



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 1300, **Version:** 1

Subject:

Vacation Rentals

Fiscal Impact:

Indeterminate; potential positive impact

Dept/Office:

District 3

Requested Action:

Direct staff to develop code amendments consistent with the direction below

Summary Explanation and Background:

Staff has identified a number of sources of confusion with the current Land Use Code as it relates to short-term rentals such as Airbnb and VRBO. Indeed, the current code is so convoluted that it is not possible to create a map of the County or other form of guide accurately indicating to property-owners where such rentals are allowed. Essentially, a lawful use of property is being restricted through opaqueness of the law and its application.

The only viable solution to this issue involves an amendment to the County's land use code. The County Attorney's Office, after researching the issue, has determined that it would be acceptable under statute to add a new use consistent with Florida Statute, "Vacation Rental," and associated definitions, and include that in the various zoning classifications as a permitted use without conditions (see attached documents).

Once the Vacation Rental use is established and inserted into those zoning classifications which the Board chooses, it would then be appropriate to examine removing the existing use of "short-term rental" from those classifications where there is any conflict. At that point, it would be a simple process for staff to develop a map to guide property owners on where vacation rentals are permitted.

As such, it is requested that the Board direct staff to develop amendments to code to effectuate the following:

a) The addition of a new use and definition, "Vacation Rental," mirroring the definition contained in Florida Statute

b) Include this use as a permitted use, with no conditions, in the following zoning classifications:

1) RA-2-4, RA-2-6, RA-2-8, RA-2-10 (Single-Family Attached Residential)

- 2) RP (Residential Professional)
- 3) GU (General Use)
- 4) PA (Productive Agriculture)
- 5) AGR (Agricultural)
- 6) AU, AU(L) (Agricultural Residential)
- 7) ARR (Agricultural Rural Residential)
- 8) REU (Rural Estate Use)
- 9) RR-1 (Rural Residential)
- 10) SEU (Suburban Estate Residential Use)
- 11) SR (Suburban Residential)
- 12) EU, EU-1, EU-2 (Estate Use Residential)
- 13) RU-1-13, RU-1-11, RU-1-9, RU-1-7 (Single-Family Residential)
- 14) RU-2-4, RU-2-6, RU-2-8 (Low Density Multiple Family Residential)
- 15) RU-2-10, RU-2-12, RU-2-15 (Medium Density Multiple Family Residential)
- 16) RU-2-30 (High Density Multiple Family Residential)
- 17) RRMH-1, RRMH-2.5, RRMH-5 (Rural Residential Mobile Home)
- 18) TR-1, TR-1-A, TR-2, TR-3 (Single-Family Mobile Home)
- 19) TRC-1 (Single-Family Mobile Home Cooperative)
- 20) RVP (Recreational Vehicle Park)
- 21) PUD, RPUD, THPUD (Planned Unit Development)
- 22) TU-1 (General Tourist Commercial)
- 23) TU-2 (Transient Tourist Commercial)
- 24) FARM-1 (Farmton Mixed Use Zoning Overlay District)

- c) Amend those existing zoning classifications which include short-term rentals as a use, as necessary, to avoid any conflict or confusion with the vacation rental use.

Clerk to the Board Instructions: