

**INDIAN RIVER COUNTY**  
**VACATION RENTAL LICENSE APPLICATION**

CODE ENFORCEMENT SECTION  
COMMUNITY DEVELOPMENT DEPARTMENT  
1801 27<sup>TH</sup> STREET (BUILDING A)  
VERO BEACH, FLORIDA 32960  
(772) 226-1249

DATE RECEIVED \_\_\_\_\_

**Note: Required acknowledgment form attached**

Applicant name \_\_\_\_\_

Applicant mailing address \_\_\_\_\_

City, State, ZIP \_\_\_\_\_

Applicant phone number \_\_\_\_\_

Applicant email address \_\_\_\_\_

Vacation Rent Unit address \_\_\_\_\_

City, State, ZIP \_\_\_\_\_

1. Rental unit manager contact information:

Manager name: \_\_\_\_\_

Cell phone number: \_\_\_\_\_

Email address: \_\_\_\_\_

Mailing address: \_\_\_\_\_

2. Attach the following:

	Attached	Not Attached
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 information:

Total number of garage and/or carport parking spaces: \_\_\_\_\_

Location and number of parking spaces accommodated on improved or stabilized driveway (attach sketch or aerial): \_\_\_\_\_

	Provided in rental unit	Not Provided in rental unit
4. Verification that state license fire protection items are provided in the vacation rental unit: smoke alarms, emergency lighting (wired), fire extinguisher (Class 2-A 10-BC w/ current tag). Verification of carbon monoxide (CO) alarm, when required.	_____	_____

5. Unit is served by (check one): Public sewer: \_\_\_\_\_ On-site septic/drainfield system: \_\_\_\_\_

Note: If served by an on-site sewage treatment and disposal system, the applicant is 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. Code Enforcement will contact you if the Health Department has no record of the system size.

6. Total Number of bedrooms: \_\_\_\_\_

Square footage of each bedroom: \_\_\_\_\_

7. Execute and attach the vacation rental regulations acknowledgement form.	Attached _____	Not Attached _____
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8. Application fee submitted: \$250.00

**THE ABOVE INFORMATION AND STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND I WILL COMPLY WITH CHAPTER 911.15(9), LAND DEVELOPMENT REGULATIONS OF INDIAN RIVER COUNTY, FLORIDA.**

**APPLICANT NAME (PRINT):** \_\_\_\_\_

**APPLICANT SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_

**STATE OF FLORIDA, COUNTY OF INDIAN RIVER SWORN AND SUBSCRIBED TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, WHO IS/ARE PERSONALLY KNOW TO ME OR HAVE PRODUCED THEIR,** \_\_\_\_\_

**AND WHO DID NOT TAKE OATH:**

\_\_\_\_\_  
**NOTARY PUBLIC  
STATE OF FLORIDA AT LARGE**

**MY COMMISSION EXPIRES:** \_\_\_\_\_

=====FOR OFFICE USE ONLY=====

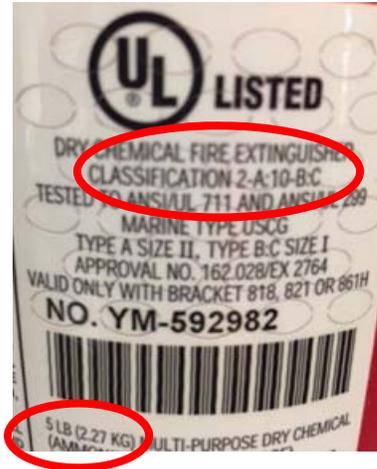
DATE RECEIVED: \_\_\_\_\_ DATE ACCEPTED: \_\_\_\_\_

PROJECT/APP REQ #: \_\_\_\_\_ STVRL #: \_\_\_\_\_

REVIEWER: \_\_\_\_\_ APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_ BY: \_\_\_\_\_

EXPIRATION DATE: \_\_\_\_\_

## Vacation Rental Fire Extinguisher



- Required classification of fire extinguisher: **Class 2-A 10- BC, minimum 5 lbs.**
- At least one fire extinguisher is required, located in kitchen area.
- Pressure gauge on fire extinguisher must indicate a proper charge (needle pointing to green).
- Fire extinguisher must have a current inspection and certification tag from a qualified fire equipment inspection/certification company.



