

1 **ORDINANCE NO. 2017-_____**

2 **AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA,**
3 **AMENDING THE CODE OF ORDINANCES, CHAPTER 30, LAND**
4 **DEVELOPMENT REGULATIONS; DEFINING VACATION RENTALS,**
5 **PROVIDING RESTRICTIONS AND PENALTIES, REQUIRING**
6 **REGISTRATION, PROVIDING FOR CODIFICATION, PROVIDING**
7 **FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND**
8 **PROVIDING FOR AN EFFECTIVE DATE.**

9 **WHEREAS**, the Village of Pinecrest has determined, upon examination of the issue, that
10 the transient use of residential dwellings in the Village has a negative effect on the residential
11 character of the community and that it is necessary and in the interest of the public health, safety,
12 and welfare to monitor and provide reasonable means the Village to mitigate impacts created by
13 such transitory uses of residential property within the Village.

14 **WHEREAS**, the Chapter 2011-119, Laws of Florida, created a new classification of
15 public lodging establishment known as vacation rentals that is defined in Section 509.242(c),
16 Florida Statutes (2015), as "any unit or group of units in a condominium or cooperative or any
17 individually or collectively owned single-family, two-family, three-family, or four-family house
18 or dwelling unit that is also a transient public lodging establishment but that is not a timeshare
19 project."; and

20 **WHEREAS**, Subsection 509.032(7), Florida Statutes (2015), provides that local laws,
21 ordinances, or regulations may not prohibit vacation rentals or regulate the duration and
22 frequency of rental of vacation rentals; and

23 **WHEREAS**, Florida Statutes do not prevent the Village from adopting ordinances
24 specific to vacation rentals to address some of the noise, parking, trash and life-safety issues
25 created by the proliferation of vacation rentals in residential neighborhoods.

26 **WHEREAS**, unregulated vacation rentals can create disproportionate impacts related to
27 their size, excessive occupancy, and lack of proper facilities; and

28 **WHEREAS**, the presence of vacation rentals within residential dwelling units in
29 established residential neighborhoods can create negative compatibility impacts, among which
30 include, but are not limited to, excessive noise, excessive on-street parking, accumulation of
31 trash, and diminished public safety; and

Note:

~~Strikethrough words~~ are deletions to the existing words in the Land Development Regulations.

Underlined words are additions to the existing words in the Land Development Regulations.

32 **WHEREAS**, the other classifications of transient public lodging establishments are
33 subject to stricter development standards, undergo annual inspections, and have more stringent
34 operational and business requirements; and

35 **WHEREAS**, Section 509.032(7), Florida Statutes, authorizes local governments to
36 conduct inspections of public lodging establishments for compliance with the Florida Building
37 Code and the Florida Fire Prevention Code, pursuant to Sections 553.80 and 633.206, Florida
38 Statutes (2015); and

39 **WHEREAS**, the Village of Pinecrest finds a substantial interest in furthering the public
40 health, safety and welfare by controlling density, by protecting the residential character of areas
41 designated for residential use, implementing its comprehensive plan, and establishing and
42 enforcing minimum life safety standards;

43 **WHEREAS**, the Village of Pinecrest Charter empowers the Village Council to adopt,
44 amend or repeal its ordinances and resolutions as may be required for the benefit of the residents
45 of the Village of Pinecrest; and

46 **WHEREAS**, after reviewing the Local Planning Agency’s recommendations, the
47 recommendations of Village staff, and comments from the public, the Village Council finds that
48 the proposed amendments to its Code of Ordinances and Land Development Regulations are in
49 compliance and consistent with Florida law and its adopted Comprehensive Development Master
50 Plan; and

51 **WHEREAS**, the Village Council further finds that this Ordinance is necessary for the
52 preservation of the public health, safety and welfare of the Village’s residents.;

53 **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE**
54 **VILLAGE OF PINECREST, FLORIDA:**

55 **SECTION 1. Recitals Adopted.** That the above stated recitals are hereby adopted and
56 confirmed.
57

58 **SECTION 2. Village Code Amended.** That Division 5.33, “Vacation Rentals,” of
59 Chapter 30, Land Development Regulations, of the Code of Ordinances is hereby created as
60 follows:

61 **Division 5.33. – Vacation Rentals.**

62 **(a) Definitions**

Note:

~~Strikethrough words~~ are deletions to the existing words in the Land Development Regulations.

Underlined words are additions to the existing words in the Land Development Regulations.

63 **Responsible Party** shall mean the owner or the person designated by the owner of the
64 property to be called upon to answer for the maintenance of the property and for the conduct and
65 acts of occupants of Vacation Rental properties.

66 **Transient Occupants** means any person, or guest or invitee of such person who occupies or
67 is in actual or apparent control or possession of residential property registered or used as a Vacation
68 Rental. It shall be a rebuttable presumption that any person who holds themselves out as being an
69 occupant or guest of an occupant of a Vacation Rental, or a property used as a Vacation Rental, is a
70 Transient Occupant.

