




Office of  
**INDIAN RIVER COUNTY  
ATTORNEY**

Dylan Reingold, County Attorney  
William K. DeBraal, Deputy County Attorney  
Kate Pingolt Cotner, Assistant County Attorney

**MEMORANDUM**

**TO:** Board of County Commissioners  
**FROM:** Dylan Reingold, County Attorney   
**DATE:** November 2, 2017  
**SUBJECT:** Ordinance Change to Allow for Reduction of Equivalent Residential Units (ERUs) on Single Family Homes

**BACKGROUND.**

There are approximately sixty occupied single-family dwellings in the Indian River County Department of Utility Services (the "Department") service area that have more than one Equivalent Residential Unit ("ERU") affiliated with them. Two different situations occurred that resulted in a single-family dwelling having more than one ERU. One situation occurs when impact fees are reserved for a future buildout of individual lots. Homes are built on some, but not all of the lots. Then a customer purchases an empty lot adjacent to the lot where his or her home is located and records a unity of title for the two lots. The end result is a new, larger single lot with multiple ERUs.

The second situation occurs when a developer purchases ERUs for several hundred building lots for a proposed development. Later, the developer or a subsequent developer re-plats the development and combines several smaller lots into fewer larger lots. The fewer larger lots end up with more than one ERU each. Then the lots are developed and become occupied by homeowners. Currently, there is no language in the Indian River County Code of Ordinances (the "Code") to address these situations.

In order to address this concern and alleviate sixty homeowners from paying two service availability fees each month, Department staff prepared a draft ordinance to modify section 201.07 of the Code to allow for a reduction in ERUs on single-family dwellings with more than one ERU. On October 24, 2017, the Indian River County Board of County Commissioners approved the draft ordinance and authorized the County Attorney's Office to advertise a public hearing to be held on November 14, 2017.

**FUNDING.**

The cost of publication of the required public notice for the public hearing was \$143.59. This cost was funded from the Legal Advertising budget in the Utilities operating fund, Account 47123536-034910. There will be no other cost to the Department as a result of this draft ordinance. However, the Department revenues will be reduced annually by the service availability charges affiliated with the ERUs. The potential annual reduction to water and sewer sales for the sixty homes is \$5,587.20 and \$10,497.60, respectively.

*Board of County Commissioners  
November 2, 2017  
Page Two*

**RECOMMENDATION.**

The County Attorney's Office recommends that the chair open the public hearing and after taking public comment vote to approve the draft ordinance.

**ATTACHMENT.**  
Draft Ordinance