## Vacation Rental Emergency Lighting



### Examples

(Note: “Exit” sign in addition to lighting is optional)

Battery [back-up] powered emergency lighting shall be provided for a period of not less than one (1) hour to illuminate the primary exit. The emergency lighting shall provide illumination in the event of any interruption of normal lighting [F.A.C. 69A-43.018(6)]

The emergency lighting is required to be:

- *Hardwired* (not plug-in)
- *Interior* lighting of the primary exit (exterior lighting not required)
- *Elevated* lighting to illuminate the exit from a downward direction
- *Permitted*: a county building permit is required for the installation

INDIAN RIVER COUNTY  
VACATION RENTAL REGULATIONS  
**ACKNOWLEDGMENT FORM**

**1. I have reviewed and understand the following vacation rental regulations:**

- a. Prohibition on commercial events at residence (e.g. weddings and celebrations).
- b. Special parking regulations.
- c. Sea turtle protection lighting regulations 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 pm to 6 am, 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 2 boats moored per dock, dock used by unit owner or renter only, no live-aboard use; (all rental units): no more than 2 boats stored or parked per unit.
- f. Fire safety requirements and maximum sleeping occupancy limitations.
- g. Fines and citation penalties for violations.

**2. The following information has been posted or displayed inside the vacation rental unit:**

- a. Manager contact information.
- b. Maximum number limit 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 pm – 6 am, 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 lighting information and dune protection information (for rental units located east of SR A-1-A).
- h. Maximum sleeping occupancy (number of persons).

**3. I have contact any applicable property owners association or homeowners association and am aware of any applicable private restrictions.**

**4. I will ensure that any advertisement and any rental offering associated with the vacation rental unit will contain the following information:**

- a. Local license number.
- b. Occupancy limit confirmed by the County Code Enforcement Officer.
- c. Maximum number of vehicles allowed to be parked outside a carport or garage.
- d. Noise regulation summary (see item 1d. above).
- e. Commercial event at residence prohibition.
- f. [For any unit located east of SR A-1-A] Requirements of 932.09(1), 932.09(4), and 932.06(1)-(4).

I hereby acknowledge that I fully understanding and have provide the propriate information noted above:

Applicant Name (print): \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

**Attached for applicant’s reference:**

- 1. Prohibition on commercial events at residence 911.15(8)
- 2. Special parking regulations 911.15(4)(b)
- 3. Vacation rental regulations 911.15(9)
- 4. Noise Regulations Chapter 974
- 5. Limitations on dock boat use 917.06(6) & 932.07(1)
- 6. Sea Turtle protection regulations 932.09(1) and 932.09(4) and dune protection 932.06(1)-(4)
- 7. Fines and citations

## DEFINITION

*Commercial event at residence* a gathering of people for a celebration that may include but not be limited to a: birthday, anniversary, wedding, reunion or sporting event characterized by music (live or recorded), dancing, catered food, tents, outdoor tables, alcohol or use of shuttles or valet for guests.

1. Held or occurring at single-family residence.
2. Leased by the owner or the owner's agent for consideration in exchange for holding the event at the residence.

### **911.15(8)**

(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 purposesmust 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 contract for a 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.

### **911.15(4)(b)**

(4) *Parking or storage of vehicles.*

- (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.
  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.

**911.15(9)**

**(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.

## Chapter 974

[Section 974.01. Short title and purpose.](#)

[Section 974.02. Definitions referenced.](#)

[Section 974.03. Noise and vibration restrictions, in general.](#)

[Section 974.04. Specific noise and vibration prohibitions.](#)

[Section 974.05. Additional noise control standards by zoning district.](#)

[Section 974.06. Exemptions.](#)

[Section 974.07. Opportunity for administrative approval.](#)

### **Section 974.01. Short title and purpose.**

This chapter shall be known and may be cited as the "Indian River County Noise and Vibration Control Ordinance."

It is the purpose and intent of this chapter to regulate uses and activities in such a manner as to prevent excessive noises and vibrations which degrade the quality of life, disturb the public peace, and jeopardize the health, safety and welfare of the citizens of Indian River County. It is further the intent of this chapter to recognize that factors such as the time of day, location (e.g., proximity to residences), and necessity of sounds incidental to allowed uses and activities must be considered in balancing the protection of public peace, individual freedoms and private property rights.

(Ord. No. 90-16, § 1, 9-11-90)

### **Section 974.02. Definitions referenced.**

The definitions of certain terms used in this chapter are set forth in Chapter 901, Definitions, of the Indian River County Land Development Code.

(Ord. No. 90-16, § 1, 9-11-90)

### **Section 974.03. Noise and vibration restrictions, in general.**

It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary, or unreasonably loud noise or vibration which disturbs the peace or quiet of any neighborhood or which would cause discomfort or annoyance to any reasonable person of normal sensitivity. Moreover, it shall be prohibited for any person to engage in any use or activity that creates any such noise or vibration contrary to the specific provisions of this chapter.

(Ord. No. 90-16, § 1, 9-11-90)

### **Section 974.04. Specific noise and vibration prohibitions.**

The following standards and restrictions shall apply to uses and/or activities in unincorporated Indian River County, except as may conflict with the provisions of section 974.06, Exemptions, of this chapter. Uses and/or activities in compliance with the standards and restrictions of this section shall not be subject to the noise control standards set forth in section 974.05.

(1)*Radios, television sets, musical instruments, and similar devices.* It shall be unlawful to use, operate, or permit to be played, used, or operated, any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the production or reproduction of sound between the hours of 10:00 p.m. and 6:00 a.m. in such manner as to create a noise or vibration disturbance to neighboring premises.

Pertaining to radios, cassette players, disk players and similar devices associated with motor vehicles, no such device shall be operated in such a manner as to create a noise or vibration disturbance at one hundred (100) feet or more from such device, when operated on a public right-of-way or public space.

(2)*Construction equipment and activity.* It shall be unlawful to operate any equipment or perform any outside construction or repair work on buildings, structures, roads, or projects within the county between the hours of 8:00 p.m. and 6:00 a.m. unless an administrative approval as set forth in section 974.07 for such construction or repair work between such hours has been obtained from Indian River County on the basis of good cause shown.

