



Planning & Development Department
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BOARD OF COUNTY COMMISSIONERS

TO: Brevard County Board of County Commissioners

THRU: Frank Abbate, County Manager 
John Denninghoff, Assistant County Manager – Development & Environmental Services Group 

FROM: Tad Calkins, Director – Planning and Development 

DATE: October 9, 2023

SUBJECT: Options Regarding Enhanced Enforcement of Illicit Resort Dwellings

BACKGROUND:

On August 22, 2023, the Board directed staff to prepare a report on the County's enforcement of unpermitted resort dwellings. It stated that this report should identify opportunities and challenges for more effective enforcement including, but not limited to, proactive enforcement, potential software improvements, fines imposed by the Code Enforcement Special Magistrate, due process challenges, and fiscal impacts.

Before directly addressing these issues, it is necessary to provide a brief outline of the current state of enforcement of resort dwellings.¹ Except for cases related to public health and safety, Brevard County Code Enforcement investigates code violations on a reactive basis. That is, it generally only investigates cases derived from a citizen complaint.² This reactive enforcement policy is a result of Board direction, and not a requirement of State law. This policy includes resort dwelling enforcement, which has not been categorized as a health/safety violation. Additionally, Florida Statute was amended in 2021 to make it unlawful for Code Enforcement investigations to be predicated on anonymous complaints.³

For cases not related to public health or safety, the primary goal of Brevard County Code Enforcement is to obtain voluntary compliance. To further this goal, it often employs tools, such as verbal warnings,

¹ For purposes of this report, "resort dwelling," "short-term rental," and "vacation rental" are used interchangeably.

² The requirement of a citizen complainant is not absolute. For example, in cases where Brevard County itself has interests that are harmed, such as obstructions of public rights-of-way, Code Enforcement will proceed with a County agency as a complainant.

³ The County Attorney's Office has opined that this would not prevent proactive enforcement of resort dwellings, wherein the County discovers the violation as a result of investigation rather than by way of a citizen complaint.

that sometimes lead to affording more time to comply than the minimum that due process requires. Code Enforcement is successful in meeting this goal in most cases.⁴

Much of Brevard County's current posture towards resort dwellings is derived from an effort in the mid-2000s to regulate resort dwellings prior to a statutory preemption on such regulations taking effect.⁵ Currently, properties can be grouped into four distinct categories as it relates to zoning: permitted use, permitted use with conditions, conditional use (i.e., requiring a conditional use permit), and not permitted (for categorization of individual zoning classifications, see the resort dwelling matrix in Appendix A).

There have been some relatively recent enhancements done to the code enforcement process as it relates to resort dwellings. In August 2022, staff instituted a policy of seeking daily fines matching the advertised nightly rate, subject to the codified cap of \$1,000.⁶ For example, if a code enforcement officer determines that a resort dwelling was being operated unlawfully, and such resort dwelling was advertised at \$500 per night, the County would seek a daily fine of \$500 for an initial violation (escalating for repeat violations). This was instituted because there were certain violators who chose to openly continue to operate vacation rentals and accept the fine, which had been typically set at \$25 per day; it was simply seen as the cost of doing business.

Planning and Development staff have transitioned to considering these cases a higher priority and have adopted certain procedures previously reserved for health/safety cases. For instance, while the County is required to allow a reasonable amount of time (typically, no less than 10 days in resort dwelling cases) to come into compliance after discovering an initial violation, officers are now refraining from allowing any additional time beyond that legally mandated minimum to come into compliance. Staff is, instead, prioritizing the cases for a hearing before the Code Enforcement Special Magistrate.

Additionally, recent amendments to the County's Code as it relates to the enforcement of noise⁷ should allow Code Enforcement staff to better enforce noise compliance issues that are frequently related to resort dwellings, whether such dwellings are permissible or not.

The Brevard County Office of Fire Prevention also has a role in enforcing regulations associated with short-term rentals.⁸ Unlike in the code enforcement context, the enforcement of these regulations is considered safety-related and can be enforced proactively. If operated properly, such dwellings are subject to an inspection under the Fire Code when applying for a Business Tax Receipt.

⁴ A staff analysis done in 2019 determined that 92% of cases were resolved without a Special Magistrate hearing being necessary, while 5% of cases required a hearing, and 2% resulted in fine accrual post-hearing.

⁵ See *e.g.*, Brevard County Ordinance No. 2006-06, instituting performance standards to certain resort dwellings; see also Ch. 2011-119, Laws of Florida, amending Fla. Stat. § 509.032(7)(b) to state that "a local law, ordinance, or regulation may not restrict the use of vacation rentals, prohibit vacation rentals, or regulate vacation rentals based solely on their classification, use, or occupancy. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011;" Cf. Ch. 2014-71, Laws of Florida, amending 509.032(7)(b), Fla. Stat., into its current language of "A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011."

⁶ See Sec. 2-176, Brevard County Code of Ordinances, capping fines at \$1,000 for most initial violations

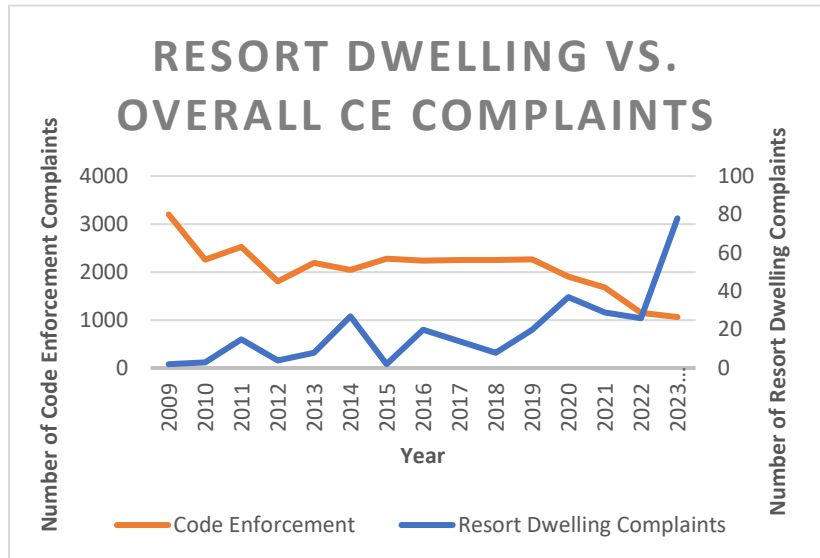
⁷ Ordinance 2023-18, Brevard County Ordinance (adopted Aug. 22, 2023)

⁸ See Ch. 69A-43, Florida Administrative Code

TRENDS:

Resort dwelling complaints are generally clustered in specific areas within unincorporated Brevard County. Specifically, this activity tends to occur within Merritt Island and beachside communities (see Appendix B for a plotting of such complaints since 2009). Of all complaints received since 2009, approximately 81% are associated with properties for which it would not be possible to lawfully operate a resort dwelling under current zoning.

Brevard County Code Enforcement has recently experienced a significant increase in the amount of resort dwelling complaints it receives, now representing about 7.5% of all complaints. This trend cannot be attributed to a larger trend in code enforcement activity.⁹ While 24% of the resort dwelling complaints thus far received in 2023 can be attributed to a single individual, there is nothing to indicate this is an isolated event and, in any case, the increase in



cases is sharp even when discounting these complaints. While Brevard County has only experienced this sharp increase in complaints recently, given the experiences of other jurisdictions, it would appear this trend is likely to continue.

Approximately 26% of properties that are the subject of complaints since 2009 are owned by an individual or entity with a mailing address outside of Brevard County, with 10% being out of State, according to records of the Brevard County Property Appraiser. About 35% of properties that were the subject of resort dwelling complaints had claimed a tax exemption related to homestead status. Given this data, it may serve the public interest to refer such cases to the Brevard County Property Appraiser for investigation,¹⁰ particularly after a violation has been found by the Special Magistrate.

⁹ It should be noted that while overall Code Enforcement complaints have trended downwards, the workload of code enforcement officers has adapted during this period. For example, officers' duties now include enforcement of contractor licensing matters.

¹⁰ See 196.061, Fla. Stat., stating that "the rental of all or substantially all of a dwelling previously claimed to be a homestead for tax purposes shall constitute the abandonment of such dwelling as a homestead, and the abandonment continues until the dwelling is physically occupied by the owner. However, such abandonment of the homestead after January 1 of any year does not affect the homestead exemption for tax purposes for that particular year unless the property is rented for more than 30 days per calendar year for 2 consecutive years."

CHALLENGES IN ENFORCING RESORT DWELLING CASES:

Evidentiary Challenges

Since 2022, approximately 95% of resort dwelling complaints were either unfounded or complied prior to hearing. Often, compliance was accomplished by furnishing evidence that the minimum length of time the rental was being offered for was amended to be longer than 90 days per stay, which removes it from the definition of a resort dwelling under Brevard County Code.¹¹ However, it has been the experience of Code Enforcement that such compliance is not necessarily sustained. Unfortunately, sometimes such evidence is furnished, only for a Code Enforcement Officer to find at a later date that the behavior reverts.

Complexity/Due Process Challenges

Perhaps due to the revenue associated with resort dwellings, such cases tend to be more complex than the typical code enforcement case, and sometimes involve legal representation for the respondent. Due to the nature of these cases, it is far more likely than the typical case to receive a request for an extension of time to comply or prepare for hearing. As the affording of due process is of paramount concern, Code Enforcement typically does not oppose such requests. This contributes to these cases taking, on average, longer to get to the hearing stage of enforcement. For those resort dwelling violations that require a hearing, it takes an average of 180 days from the opening of a case until such hearing. Meanwhile, for violations involving an unsecured pool (a safety violation that is given priority), it takes, on average, 77 days from opening to hearing.

Data Access Challenges

Brevard County staff operates at a disadvantage as it relates to information regarding resort dwellings. For example, when searching for listings on popular vacation rental platforms, such as Airbnb and VRBO, addresses are not given until after bookings are made. Not only does this increase the burden of investigating these complaints, it makes it more difficult to determine how many such vacation rentals are not, or could not be made, permissible under the County's land use code.

Similarly, the Brevard County Tax Collector and the Tourism Development Office do not receive a list of addresses associated with those who pay the tourism development tax due to resort dwelling activity. Instead, these taxes are most often paid by the platforms who manage the bookings without identifying the individual properties. Even if this were to change, it should be noted that the threshold to pay the tourism tax (renting the property for less than six months¹²), differs from the County's definition of resort dwelling (less than 90 days).

¹¹ Sec. 62-1102, Brevard County Code of Ordinances, defining "resort dwelling" as "any single family dwelling or multifamily dwelling unit which is rented for periods of less than 90 days or three calendar months, whichever is less, or which is advertised or held out to the public as a place rented for periods of less than 90 days or three calendar months, whichever is less. For the purposes of this chapter, a resort dwelling is a commercial use. For the purposes of this definition, subleases for less than 90 days are to be considered separate rental periods. This definition does not include month-to-month hold-over leases from a previous lease longer than 90 days."

¹² See *esp.* Sec. 102-116, Brevard County Code of Ordinances, stating that, for purposes of the tourist development tax, "living quarters includes, but is not limited to, any private residence or private housing rented out for monetary or other consideration for a period of less than six months, including a vacation rental . . ."

POTENTIAL ENHANCEMENTS TO ENFORCEMENT METHODS:

Use of Technology

Currently, Code Enforcement investigates resort dwellings cases using primarily traditional methods. While it certainly utilizes available tools, such as imagery from the property appraiser, much of the work in investigating these complaints involves trying to match a complaint, listing, and physical appearance of a property, and then visiting said property multiple times to substantiate the violation. Given the constraints noted above, the investigation usually begins from a standpoint of little access to evidence.

However, technology has been developed to assist local governments in identifying short-term rentals. While functionality varies depending on the vendor, some such platforms create a list of short-term rentals available in the jurisdiction as often as daily. Additional information that may be available from such technology includes the number of units available for rent, the occupancy rate of listings, the platforms it is listed on, the daily rate, and a variety of other data.

One such short-term rental identification platform, “Rentalscape,” has provided a proposal to Brevard County. The company sets its fee based on the amount of discrete listings it identifies. Given its estimate of 1,245 such listings, Rentalscape has estimated its base fee at \$43,575 annually.¹³

Brevard County Staff has contacted jurisdictions that use such software, and responses were generally favorable. Cocoa Beach, which uses Rentalscape, has only recently begun implementing the software, but so far it has found the results to be accurate and a staff member stated that “they have delivered an easily usable product that allows us to assess our short-term rental situation and prepare for the staffing needed for compliance and enforcement of our code.”

Likewise, Monroe County uses such software procured from Granicus, which Brevard County currently utilizes as a vendor for agenda processing software. While Monroe County stated there were some glitches, when paired with a fine structure similar to what Brevard County has already implemented, they found that “the software was very effective for Monroe County.” Indeed, Monroe County staff reported that it was so effective in assisting their enforcement efforts that they were able to discontinue their use of the software in 2021, four years after implementation.

It should be noted that there would be challenges in implementing such technology, particularly if paired with proactive enforcement (discussed further below). For reasons stated above, staff is unable to independently estimate the number of current resort dwellings operating lawfully. Still, if one were to assume that the number of complaint-associated properties related to properties that could not be made permissible under current zoning is representative of all short-term rentals, and that Rentalscape’s estimate of 1,245 resort dwellings within the County’s jurisdiction is accurate, there would be approximately 1,008 unlawful vacation rentals operating currently. Staff estimates that a dedicated code enforcement officer could handle a case-load of approximately 480 resort dwelling cases per year. A code enforcement officer’s salary and benefits, plus necessary equipment and materials is estimated to cost an average of \$75,000 per year. As such, should the Board desire to be able to clear all such

¹³ Optional services were also quoted at an additional cost, such as operating a constituent portal (\$5,000) and letter campaign (\$12,450).

listings in a given year, the estimated Code Enforcement staff costs are approximately \$150,000 per year, for two dedicated code enforcement officers.¹⁴

This challenge was borne in the experience of Monroe County. That County, which has a similar land area but a population of less than 10% of Brevard County, initially required three vacation rental-dedicated employees to enforce their regulations given the number of listings they were investigating.

Staff has been advised that given the level of competition in the field, a competitive procurement process would be required, should the Board wish to procure such software. Based on the cost estimate provided by Rentalscape for Short-Term Rental identification software (\$43,575, annually), County staff will need to go through a process of competitive solicitation, as outlined in BCC-25 Section III.H.1.¹⁵

Should the Board wish to pursue access to this technology, staff suggests that the Board consider also seeking functionality to allow for the public to easily determine if a resort dwelling is, or could be made, lawful at a specified address. Currently, this determination can be a difficult process for the public given the complexity of the Code. Given the underlying data and processes necessary to identify unlawful resort dwellings by these platforms, preliminary research indicates a vendor should be able to create such a tool, which could provide a significant benefit to the public.

Proactive Enforcement

Currently, the Board policy provides for reactive enforcement based on verified, named complainants, except for health and safety matters. This policy is easy to understand when communicated to citizens. From a policy perspective, proactively enforcing one area of County Code may make it difficult to explain the rationale for not proactively enforcing other areas. One rationale the Board may wish to consider is the potential public safety implications of illicit resort dwellings. The Brevard County Office of Fire Prevention is of the position that all such dwellings must submit to a fire-code inspection through the Business Tax Receipt (BTR) process. For those resort dwellings identified that lack such a BTR, the Board could direct the Office of Fire Prevention to consider this a safety matter to be prioritized and proactively enforced. The Office of Fire Prevention would require additional staff to support Annual Inspections. Each Fire Inspector has a case-load of approximately 1000 annual inspections for established locations. For each additional Fire Inspector, a recurring expense of approximately \$70,000 would be incurred (including equipment costs).

Due to practical concerns associated with resort dwelling investigations, staff recommends against instituting a policy of proactive code enforcement without access to additional technology that assists in identifying short-term rentals. Without this additional information, conducting an investigation without a complainant would be extremely inefficient. For instance, officers would be manually scrolling through listings and attempting to physically locate the property prior to knowing the zoning classification of the subject property (thereby not knowing whether they are investigating a lawful use).

¹⁴ Additional staff time and costs would be incurred for Special Magistrate Hearings and related matters; for example, the County Attorney's Office reviews all such cases before hearings.

¹⁵ The procurement and approval thresholds outlined in BCC-25 includes the following requirements: "\$1,000 and up to \$25,000: Department/Office Directors via informal quote as defined in Section 11.N, up to \$50,000 via formal quote, as defined in Section II. L., solicited by Purchasing Services . . . up to \$100,000: Assistant County Manager with recommendation for award from the user department/Office and Purchasing Manager or selection committee, as appropriate, via Formal Quote/Bid/Proposal."

Additionally, the success-rate for such cases would likely be lower, as complainants often serve as key witnesses who rebut misinformation given by respondents.

It should be noted that there are perils in comparing enforcement of resort dwelling regulations between municipalities and large counties such as Brevard County. Not only are there simply more parcels subject to regulation, but they are spread out over a very large land area. Brevard County's physical size, paired with its complex regulatory resort dwelling framework, can make investigating such complaints quite resource intensive. By comparison, in some jurisdictions (e.g., where such activity is only permitted in a compact area) it is substantially simpler to proactively enforce short-term rental regulations.

Other Enhancements and Operational Benefits

As previously noted, Code Enforcement staff does not currently routinely report potential homestead fraud that comes to light during its investigations. Such reporting may serve to further deter illicit resort dwelling activity.

Several jurisdictions throughout Florida have recently adopted registration requirements for resort dwellings.¹⁶ That is, all those who wish to operate these dwellings must register, thereby providing information about the business. For example, as part of registration, Collier County requires the designation of a "responsible party," who is to be available at all times the rental is in operation to address potential code violations.¹⁷ Such registration is generally associated with a fee.¹⁸

The Board may also wish to consider enhancing performance standard criteria for operating resort dwellings as a conditional use¹⁹ and permitted use with conditions.²⁰ For example, through these criteria the County could mandate the dissemination of information about noise restrictions, or mandate background checks for guests. However, unlike a registration program (which could apply to all resort dwellings), these criteria would not apply to properties that have zoning that allows for resort dwellings as a permitted use.

¹⁶ See e.g., Collier County Ordinance 2021-45, "the Collier County Short-Term Vacation Rental Registration Ordinance."

¹⁷ Cf. Sec. 62-1945.2, Brevard County Code of Ordinances, requiring the designation of a local manager; however, this section only applies to those properties that hold a zoning classification for which resort dwelling is a conditional use.

¹⁸ Collier County, for example, requires a \$50.00 non-refundable fee for registration. Seminole County, which began a registration program in 2020, charges \$250.

¹⁹ Sec. 62-1945.2, Brevard County Code of Ordinances.

²⁰ Sec. 62-1841.5.5, Brevard County Code of Ordinances.

OPTIONS FOR BOARD CONSIDERATION:

Examples of potential options for Board consideration are as follows:

1. Maintain the status quo while continuously evaluating the impact of recent changes including fine enhancements and noise ordinance improvements
Fiscal Impact: No Additional Impact

2. Direct staff to:
 - a. Procure software, via a competitive procurement process, to identify resort dwellings
 - b. Adopt a proactive stance to all related enforcement
 - c. Report potential homestead fraud
 - d. Draft an ordinance amendment and accompanying fee resolution to require registration of resort dwellings²¹

Fiscal Impact: Approximately \$150,000 annually

- Staff costs: \$150,000, recurring annually
- Software costs: \$50,000, recurring annually
- Registration revenue: \$50,000 (assumes 1,000 registrations at \$50/year), annually

²¹ Such an ordinance amendment would not be effective within the Area of Critical State Concern, located in the South Beaches area, until approved under a State-mandated review procedure.

APPENDIX A

Resort Dwelling Use Zoning Classification Matrix

(see subsequent page)

RESORT DWELLINGS IN UNINCORPORATED BREVARD COUNTY, FL

ZONING CLASSIFICATION/CODE REFERENCE	PERMITTED	PERMITTED IF CONDITIONS MET IN SEC.62-1841.5.5	REQUIRES CONDITIONAL USE PERMIT/PUBLIC HEARING PER SEC.62-1945.2	NOT ALLOWED	LOCATIONAL STANDARDS REQUIRED
UNIMPROVED, AGRICULTURAL AND SINGLE-FAMILY RESIDENTIAL					
RA-2-4, RA-2-6, RA-2-8, RA-2-10 (Single-Family Attached Residential)	X-SEC.62-1343(1)a				NONE
RP (Residential Professional)	X-SEC.62-1344(1)a				NONE
GU (General Use)		X-SEC.62-1331(1)b			SEC.62-1841.5.5(1)a PERMITTED WITH CONDITIONS - MUST BE NON-CONFORMING MULTI-FAMILY
PA (Productive Agriculture)		X-SEC.62-1332(1)b			SEC.62-1841.5.5(1)a PERMITTED WITH CONDITIONS - MUST BE NON-CONFORMING MULTI-FAMILY
AGR (Agricultural)		X-SEC.62-1333(1)b			SEC.62-1841.5.5(1)a PERMITTED WITH CONDITIONS - MUST BE NON-CONFORMING MULTI-FAMILY
AU (Agricultural Residential), AU(L) (Agricultural Residential - Low Intensity)		X-SEC.62-1334(1)b			SEC.62-1841.5.5(1)a PERMITTED WITH CONDITIONS - MUST BE NON-CONFORMING MULTI-FAMILY
ARR (Agricultural Rural Residential)		X-SEC.62-1334.5(1)b			SEC.62-1841.5.5(1)a PERMITTED WITH CONDITIONS - MUST BE NON-CONFORMING MULTI-FAMILY
REU (Rural Estate Use)		X-SEC.62-1335(1)b			SEC.62-1841.5.5(1)a PERMITTED WITH CONDITIONS - MUST BE NON-CONFORMING MULTI-FAMILY
RR-1 (Rural Residential)		X-SEC.62-1336(1)b	X-SEC.62-1336(3)		SEC.62-1841.5.5(1)a PERMITTED WITH CONDITIONS - MUST BE NON-CONFORMING MULTI-FAMILY <u>OR</u> SEC.62-1945.2(1)a&b CUP REQUIREMENTS - EAST OF A1A/WEST OF A1A WITH DIRECT FRONTAGE, NEITHER WITH ABUTTING SINGLE-FAMILY ZONING OR USE
SEU (Suburban Estate Residential Use)		X-SEC.62-1337(1)b	X-SEC.62-1337(3)		SEC.62-1841.5.5(1)a PERMITTED WITH CONDITIONS - MUST BE NON-CONFORMING MULTI-FAMILY <u>OR</u> SEC.62-1945.2(1)a&b CUP REQUIREMENTS - EAST OF A1A/WEST OF A1A WITH DIRECT FRONTAGE, NEITHER WITH ABUTTING SINGLE-FAMILY ZONING OR USE
SR (Suburban Residential)		X-SEC.62-1338(1)b	X-SEC.62-1338(3)		SEC.62-1841.5.5(1)a PERMITTED WITH CONDITIONS - MUST BE NON-CONFORMING MULTI-FAMILY <u>OR</u> SEC.62-1945.2(1)a&b CUP REQUIREMENTS - EAST OF A1A/WEST OF A1A WITH DIRECT FRONTAGE, NEITHER WITH ABUTTING SINGLE-FAMILY ZONING OR USE
EU, EU-1, EU-2 (Estate Use Residential)		X-SEC.62-1339(1)b	X-SEC.62-1339(3)		SEC.62-1841.5.5(1)a PERMITTED WITH CONDITIONS - MUST BE NON-CONFORMING MULTI-FAMILY <u>OR</u> SEC.62-1945.2(1)a&b CUP REQUIREMENTS - EAST OF A1A/WEST OF A1A WITH DIRECT FRONTAGE, NEITHER WITH ABUTTING SINGLE-FAMILY ZONING OR USE
RU-1-13, RU-1-11 (Single-Family Residential)		X-SEC.62-1340(1)b	X-SEC.62-1340(3)		SEC.62-1841.5.5(1)a PERMITTED WITH CONDITIONS - MUST BE NON-CONFORMING MULTI-FAMILY <u>OR</u> SEC.62-1945.2(1)a&b CUP REQUIREMENTS - EAST OF A1A/WEST OF A1A WITH DIRECT FRONTAGE, NEITHER WITH ABUTTING SINGLE-FAMILY ZONING OR USE
RU-1-9 (Single-Family Residential)		X-SEC.62-1341(1)b	X-SEC.62-1341(3)		SEC.62-1841.5.5(1)a PERMITTED WITH CONDITIONS - MUST BE NON-CONFORMING MULTI-FAMILY <u>OR</u> SEC.62-1945.2(1)a&b CUP REQUIREMENTS - EAST OF A1A/WEST OF A1A WITH DIRECT FRONTAGE, NEITHER WITH ABUTTING SINGLE-FAMILY ZONING OR USE
RU-1-7 (Single-Family Residential)		X-SEC.62-1342(1)b	X-SEC.62-1342(3)		SEC.62-1841.5.5(1)a PERMITTED WITH CONDITIONS - MUST BE NON-CONFORMING MULTI-FAMILY <u>OR</u> SEC.62-1945.2(1)a&b CUP REQUIREMENTS - EAST OF A1A/WEST OF A1A WITH DIRECT FRONTAGE, NEITHER WITH ABUTTING SINGLE-FAMILY ZONING OR USE
MULTI-FAMILY RESIDENTIAL					
RU-2-4, RU-2-6, RU-2-8 (Low Density Multiple Family Residential)	X-SEC.62-1371(1)a				NONE
RU-2-10, RU-2-12, RU-2-15 (Medium Density Multiple Family Residential)	X-SEC.62-1372(1)a				NONE
RU-2-30 (High Density Multiple Family Residential)	X-SEC.62-1373(1)a				NONE
MOBILE HOME RESIDENTIAL & RECREATIONAL VEHICLE PARK					
RRMH-1, RRMH-2.5, RRMH-5 (Rural Residential Mobile Home)				X-SEC.62-1401	N/A - NOT ALLOWED
TR-1, TR-1-A (Single-Family Mobile Home)				X-SEC.62-1402	N/A - NOT ALLOWED
TR-2 (Single-Family Mobile Home)				X-SEC.62-1403	N/A - NOT ALLOWED
TR-3 (Mobile Home Park)				X-SEC.62-1404	N/A - NOT ALLOWED
TRC-1 (Single-Family Mobile Home Cooperative)				X-SEC.62-1405	N/A - NOT ALLOWED
RVP (Recreational Vehicle Park)				X-SEC.62-1406	N/A - NOT ALLOWED
PLANNED UNIT DEVELOPMENTS					
PUD (Planned Unit Development)		X-SEC.62-1443(b)	X-SEC.62-1444		SEC.62-1841.5.5(1)b PERMITTED WITH CONDITIONS - MULTI-FAMILY TRACT OR SINGLE-FAMILY TRACT APPROVED BY BOCC <u>OR</u> SEC.62-1945.2(1)a&b CUP REQUIREMENTS - EAST OF A1A/WEST OF A1A WITH DIRECT FRONTAGE, NEITHER WITH ABUTTING SINGLE-FAMILY ZONING OR USE
RPUD (Residential Planned Unit Development)		X-SEC.62-1463(e)	X-SEC.62-1464		SEC.62-1841.5.5(1)b PERMITTED WITH CONDITIONS - MULTI-FAMILY TRACT OR SINGLE-FAMILY TRACT APPROVED BY BOCC <u>OR</u> SEC.62-1945.2(1)a&b CUP REQUIREMENTS - EAST OF A1A/WEST OF A1A WITH DIRECT FRONTAGE, NEITHER WITH ABUTTING SINGLE-FAMILY ZONING OR USE
THPUD (Tiny Home Planned Unit Development)			X-SEC.62-1474		SEC.62-1841.5.5(1)a PERMITTED WITH CONDITIONS - MUST BE NON-CONFORMING MULTI-FAMILY <u>OR</u> SEC.62-1945.2(1)a&b CUP REQUIREMENTS - EAST OF A1A/WEST OF A1A WITH DIRECT FRONTAGE, NEITHER WITH ABUTTING SINGLE-FAMILY ZONING OR USE
COMMERCIAL					
BU-1-A (Restricted Neighborhood Retail Commercial)	X-SEC.62-1481(1)a				NONE
BU-1 (General Retail Commercial)	X-SEC.62-1482(1)b				NONE
BU-2 (Retail, Warehousing & Wholesale Commercial)	X-SEC.62-1483(1)b				NONE
TOURIST COMMERCIAL & TRANSIENT TOURIST USE					
TU-1 (General Tourist Commercial)	X-SEC.62-1511(1)a				NONE
TU-2 (Transient Tourist Commercial)	X-SEC.62-1512(1)a				NONE
INDUSTRIAL					
PBP (Planned Business Park)	X-SEC.62-1541(1)a				NONE
PIP (Planned Industrial Park)	X-SEC.62-1542(1)a				NONE
IU (Light Industrial)	X-SEC.62-1543(1)a				MUST BE MULTI-FAMILY
IU-1 (Heavy Industrial)	X-SEC.62-1544(1)a				MUST BE MULTI-FAMILY
SPECIAL CLASSIFICATIONS					
EA (Environmental Areas)				X-SEC.62-1571	N/A-NOT ALLOWED
GML (Government Managed Lands)				X-SEC.62-1572	N/A-NOT ALLOWED
IN-L (Institutional Use - Light), IN-H (Institutional Use - Heavy)				X-SEC.62-1573	N/A-NOT ALLOWED
FARM-1 (Farmton Mixed Use Zoning Overlay District)	X-SEC.62-1574(1)a(1)ii				YES - IN WORKPLACE ZONING DISTRICT WHEN PART OF A MULTI-FAMILY STRUCTURE

APPENDIX B

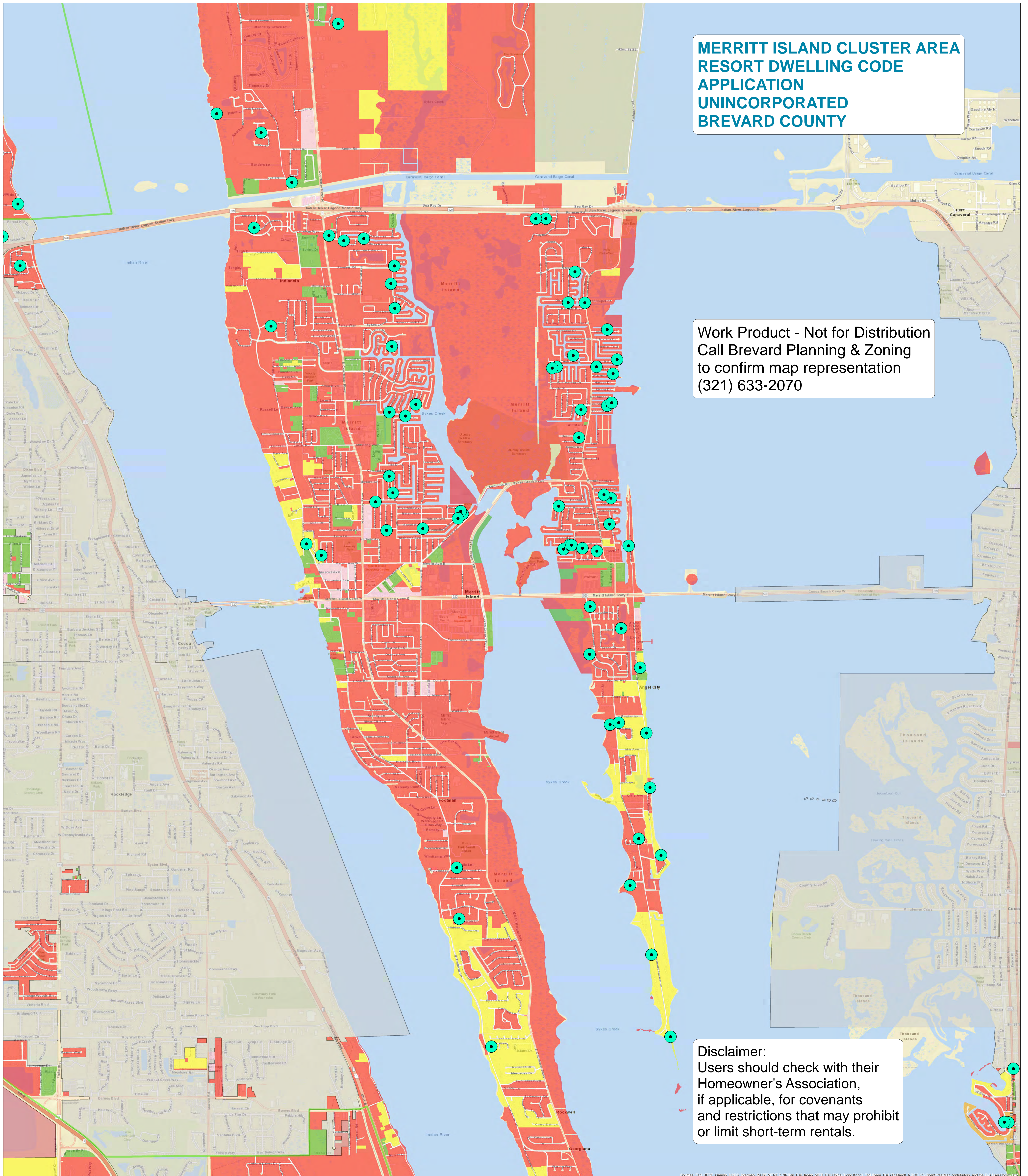
Plotting of Resort Dwelling-Related Complaints (2009-2023)

(see subsequent pages)

**MERRITT ISLAND CLUSTER AREA
RESORT DWELLING CODE
APPLICATION
UNINCORPORATED
BREVARD COUNTY**

Work Product - Not for Distribution
Call Brevard Planning & Zoning
to confirm map representation
(321) 633-2070

Disclaimer:
Users should check with their
Homeowner's Association,
if applicable, for covenants
and restrictions that may prohibit
or limit short-term rentals.



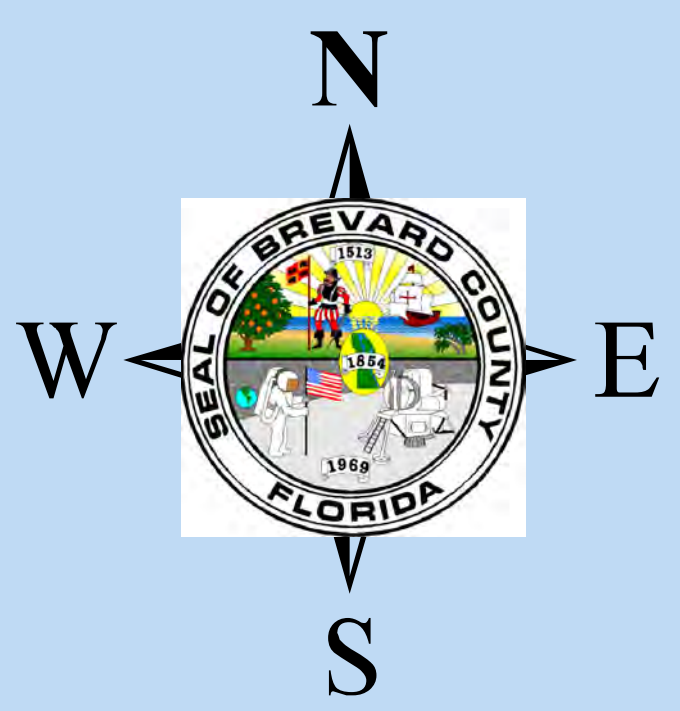
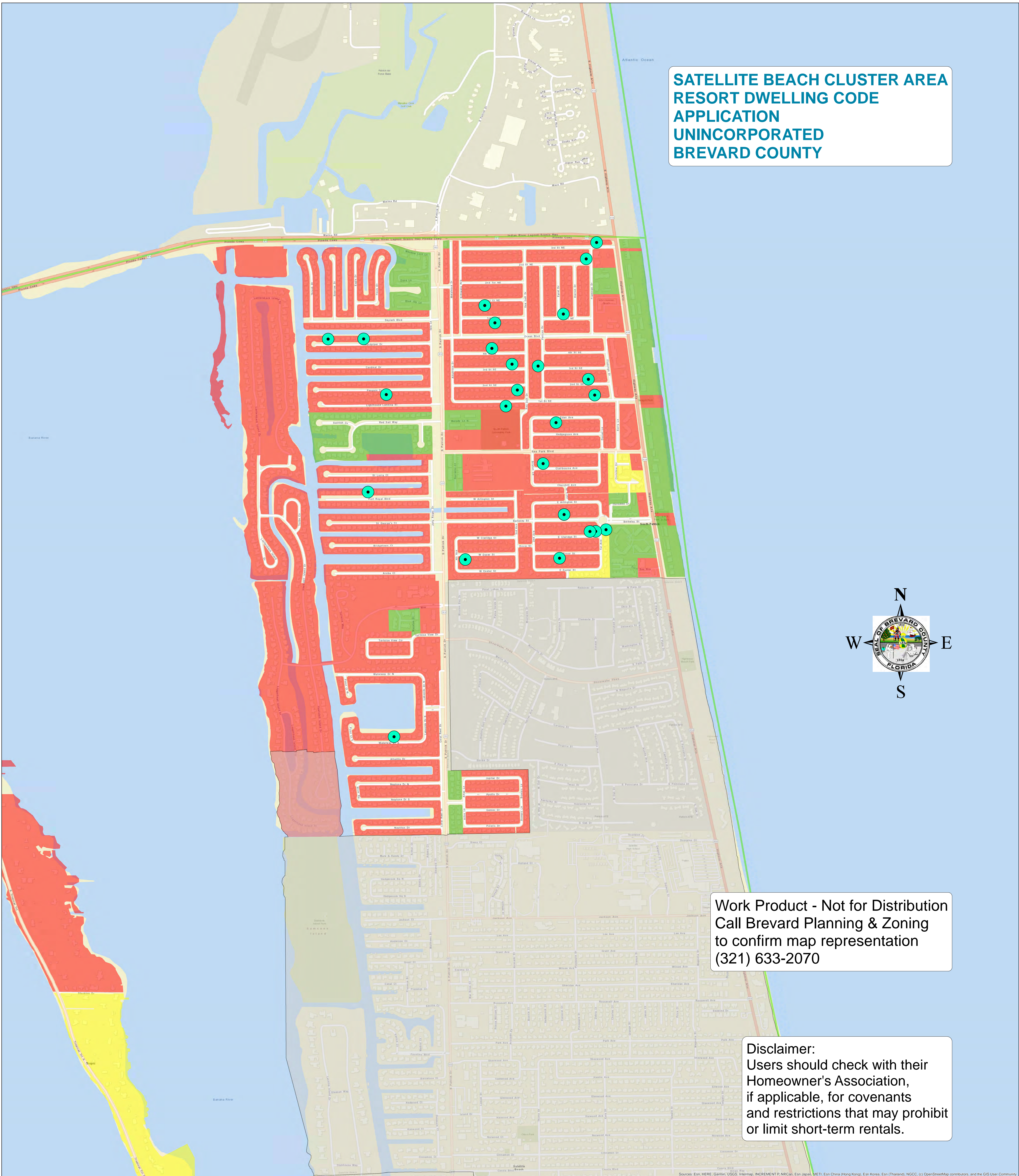
Legend

- Rental Complaint Points
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- Industrial - Must Be Multifamily
- In Workplace Zoning District When Part of a Multi-family Structure
- Permitted With Conditions SEC.62-1841.5.5 Beachside
- Permitted With Conditions SEC.62-1841.5.5 Mainland
- Requires CUP Public Hearing SEC.62-1945.2 Beachside
- Not Permitted
- Commissioner Districts
- Cities and Towns



0 0.175 0.35 0.7 1.05 1.4 Miles

**SATELLITE BEACH CLUSTER AREA
RESORT DWELLING CODE
APPLICATION
UNINCORPORATED
BREVARD COUNTY**

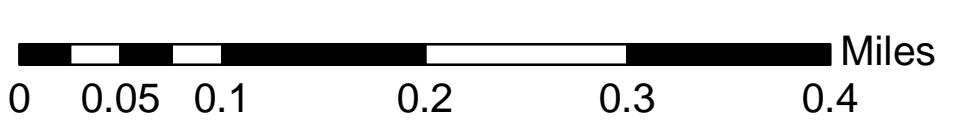


Work Product - Not for Distribution
Call Brevard Planning & Zoning
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(321) 633-2070

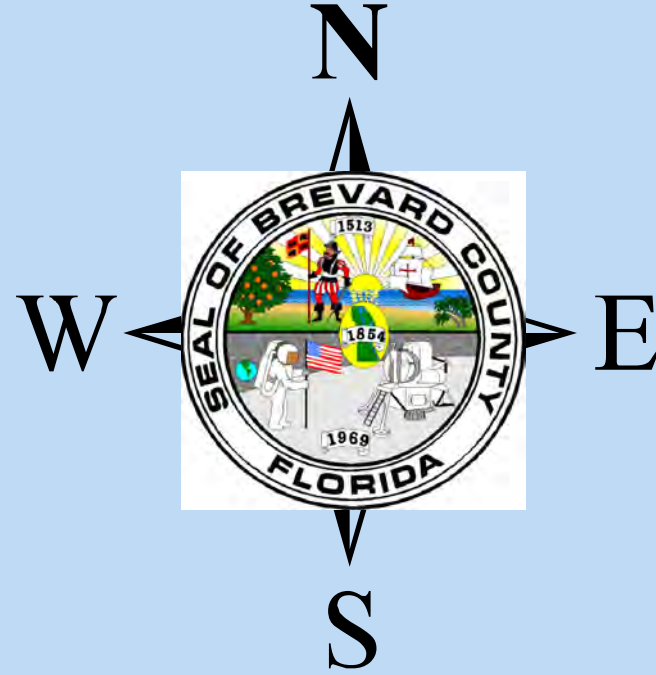
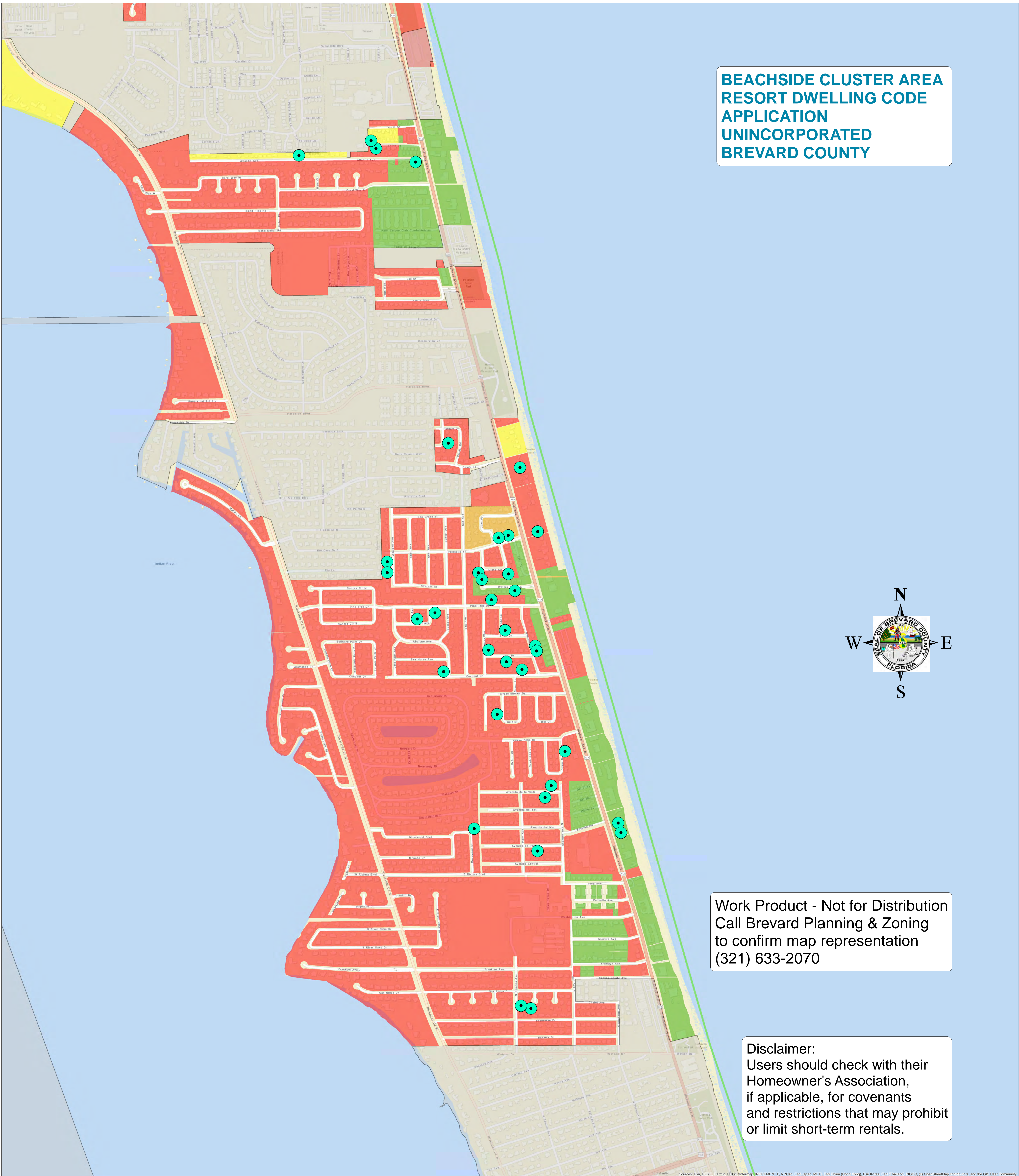
Disclaimer:
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- Legend**
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**BEACHSIDE CLUSTER AREA
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APPLICATION
UNINCORPORATED
BREVARD COUNTY**

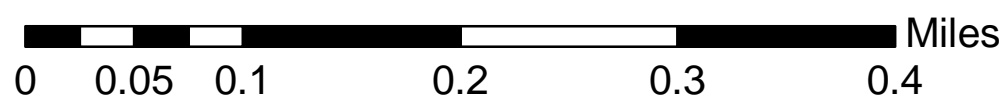


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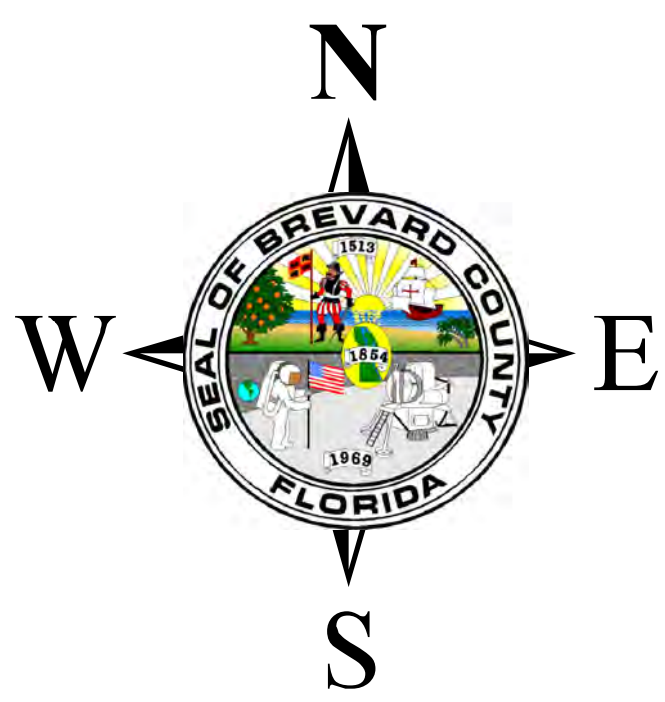
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**COMMISSIONER - DISTRICT 1
RESORT DWELLING CODE
APPLICATION
UNINCORPORATED
BREVARD COUNTY**

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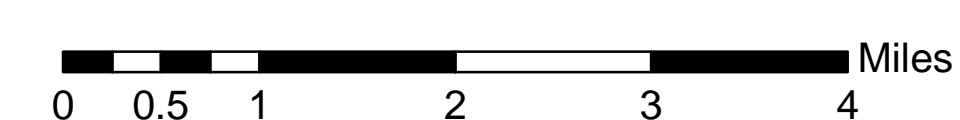
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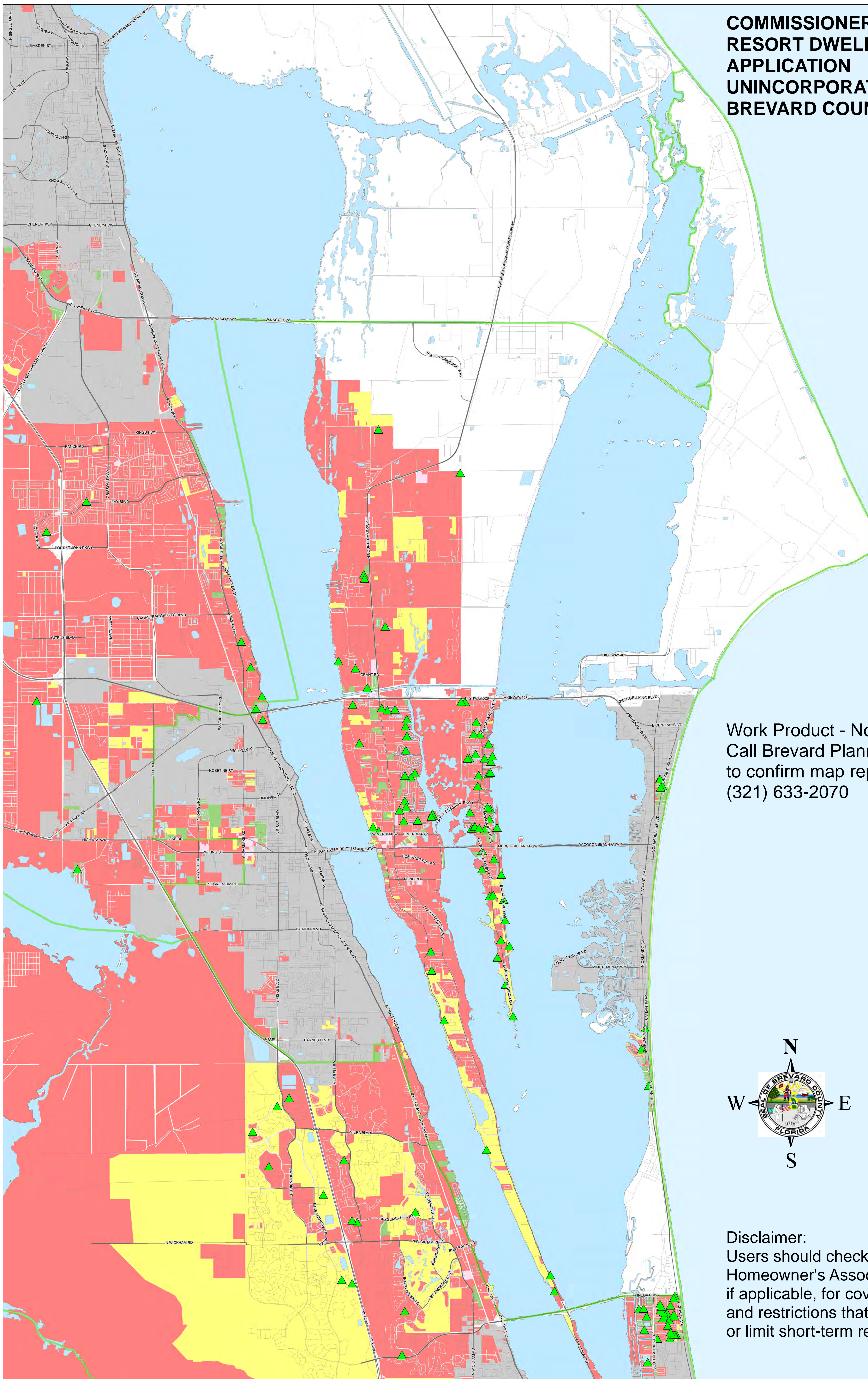
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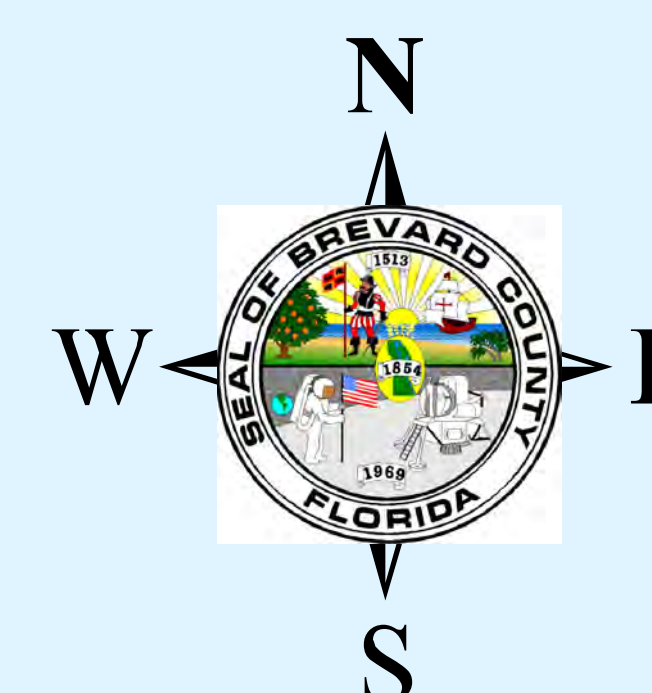
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**COMMISSIONER - DISTRICT 2
RESORT DWELLING CODE
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BREVARD COUNTY**



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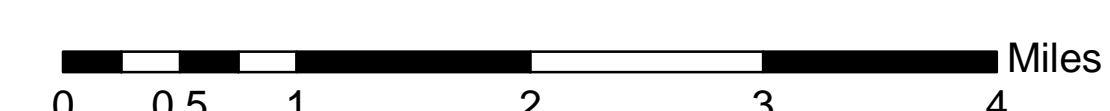
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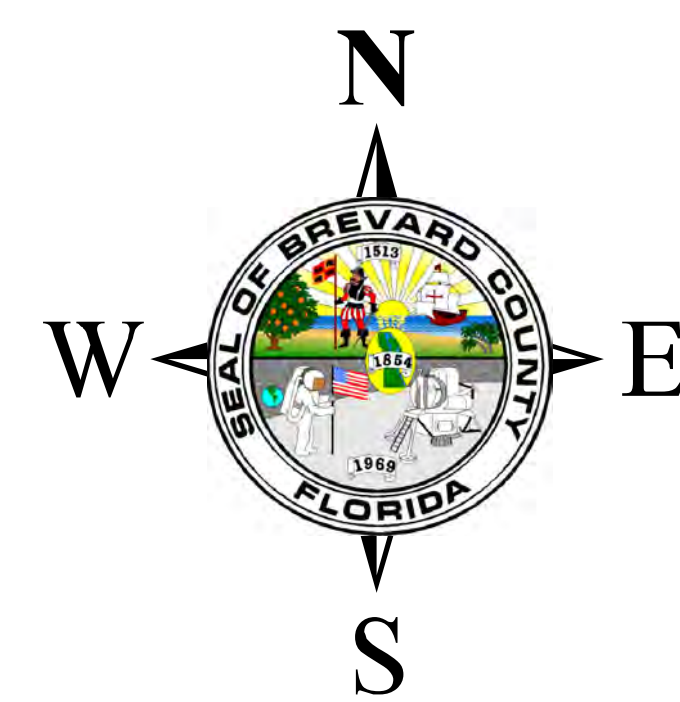
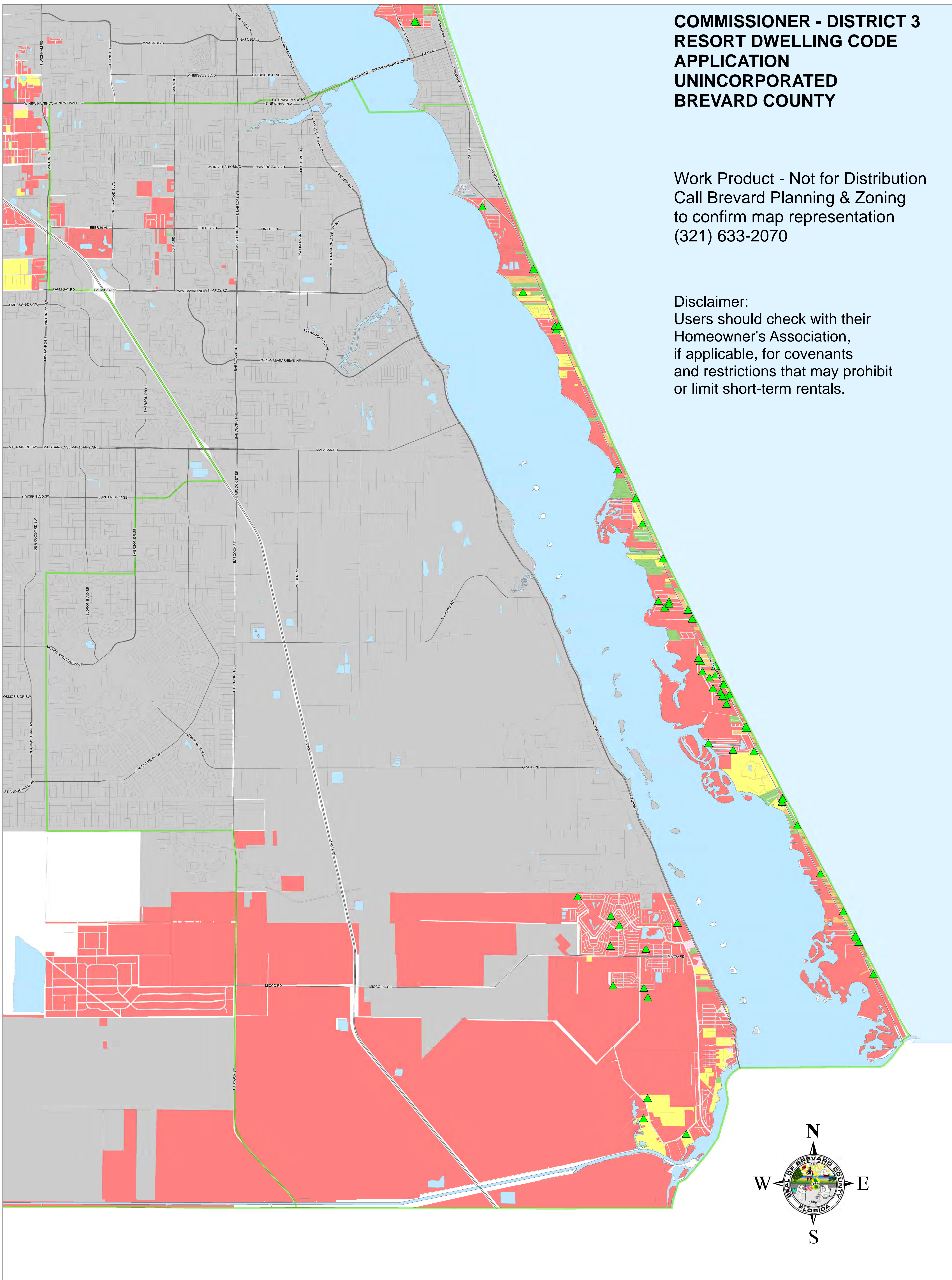
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**COMMISSIONER - DISTRICT 3
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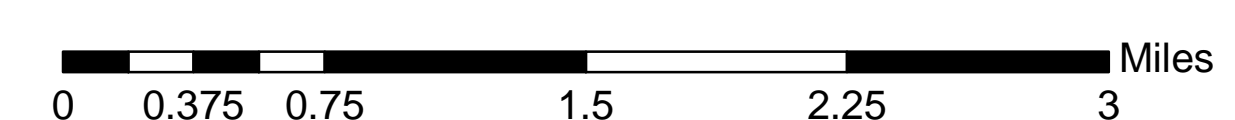


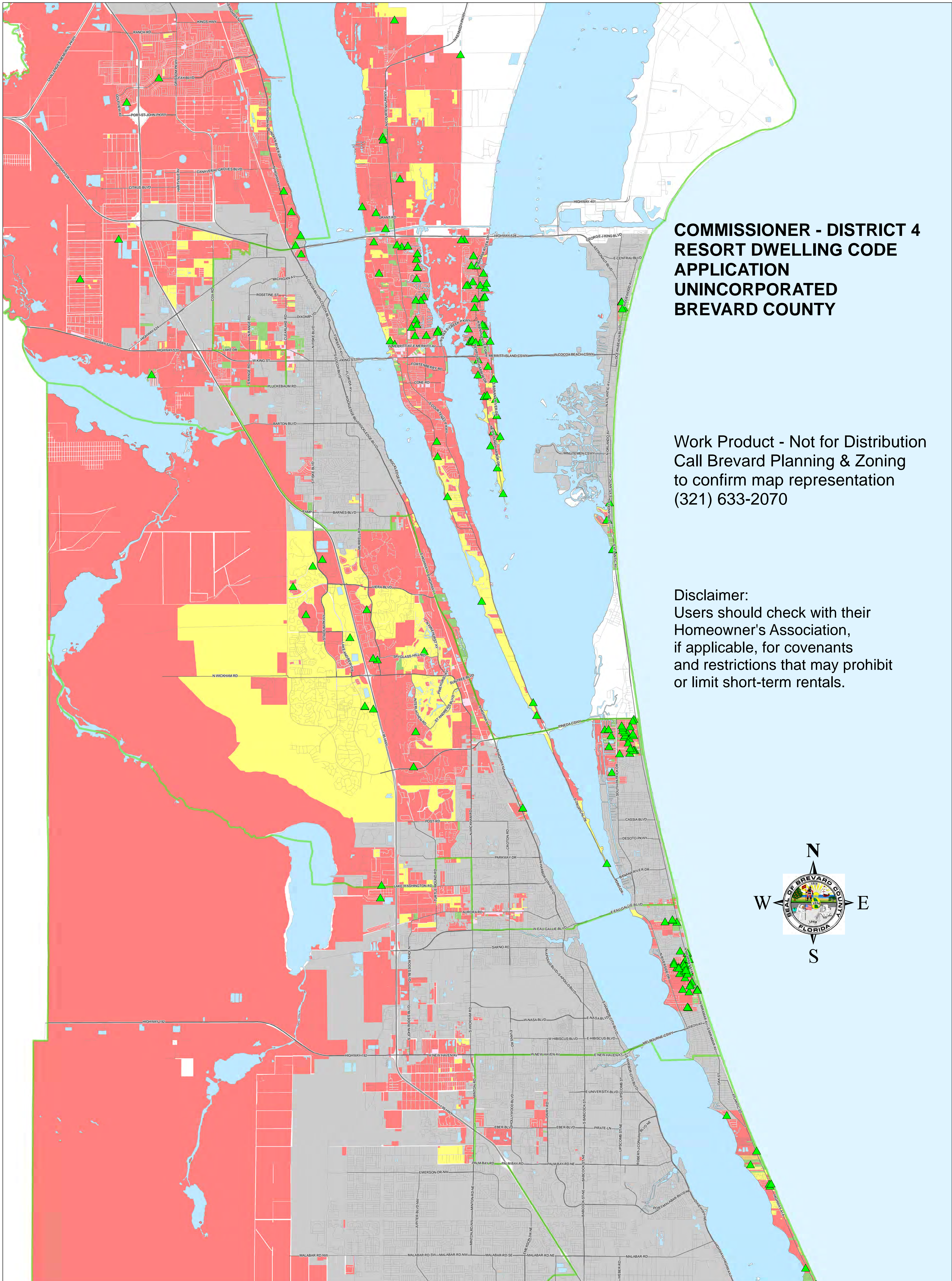
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**COMMISSIONER - DISTRICT 4
RESORT DWELLING CODE
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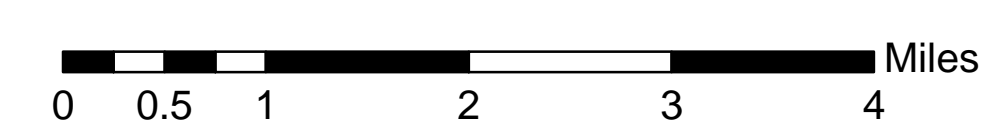


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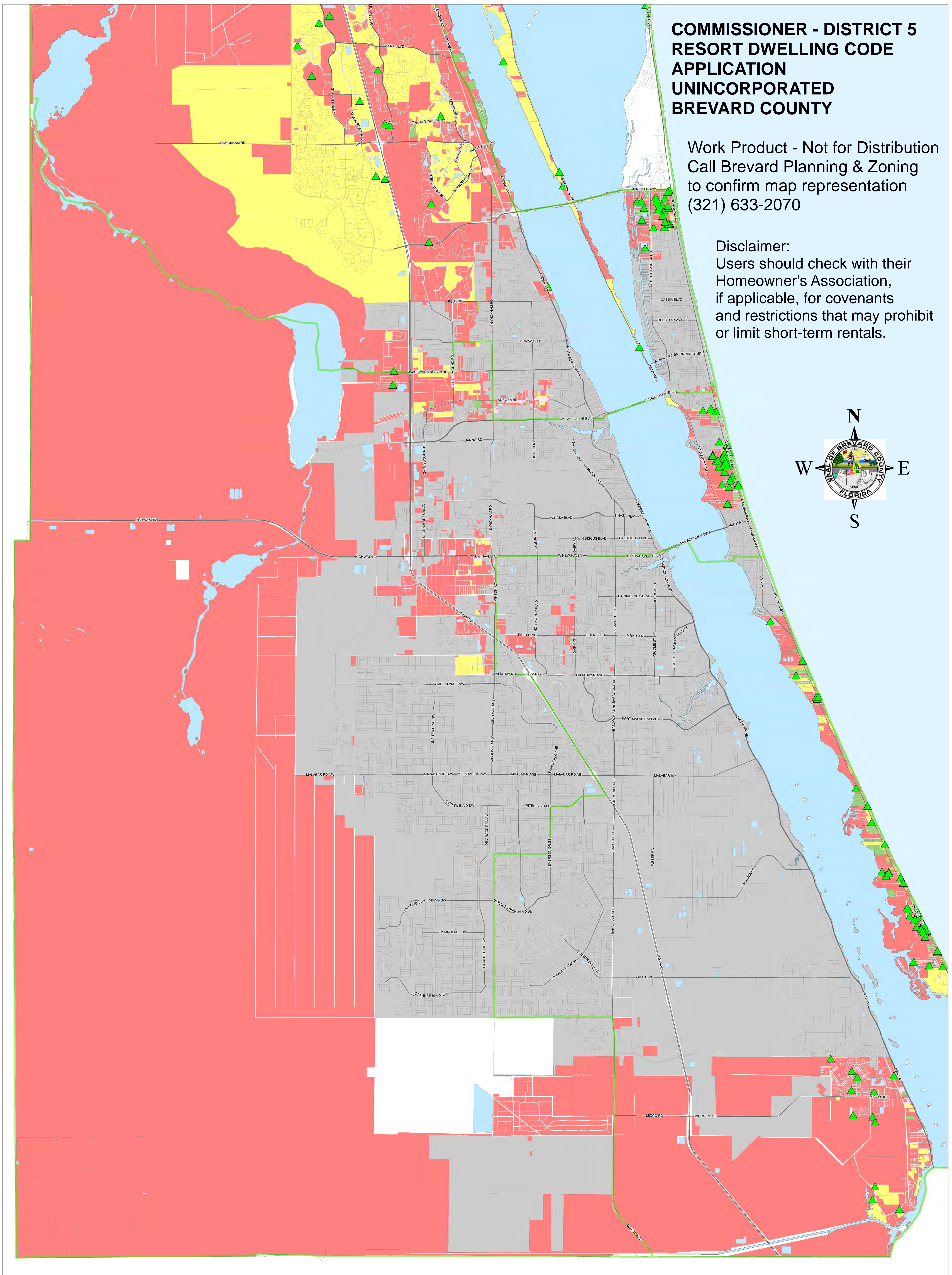
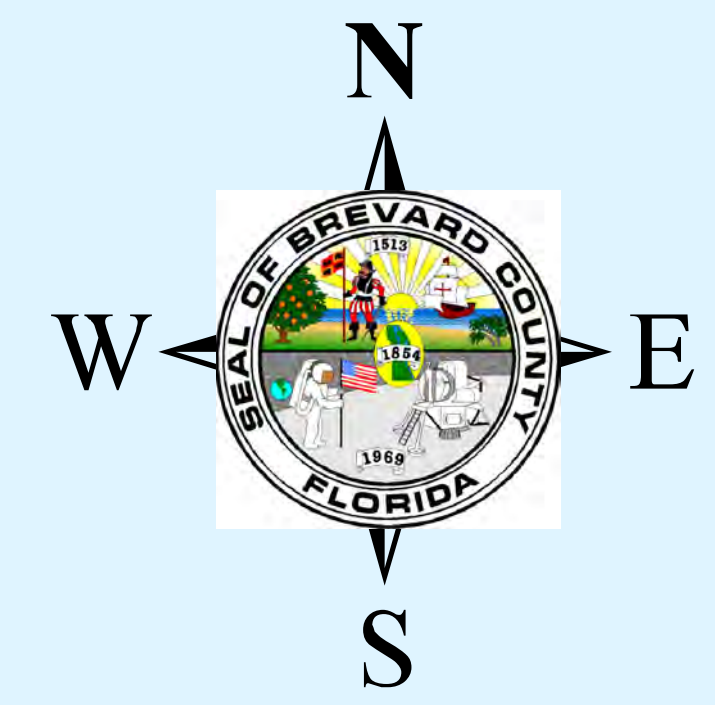
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**COMMISSIONER - DISTRICT 5
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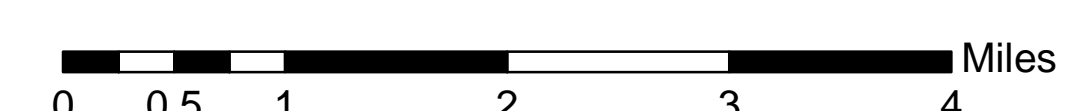


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Appendix C

Draft Scope of Services for Competitive Procurement of Software Application to Identify Short-Term Rentals, Register Short-Term Rentals, And Provide Zoning Information Regarding Short-Term Rentals

PLANNING AND DEVELOPMENT DEPARTMENT QUOTE/BID/PROPOSAL

Scope of Services:

The Planning and Development Department (the Department) is requesting bids/quotes for a software application that can assist the Department in identifying short-term rentals within the unincorporated areas of Brevard County, Florida (the County). The software application can be accessible on the cloud or on-premises through the County's servers. The County's definition of short-term rental (STR) is the rental of residential property for ninety (90) days or less. The software application must have the ability to identify the County's STR daily for new rental activity that includes, but is not limited to, the following:

- Identify the street addresses of the properties and tie them back to the Brevard County Property Appraiser's real property parcel identification number, real property tax account number, and information such as the owner's name and mailing address.
- Identify Short Term Rental Listing by URL (website link)
- Identify the number of occupants per listing.
- Identify the number of bedrooms per listing.
- Identify the number of beds per listing.
- Identify the number of beds per bedroom.
- Identify the number of listings for an address.
- Identify the hosting platform.
- Identify whether a listing is for an entire unit, room(s), or the entire resort dwelling.
- Identify the actual length of stay per listing.
- Identify the dates of occupancy or occupancy rates of each listing.
- Identify the listing host.
- Identify if the listing is active.
- Identify the time period(s) listing has been active, beginning with 1/1/20XX
- Identify the listing termination dates.
- Identify the nightly rental rate.
- Ability to search the software application by the Brevard County Property Appraiser real property tax account number or address for past listings over the previous 6-month period.
- Ability to maintain historical information and ability to enter information related to specific parcels/properties, even in the event the listing becomes inactive.
- Ability to identify and differentiate resort dwelling rental properties operating in unincorporated portions of the County as opposed to those operating within incorporated jurisdictions.
- Analytical tools to identify future short-term rental, based on historical rental activity from past rental bookings/activity.
- Ability to cross-reference multiple properties from a single property owner or listed host.

- Differentiate between blocked and booked calendars for specific properties.
- Generate and export reports/data based on data such as new listings, changes in current listings, and other property-related data.
- Provide whether the ability to generate custom reports is offered, and if there is a cost structure for such reports.
- Outline mapping capabilities including, but not limited to, GIS compatibility and zoning integration.
- Sorting and filtering functions to search for specific types of Short-term rentals or to delineate between specific rental characteristics such as activity level, revenue generation, availability, future booking statuses, and structure characteristics such as a room within a home.
- Ability to identify confidential/exempt information (including, but not limited to, utilizing information from the Brevard County Property Appraiser) and redact as necessary when creating reports.
- Ability to provide a list of data sources (e.g., listing platforms)
- Ability to provide authenticated records/affidavits as needed for Special Magistrate hearings.
- Ability to manage and restrict user account permission as necessary.

Provide an Online Registration Portal

- Provide an online registration portal, for parcels within the unincorporated County, to allow for the development of a database of existing, legally operated RDRs.
 - Ability to upload documents including, but not limited to, Business Tax Receipt
 - Ability to accept a maintain information such as designated contact for STR properties.
 - Ability to provide step-by-step screens (wizard tool) to register a short-term rental.
 - Ability to provide a third-party payment method where the County doesn't have access to customer payment information software integration information for registration fees.
- Ability to provide customer support for troubleshooting with end users through email address or phone service.
- Ability to generate and export reports in PDF and Microsoft Excel based on specific parameters such as new registrations, changes in current listings, and other property-related data.
- Ability to generate custom reports and identify if there is a cost structure for such reports.
- Ability to provide information on whether the portal is mobile-friendly and/or app-based.
- Ability to allow the registration portal to be publicly accessible/searchable by address/parcel ID/owner while redacting exempt/confidential properties.

Provide an Eligibility Authorization System

- Public-facing eligibility authorization system, for parcels within unincorporated County, that can search against a specific parcel to confirm that the parcel is eligible for RDR usage based on complex zoning, land use, and other parcel-related data, as provided by the County.