

# Ordinance Prohibiting Renting of Single-family House for Weddings & Similar Events

On September 22, 2015 the Board adopted an ordinance prohibiting the renting of a single-family house for a large event like a wedding, with the following exceptions:

- Agricultural sites (4 acres and larger) may be used for weddings and similar events upon obtaining a **Temporary Use Permit (TUP)** from the County Community Development Department  
[http://www.irccdd.com/Applications/Temporary\\_Use/Application.pdf](http://www.irccdd.com/Applications/Temporary_Use/Application.pdf); County Code 972.06  
[https://www.municode.com/library/fl/indian\\_river\\_county/codes/code\\_of\\_ordinances?nodeId=COOR\\_TITIXLADERE\\_CH972TEUS\\_S972.06GEREST](https://www.municode.com/library/fl/indian_river_county/codes/code_of_ordinances?nodeId=COOR_TITIXLADERE_CH972TEUS_S972.06GEREST)

**NOTE: The Waldo's Secret Garden owner has already filed a TUP application; therefore wedding events at Waldo's Secret Garden are not affected by the ordinance.**

- Events already booked/reserved at a single-family residence may proceed if:
  1. The event was booked/reserved by September 22, 2015 and will occur prior to September 30, 2016 and;
  2. The event is registered with the Community Development Department by October 31, 2015.

To register with Community Development, all a person needs to do is email the following information to Stan Boling at [sboling@ircgov.com](mailto:sboling@ircgov.com):

- Type of event
- Event site address and owner
- Date of the event
- Event contact person (responsible party to contact if an event-related code violation or nuisance arises)
- Documentation showing that the event was reserved or booked on or before September 22, 2015

Staff will respond to email submittals by email.

[Read the full ordinance.](#)

ORDINANCE NO. 2015- 013

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AMENDING INDIAN RIVER COUNTY CODE SECTION 901.03 DEFINING COMMERCIAL EVENT AT RESIDENCE AND SECTIONS 911.15 AND 912.18 PROHIBITING COMMERCIAL EVENTS AT RESIDENCE, PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, it has become increasingly popular to hold weddings, family reunions and other celebrations at single family homes that are rented out specifically for the event or the occasion; and

**WHEREAS**, owners or the owner's agents of the homes advertise that the residential property is capable of accommodating a commercial type event, complete with dancing and catered food for a large gathering of people; and

**WHEREAS**, single family homes and neighborhoods are not designed to handle the traffic, noise, litter and parking problems associated with large commercial events; and

**WHEREAS**, surrounding homes and neighborhoods adjacent to a house leased out for these types of events must deal with frequent loud parties and receptions making them more like neighbors to a country club or a reception hall complete with live or recorded music, tents, outdoor dining and valet parking services; and

**WHEREAS**, owners of the event homes are not in attendance and are seeking out extra income at the expense of their fellow neighbors;

**NOW, THEREFORE, BE IT ORDAINED** BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA that:

**SECTION 1. AMENDMENT.**

**Section 901.03 - Definitions in alphabetical order:**

*Commercial amusement, unenclosed no change.*

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.

Coding: Words underscored are additions to text; words in ~~strikethrough~~ format are deletions to text.

*Commercial fishery* no change.

**Section 911.15. General Provisions**

(8) – Prohibition of commercial event at residence

- (a) As defined in §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 acres or greater in area and
  - 2. at a site that is zoned agricultural or
  - 3. at a site used for agricultural purposes

must 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.

**Section 912.18. - Maintenance and public nuisance and noise.**

- (1) *Nuisances.* No change.
- (2) *Noise control.* No change.
- (3) Commercial event at residence. As defined in §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 or owner’s agent to advertise or hold out the property to be used as a location for a commercial event at residence.

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must first apply for and receive a Temporary Use Permit as prescribed by IRC Code Chapter 972 prior to conducting the commercial event at residence.

(b) 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.

(c) Notwithstanding the prohibition contained in paragraph (3) 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.

**SECTION 2. CODIFICATION.**

It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Indian River County and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase and the sections of this ordinance may be renumbered or relettered to accomplish such intention; providing, however, that Sections 2, 3 and 4 shall not be codified.

**SECTION 3. SEVERABILITY.**

If any section, or any sentence, paragraph, phrase, or word of this ordinance is for any reason held to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance, and it shall be construed to have been the legislative intent to pass the ordinance without such unconstitutional, invalid or inoperative part.

**SECTION 4. EFFECTIVE DATE.**

This ordinance shall take effect upon filing with the Florida Secretary of State. This ordinance was advertised in the Indian River Press Journal on the 4th day of September, 2015, for a public hearing on the 22<sup>nd</sup> day of September, 2015, at which time it was moved for adoption by Commissioner Flescher, and seconded by Commissioner O'Bryan and adopted by the following vote:

Chairman Wesley S. Davis	<u>aye</u>
Vice Chairman Bob Solari	<u>aye</u>
Commissioner Peter D. O'Bryan	<u>aye</u>
Commissioner Joseph E. Flescher	<u>aye</u>
Commissioner Tim Zorc	<u>aye</u>

The Chairman thereupon declared the ordinance duly passed and adopted this 22nd day of September, 2015.

Attest: Jeffrey R. Smith, Clerk of Court and Comptroller

INDIAN RIVER COUNTY, FLORIDA,  
by its Board of County Commissioners

By *Heena Behera*  
Deputy Clerk

By *Wesley S. Davis*  
Wesley S. Davis, Chairman

Approved as to form and legal sufficiency

*William K. DeBraal*  
William K. DeBraal  
Deputy County Attorney



ACKNOWLEDGMENT by the Department of State of the State of Florida, this \_\_\_\_ day of \_\_\_\_\_, 2015.

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