- (3)*Engine mufflers.* It shall be unlawful to operate any internal combustion engine, including such an engine associated with a motor boat, or motor vehicle without a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (4)*Animal noises.* It shall be unlawful to keep or maintain any animal (including birds) without providing and maintaining adequate sound-control techniques to eliminate any excessive, offensive, and unnecessary noise. This provision shall not apply to property within an agricultural zoning district.
- (5)*Vehicle repair in residential areas.* It shall be unlawful to repair, rebuild, or test any motor vehicle between the hours of 8:00 p.m. and 6:00 a.m. on property within or abutting any residential zoning district in such a manner as to disturb the peace, quiet, and comfort of the residents of the area.
- (6)*Activities in the vicinity of schools, courts, churches, and hospitals.* It shall be unlawful to create any excessive noise on any street adjacent to any school, court, church, or hospital which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in a hospital.
- (7)*Loading or unloading of vehicles, opening bales, and boxes.* It shall be unlawful to make, create, or maintain any loud or excessive noise within the county that would result in a disturbance to neighboring properties in connection with the loading or unloading of any vehicle or the opening or destruction of bales, boxes, crates, or containers.
- (8)*Peddlers, hawkers, or vendors.* It shall be unlawful for peddlers, hawkers, or vendors to shout or cry along or on a roadway to the disturbance of the peace or quiet of a neighborhood.
- (9)*Drums, cymbals, and loudspeakers.* It shall be unlawful to create, make, or maintain any noise by the use of any drum, cymbals, loudspeaker, or other similar instruments in the county for the purpose of attracting attention to any performance, show, sale, or display of merchandise, or place of business. This provision shall not apply to ice-cream trucks or approval public events.
- (10)*Bells or sirens on vehicles.* It shall be unlawful for any person to use in conjunction with any unauthorized vehicle any bell or siren similar to that used on ambulances or vehicles of the sheriff, fire departments, and other public safety agencies.
- (11)*Skateboard ramps.* It shall be unlawful to use any skateboard ramp or similar configuration between 8:00 p.m. and 6:00 a.m. in a residential zoning district in such a manner that would result in a disturbance to neighboring properties.
- (12)*Air-blow cleaners.* It shall be unlawful for any person to operate any air-blow cleaning equipment or similar devices for the cleaning of parking lots, walkways, driveways, or similar areas between the hours of 10:00 p.m. and 6:00 a.m. that would result in a disturbance to neighboring properties.
- (13)*Places of public entertainment.* It shall be unlawful for any public entertainment establishment or person associated with or working for said establishment to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device between the hours of 9:00 p.m. and 6:00 a.m. in such a manner as to create noise or vibration that is a disturbance to neighboring premises.
- (14)*Sounding of train horns or whistles.* It shall be unlawful for any engineer, conductor, fireman or other person in charge of or in control of any locomotive or railroad train of any railroad company operating wholly within this state to sound any railroad train horn, whistle or other audible warning signal between 10:00 p.m. and 6:00 a.m. in advance of or at any rail highway crossing located within Indian River County, providing that the crossing is equipped with train-activated automatic traffic-control devices, which shall include, flashing lights, bells and crossing gates.
- (15)*Landscape maintenance.* It shall be unlawful for any person to undertake landscape maintenance activities in such a manner as to create a noise or vibration disturbance to neighboring premises between the hours of 8:00 p.m. and 6:00 a.m.
- (16)*Power generators.* It shall be unlawful for any person to manually or automatically exercise or test a power generator in such a manner as to create a noise or vibration disturbance to neighboring premises between the hours of 6:00 p.m. and 8:00 a.m. Manual or automatic

exercising or testing of power generators shall be for the minimum duration necessary to meet manufacturer's specifications.

(Ord. No. 90-16, § 1, 9-11-90; Ord. No. 2009-016, § 1, 10-13-09)

**Section 974.05. Additional noise control standards by zoning district.**

Except as may conflict with the specific noise and vibration provisions of section 974.04, it shall be unlawful to project a sound or noise from one property into another property within the boundary of the zoning district which exceeds the limiting noise spectra set forth in Table I below.

- (1) Sound or noise projecting from one district into another zoning district with a different noise level shall not exceed the limits of the district into which the noise is projected.
- (2) The limits hereinabove referred to shall be in accordance with the following table:

**TABLE I. APPLICABLE NOISE LIMITS**

Measurement period one-quarter hour (continuous), as measured at the property boundary of the receiving parcel. In multifamily developments (including duplex developments), the measurement shall be taken from the receiving premises.

Zoning District	Sound Level in Decibels A-Scale (DBA)					
	Day			Night		
	6:00 a.m.—10.00 p.m.			10:00 p.m.—6:00 a.m.		
	L 1	L 10	L 50	L 1	L 10	L 50
Conservation	65	60	55	60	55	55
Residential	70	65	60	65	60	55
Commercial	75	70	65	70	65	60
Industrial	75	70	65	75	70	65
Agricultural*	75	70	65	75	70	65

Level L(1). That noise (A-weighted sound level) exceeding one percent of a measurement time equivalent to at least fifteen (15) minutes.

