

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, CONCERNING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS (LDRS); PROVIDING FOR AMENDMENTS TO CHAPTER 972, TEMPORARY USES; BY AMENDING SECTION 972.08(1), SPECIFIC USES, STANDARDS AND REQUIREMENTS; CHAPTER 913, SUBDIVISIONS AND PLATS; BY AMENDING SECTION 913.06(2), EXEMPTIONS; AND CHAPTER 915, PLANNED DEVELOPMENT (P.D.) PROCESS AND STANDARDS FOR DEVELOPMENT; BY AMENDING SECTION 915.05, COORDINATION WITH OTHER REGULATIONS; 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 972, TEMPORARY USES, CHAPTER 913, SUBDIVISIONS AND PLATS, AND CHAPTER 915, PLANNED DEVELOPMENT (P.D.) PROCESS AND STANDARDS FOR DEVELOPMENT, BE AMENDED AS FOLLOWS:

SECTION #1:

Amend LDR Section 972.08 - Specific uses, standards and requirements; as follows:

- (1) Model homes shall be an authorized temporary use and may be used as such, provided the following requirements are met:
 - (a) Temporary permits for model homes may be issued for a period not to exceed one (1) year. The community development director may renew said permit upon application, provided that the model home has been constructed and operated in accordance with the standards herein and conditions of the original permit.
 - (b) All parking shall be provided off-street and a minimum of five (5) parking spaces shall be provided. Spaces must meet the size requirements of spaces as specified in Chapter 954, must be demarcated on-site, and must be paved or fully sodded or otherwise stabilized.
 - (c) The permit holder may not use the model home as his or her principal place of business. The model home shall be used for display purposes only, and not as a contractor's office, real estate office, or annex thereof; however, price quotations may be given and binders may be executed on the premises.
 - (d) Business activity may be conducted at the model home only between the hours of 8:00 a.m. and 7:00 p.m., seven (7) days per week; and not more than two (2) permanent employees (in addition to the owner thereof) shall be authorized to remain in the model during the business day.
 - (e) The model home **lot** shall meet all district requirements for lot and yard dimensions, open space standards and all other applicable county regulations.

- (f) All signs shall conform with Chapter 956 regulations; however, on-premises model home signs shall not be illuminated.
- (g) Model homes may be illuminated, but such illumination shall not cause a glare that infringes on neighboring properties or traffic using adjacent roadways.
- (h) At the time of application submittal, the applicant shall verify in writing that the proposed model home use is not prohibited by recorded private deed restrictions. In addition, the applicant shall provide contact information for any property owners association established for the subdivision in which the model home is proposed.

(i) A temporary use permit may be issued for use of an “early” model home or homes (e.g. open to customers), prior to issuance of a Certificate of Completion, subject to the following criteria:

(1) Prior to issuance of the temporary use permit, the following improvements shall be installed, inspected, and approved for temporary use by appropriate County staff:

- a. The road(s) abutting and providing access to the “early” model home lot(s) / site(s) shall have stabilized subgrade and road base material installed at the design thicknesses, and the base material shall be rough graded for access purposes. The access road(s) shall meet the requirements of Section 952.17.**
- b. All stormwater inlets / structures must be connected to the retention / detention pond(s) to provide a functioning stormwater system for the model(s) and the road(s) serving the model(s).**
- c. Water for firefighting must be available per the requirements of Section 913.09(16), and must be approved by the County Fire Marshal or his designee and the Director of Utility Services or his designee.**

(2) Prior to the issuance of a Certificate of Occupancy, the “early” model home(s) must be connected to the County sewer system (when available) or an approved individual onsite treatment and disposal system.

(3) If the applicant is applying for a “early” model home temporary use permit before the subdivision final plat has been approved and recorded, then the temporary use permit application shall include a metes and bounds survey and reference the proposed legal description (e.g. lot number) for the “early” model home lot/site.

(4) The total number of “early” model homes allowed within a single-phase subdivision shall be at least two (2) units, and a maximum of five (5) percent of the total number of units in the overall subdivision. The total number of “early” model homes allowed within a multi-phase subdivision shall be at least two (2) units within the applicable phase, and a maximum of five (5) percent of the total number of units within the applicable subdivision phase.

- (5) The Building Division may issue a temporary Certificate of Occupancy for “early” model homes for the sole purpose of public inspection and display (open to customers). A final Certificate of Occupancy for residential occupancy may be issued after a Certificate of Completion has been issued by the Public Works Department for the subdivision or applicable subdivision phase.**

SECTION #2:

Amend LDR Section 913.06(2) Exemptions; by adding new subsection “(I)”, specifically; as follows:

- (2) *Exemptions.* The following activities shall be exempt from the provisions of this chapter:

- (I) Construction of structures (including homes) prior to issuance a Certificate of Completion. Construction of structures, including homes, may commence prior to the issuance of a Certificate of Completion for the subdivision, or applicable subdivision phase, pursuant to the requirements of Section 972.08(i).**

SECTION #3:

Amend LDR Section 915.05 – Coordination with other regulations; as follows:

All projects shall comply with the adopted comprehensive plan and the regulations specified in this chapter.

- (1) All other land development regulations shall apply; however, in the event of conflict between this section and other zoning and subdivision regulations in the county, the provisions of this section shall prevail to the extent of such conflict.
- (2) In the event of conflict between this section and the building and safety codes of the county, the provisions of the building and safety codes shall prevail to the extent of such conflict.
- (3) Pursuant to section 915.15, waivers to various land development regulations may be approved by the board of county commissioners. In addition, the board may impose on planned development project approvals such other conditions or restrictions which the board feels necessary, notwithstanding that such restrictions or conditions may not be expressly provided for in the county's land development regulations.
- (4) Construction of structures, including homes, may commence prior to the issuance of a Certificate of Completion for the planned development, or applicable planned development phase, once all items identified in Sections 972.08(i)(1)a. through 972.08(i)(1)c. have been installed, inspected, and approved for temporary use by appropriate County staff.**

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 _____, 2018, for a public hearing to be held on the ____ day of _____, 2018, 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 Bob Solari _____

Commissioner Susan Adams _____

Commissioner Joseph E. Flescher _____

Commissioner Tim Zorc _____

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

The Chairman there upon declared the ordinance duly passed and adopted this _____ day of _____, 2018.

BY: _____
Peter D. O'Bryan, Chairman

ORDINANCE 2018-_____

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