75) feet in distance from the principal dwelling unit from the closest point of the principal dwelling unit to the closest point of the accessory dwelling unit. For lots 200,000 square feet in size or greater, the maximum distance separation shall be one-hundred fifty (150) feet measured in the same manner.
8. Excluding converted garage accessory dwelling units, the accessory dwelling unit shall be designed so that the exterior facade material is similar in appearance to the facade of the existing principal structure.
9. One (1) off-street parking space shall be provided for ~~the~~each accessory dwelling unit in addition to the minimum spaces required for the principal dwelling unit.
10. The accessory dwelling unit shall be serviced by centralized water and wastewater, or meet the health department's well and septic tank and drainfield requirements. Modification, expansion or installation of well and/or septic tank

facilities to serve the accessory dwelling unit shall be designed in a manner that does not render any adjacent vacant properties "unbuildable" for development when well and/or septic tank facilities would be required to service development on those adjacent properties.

11. No accessory dwelling unit shall be sold separately from the principal dwelling unit. ~~The~~ All accessory dwelling units and the principal dwelling unit shall be located on a single lot or parcel or on a combination of lots or parcels unified under a recorded unity of title document.
12. An accessory dwelling unit shall be ~~treated as a multi-family unit for impact fees and for traffic concurrency purposes, and the concurrency requirements of Chapter 910 for a multi-family unit shall be satisfied~~ charged an impact fee based on the lowest appropriate residential unit impact fee category.
13. Mobile or manufactured homes and recreational vehicles shall not be used as accessory dwelling units. The accessory dwelling unit shall meet the minimum requirements for a dwelling unit in accordance with the Florida Building Code.
14. All applicable zoning district regulations pertaining to setbacks and lot coverage provisions shall be met.
15. An accessory dwelling unit shall not be operated as a vacation rental, as defined in Section 901.03. No accessory dwelling unit may be utilized for commercial purposes or may be permitted to obtain a home occupation permit.

## **SECTION #2: 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 #3: 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 #4: 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 #5: EFFECTIVE DATE**

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

This ordinance was advertised in the Press-Journal on the 19th day of June, 2022, for a public hearing to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

Chairman Peter D. O’Bryan \_\_\_\_\_

Vice Chairman Joe Earman \_\_\_\_\_

Commissioner Laura Moss \_\_\_\_\_

Commissioner Joseph E. Flescher \_\_\_\_\_

Commissioner Susan Adams \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY

The Chairman there upon declared the ordinance duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

BY: \_\_\_\_\_  
Peter D. O’Bryan, 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

\_\_\_\_\_  
Phil Matson, AICP; Community Development Director

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