Level L(10). That noise (A-weighted sound level) exceeding ten (10) percent of a measurement time equivalent to at least fifteen (15) minutes.

Level L(50). That noise (A-weighted sound level) exceeding fifty (50) percent of a measurement time equivalent to at least fifteen (15) minutes.

\*Residential developments within Agricultural Zoning Districts shall be subject to the decibel level thresholds for the "Residential" Zoning Districts.

- (3) If the noise occurs at any time on Sunday or holidays, the decibel level applicable between 10:00 p.m. and 6:00 a.m. shall prevail.
- (4) Noise levels shall not exceed the peak noise levels, independent of time duration, set out in Table II below:

**TABLE II. PEAK NOISE LEVELS**

Zoning District (dBA)	Sound Level in Decibels A-Scale
Conservation	75
Residential	80
Commercial	85
Industrial	85

- (5) For noise of impulsive character (hammering, etc.), the permissible decibel levels set out in Table I shall be corrected by subtracting five (5) decibels. Impulsive sound is any sound of short duration, usually less than one second with an abrupt onset and rapid decay, e.g. explosions and blasting.

(Ord. No. 90-16, § 1, 9-11-90; Ord. No. 2011-008, § 2, 9-13-11)

#### **Section 974.06. Exemptions.**

The following noises or vibrations shall be exempt from the restrictions set forth in the other sections of this chapter.

- (1) Noises of authorized safety signals and warning devices;
- (2) Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency or any other public safety operation;
- (3) Noises resulting from emergency work, which is to be construed as work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from any imminent exposure to danger;
- (4) Noises incidental to mosquito control activities by the Indian River County Mosquito Control Board;
- (5) Noises incidental to the activities of bona fide agricultural operations;
- (6) Noises resulting from use of an emergency power generator during a power outage, provided that the generator is operated in accordance with manufacturer's specifications, with all standard equipment, and is in proper operating condition. Notwithstanding, noises resulting from use or testing of a generator by a utility company to support installation, repair, maintenance, or restoration of service operations are exempt from the restrictions set forth in this chapter;
- (7) Noises resulting from an air conditioner, pool heater, and similar outdoor mechanical equipment that is properly located, 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 as set forth in section 911.15(2)(c) of Chapter 911, Zoning, and section 912.07(1)(b)6. of Chapter 912, Single-Family Development.
- (8) Noises or vibrations associated with uses or activities whereby an administrative approval to produce such noises or vibrations contrary to the restrictions of this chapter has been obtained from the community development director, as set forth in section 974.07 of this chapter.

(Ord. No. 90-16, § 1, 9-11-90; Ord. No. 2009-016, § 2, 10-13-09; Ord. No. 2013-022, § 3, 12-10-13)

#### **Section 974.07. Opportunity for administrative approval.**

A deviation from the provisions of this chapter may be granted via an administrative approval from the community development director. In reviewing a request for an exemption from the noise and vibration restrictions of this chapter, the community development director shall consider the following factors:

Whether or not the proposed use or activity necessarily warrants a deviation from the noise and vibration restrictions of this chapter;

Whether or not the noise and/or vibration associated with the proposed use or activity is compatible with surrounding land uses so as not to create a disturbance to adjacent properties;

Whether or not the applicant has taken or will take all effort to limit excessive noises or vibrations associated with the proposed use or activity to meet the intent of this chapter; and

In cases where the use or activity is proposed between 8:00 p.m. and 6:00 a.m., whether or not such hours of operation are necessary, and if so, are noises and vibrations associated with the use or activity minimized.

(Ord. No. 90-16, § 1, 9-11-90)

## **Section 917.06. - Specific accessory uses and structures.**

(6)Piers, docks, boatslips and waterfront structures. No dock, pier, boatslip, or waterfront structure accessory to a single-family residence shall be rented, leased or sold to a party unless said party rents, leases, or buys the associated single-family residence. See [Chapter 932](#), Coastal Management, for more information relating to piers, docks, boatslips and waterfront structures.

## **Section 932.07. - Piers, docks and boatslips.**

(1)Restrictions upon regularly moored watercraft; maintenance. Watercraft shall not be regularly moored along any shore without consent of the riparian land owner. Regularly moored watercraft shall not be used as live-aboard vessels, offices or commercial enterprises except in commercial marinas with approval and facilities for that purpose. Regularly moored watercraft shall be kept in seaworthy condition when not in a permitted repair area. The mooring of live-aboard vessels (as defined in [Chapter 901](#)) in commercial marinas shall be limited to those boat slips designated for live-aboard vessels use on an approved site plan meeting the provisions described in [section 971.35](#)(3).

## **Section 932.09. Sea turtle protection.**

(1)*Purpose.* The purpose of this section is to protect threatened and endangered sea turtles which nest along the beaches of Indian River County, Florida, by safeguarding adult and hatchling sea turtles from the impacts of light. The regulations of this section also serve as a light management mechanism in furtherance of Indian River County's Sea Turtle Habitat Conservation Plan.

(4)*Existing development.* To meet the intent of this section, lighting of existing structures which can be seen from the beach shall be in compliance with the following:

- (a)Lights illuminating buildings or associated grounds for decorative or recreational purposes shall be shielded or screened such that they do not directly or indirectly illuminate the beach, or turned off after 9:00 p.m. during the period from March 1 to October 31 of each year.
- (b)Lights illuminating dune crosswalks or any areas oceanward of the landward side of the dune line shall be turned off after 9:00 p.m. during the period from March 1 to October 31 of each year and shall not directly or indirectly illuminate the beach.
- (c)Security lighting shall be permitted throughout the night so long as low-profile luminaries are used and screened in such a way that those lights do not directly or indirectly illuminate the beach. Motion detector switches may be used.
- (d)Window treatments in windows within line-of-sight of an observer standing anywhere on the beach on single and multistory structures are required so that interior lights do not illuminate the beach. The use of non-reflective tint or film on windows or awnings is preferred; however, the use of black-out draperies or shade screens will suffice.
- (e)All exterior light fixtures on the seaward or shore-perpendicular sides of buildings, or on the landward side of buildings if the fixtures are visible from the beach, shall be lamped with a long wavelength light source, such as amber or red light emitting diodes (LED), low pressure sodium, or true red neon. It has been recommended by the Florida Fish and Wildlife Conservation Commission that no such light source emit light below five hundred sixty (560) nanometers (nm).

## **Section 932.06. - Dune and shoreline protection.**

In order to protect the natural vegetation and the main dune bluff fronting on the Atlantic Ocean, the following restrictions shall be observed:

- (1)*County dune stabilization setback line.* The county hereby adopts the 1978 FDNR Coastal Construction Control Line (C.C.C.L) as the County Dune Stabilization Setback Line (D.S.S.L.), as recorded on June 10, 1981 in county Plat Book 10, Pages 93-93H.
- (2)*Encroachment, ingress, disturbance.* Except as provided herein, encroachment or ingress onto or any disturbance of the main dune or natural vegetation seaward of the county dune stabilization setback line is prohibited, including encroachment or disturbance caused by individuals upon foot or by vehicle of any kind. Ingress by foot seaward of the county dune stabilization setback line must be associated with an approved dune crossover structure.
- (3)*New construction; disturbance of dunes, vegetation.* The land between the coastal construction control line and the county dune stabilization setback line is established as a zone of regulation, whereby the Bureau of Beaches and Shores of the Florida Department of Natural Resources and Indian River County may permit construction activity and construction related dune alteration. Except as provided herein, new construction and/or disturbance of the dune and associated native vegetation is not permitted seaward of the county dune stabilization setback line.
- (4)*Vehicles prohibited seaward of dune stabilization line; exception.* Except as expressly provided in subsection (5), it shall be unlawful for any person to operate, drive or propel any truck, tractor, bulldozer, grader, crane, automobile, motorcycle, dune buggy, moped, minibike, all-terrain cycle, or any other vehicle seaward of the county dune stabilization setback line excluding, however, any of the aforementioned vehicles when operated by an officer of any agency of the state or of a political subdivision of the state in the furtherance of official duties, or those operations which have received the express authorization of the board of county commissioners. The parking or storage of automobiles, trailers, motor homes, recreation and like vehicles is prohibited seaward of the dune stabilization setback line (DSSL). Boats may be stored seaward of the dune stabilization setback line if stored, located and moved in a manner that does not disturb, damage or destroy the existing dune or associated dune vegetation, and in a manner that does not interfere with the natural reestablishment of the dune or associated dune vegetation. Storage of boats is also subject to the requirements of section 911.15(7). However, boats stored in accordance with the requirements of this section by or with the permission of the abutting upland land owner, shall be exempt from the requirements of section 911.15(7)(b)1. and 912.17(3)(b)1.

**RESOLUTION NO. 2016-056**

**AMENDMENT TO RESOLUTION NOS. 92-59, 95-62 and 2013-089**

**Attachment A**

**CITATION ORDINANCE**

**SCHEDULE OF PENALTIES & NOTIFICATION TIME FRAMES**

<b>VIOLATION TYPE</b>	<b>SECTION</b>	<b>FINE<sup>1</sup></b>	<b>NOTICE TIME FRAME<sup>2</sup></b>
Stormwater violation	930	\$100	48 hrs.
Vehicle parking & storage	911.15(4)	\$50	48 hrs.
Sea turtle lighting violation	932.09	\$50	24 hrs.
Fertilizer and Landscape Management violations:			
Timing of fert. app. vio.	316.3	\$50 <sup>3</sup>	N/A
Fertilizer-free zone vio.	316.4	\$50 <sup>3</sup>	N/A
Fertilizer content/app. vio.	316.6, 316.7	\$50 <sup>3</sup>	N/A
Application practices vio.	316.8	\$50 <sup>3</sup>	24 hrs.
Grass clippings/debris vio.	316.9	\$50 <sup>3</sup>	24 hrs.
Comm. license/cert. vio.	316.13	\$500	N/A
<b><u>Vacation Rental</u></b>			
<u>Vehicle parking violation</u>	<u>911.15(4)</u>	<u>\$50 per vehicle per occurrence per day for first violation; \$100 per vehicle per occurrence per day for repeat violations</u>	<u>24 hrs.*</u>
<u>Failure to obtain or maintain a valid county vacation rental license</u>	<u>911.15(9)</u>	<u>\$100 per day per vacation rental unit</u>	<u>30 business days*</u>
<u>Violation of license condition</u>	<u>911.15(9)</u>	<u>\$100 per day</u>	<u>24 hrs.*</u>
<u>Contact information update violation</u>	<u>911.15(9)</u>	<u>\$100 per violation</u>	<u>24 hrs.*</u>
<u>Noise Violation</u>	<u>911.15(9) and 974</u>	<u>\$100 per day for first violation; \$300 per day for repeat violations</u>	<u>24 hrs.*</u>
<b><u>Commercial Event</u></b>			
<u>Commercial event at residence</u> <u>Note: due to Florida law, fines exceeding \$500 are assessed through the Indian River County Code Enforcement Board and not by means of a citation issued by a code enforcement officer.</u>	<u>911.15(8)</u>	<u>\$1,000 per event for first violation; \$5,000 per event for repeat violations</u>	<u>24 hrs.*</u>

\*First and only warning for any given vacation rental unit or single-family residence

<sup>1</sup>Each day the violation exists represents a separate violation.

<sup>2</sup>The notification time frame established herein may be waived if the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.

<sup>3</sup>The fine shall be \$100 for those violations by a person who has previously been found through the Code Enforcement Board or any other quasi-judicial or judicial process to have violated, or who has admitted violating, the same section, notwithstanding that the violations occur at different locations.