71 **Vacation Rental** shall mean any unit or group of units in a condominium or cooperative or
72 any individually or collectively owned single-family, two-family, three-family, or four-family house
73 or dwelling unit that is rented to guests more than three (3) times in a calendar year for periods of
74 less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held
75 out to the public as a place regularly rented to guests, but that is not a timeshare project.
76

77 (b) **Registration Required.**

78 It is unlawful for any person to allow another person to occupy any residential property as a
79 Vacation Rental within the Village of Pinecrest, or offer such rental services within the Village of
80 Pinecrest, unless the person has registered the Vacation Rental property with the Village of
81 Pinecrest and the Vacation Rental property has been issued a certificate of compliance in
82 accordance with the provisions of this Division.

83 (c) **Application for Registration**

84 The application for registration of a Vacation Rental shall be made to the Village Manager
85 or his or her designee on a form provided by the Village, which shall set forth at a minimum:

86 (1) The legal description of the property offered for rental, including the complete address,
87 subdivision, or community name.

88 (2) Proof of ownership of the property, including the name, address and phone number of
89 each person or entity with an ownership interest in the property.

90 (3) An approved inspection report of the Miami-Dade County Fire Rescue Department
91 verifying compliance with the Department's criteria for a residential dwelling transient lodging use.

92 (4) The gross square footage of the property, including the number of rooms, bedrooms,
93 kitchens and on-site parking spaces attributable to the Vacation Rental use.

Note:

~~Strikethrough words~~ are deletions to the existing words in the Land Development Regulations.

Underlined words are additions to the existing words in the Land Development Regulations.

94 (5) A valid and current federal employer tax identification number (or social security
95 number) for the owner(s) of the property.

96 (6) Proof of registration with, or exemption from, the Florida Department of Revenue for
97 sales tax collection under Chapter 212, Florida Statutes, and Miami-Dade County for Tourist
98 Development Tax.

99 (7) Proof of licensure with, or exemption from, the Florida Department of Business and
100 Professional Regulation for a transient public lodging establishment.

101 (8) The name, address and 24-hour phone number of the person who will act as the
102 Responsible Party, operating the Vacation Rental property. The Responsible Party phone number
103 shall be answered twenty-four (24) hours, seven (7) days a week.

104 (9) The application shall bear the signatures of all owners, authorized agents, authorized
105 property managers and the Responsible Party.

106 (10) The owner of the property and the Responsible Party must individually acknowledge
107 the affirmative duty to ensure compliance with the requirements of this Division, including the
108 *Owner and Responsible Party Requirements* of this Division.

109 (11) Acknowledgement that the application and any related approvals are specific to the
110 property identified in the application and approval; other properties are not jointly shared
111 commodities and shall not be considered available for use by transient occupants of the property
112 which is the subject of the application.

113 (12) Submission of an incomplete registration application form shall result in rejection of the
114 application.

115 (d) **Responsible party required.**

116 Whenever any property is required to be registered under this Division, the owner shall act
117 as, or retain at all times, an appointed natural person capable of meeting the duties provided in
118 subsection 23-74. The designated Responsible party must reside within thirty (30) miles to serve as
119 the Responsible party for service of notices as are specified herein. Notices given to the
120 Responsible party shall be sufficient to satisfy any requirement for notice to the owner. An initial
121 Responsible Party shall be designated and shall participate in the application for registration, and the
122 Village manager or his designee shall thereafter be notified of any change of Responsible Party
123 within fifteen (15) days of such change.

124 (e) **Fees for Registration.**

Note:
~~Strikethrough words~~ are deletions to the existing words in the Land Development Regulations.
Underlined words are additions to the existing words in the Land Development Regulations.

125 The Village of Pinecrest may charge reasonable fees for registration to compensate for
126 administrative expenses. The fees for registration shall be provided for, from time to time, by
127 resolution adopted by the Village Council.

128 (f) **Owner and Responsible Party Requirements.**

129 In addition to general compliance with all federal, state, county and local laws, it is the
130 affirmative duty and responsibility of the owner and the Responsible Party, individually and
131 collectively, to adhere to the following:

132 (1) Inform all guests, in writing, prior to occupancy of the property, of all applicable Village
133 of Pinecrest ordinances concerning noise, vehicle parking, garbage, and common area usage.

134 (2) Maintain the property under their control in compliance with the occupancy limits, as
135 specified in this Division, the Certificate of Compliance, the Florida Building Code and the Village
136 Code of Ordinances, as determined by the Village Manager, building official or respective designee;

137 (3) Ensure that, at all times:

138 a. all vehicles associated with the Vacation Rental are parked within a
139 driveway in compliance with the Code of Ordinances of the Village of Pinecrest;

140 b. the entire property, including the front, back, and side yards, is maintained
141 free of garbage and litter, provided however, that this subsection shall not prohibit the
142 storage of garbage and litter in authorized receptacles for collection;

143 c. all Transient Occupants are aware that it shall be unlawful to allow or make
144 any noise or sound that exceeds the limits set forth in the Chapter 15, Article II, “Noises;
145 Unnecessary and Excessive Prohibited,” of the Village Code;

146 d. all Transient Occupants are aware that unauthorized occupants of any
147 structure or conveyance of the property that have been warned by the owner or lessee to
148 leave and refuse to do so commit the offense of trespass of a structure or conveyance and
149 will be charged under the State of Florida and local law; and

150 e. the provisions of this Division are complied with and promptly address any
151 violations of this Division or any violations of law which may come to the attention of the
152 Responsible party.

153 (4) Be available with authority to address and coordinate solutions to problems with the
154 rental of the property twenty-four (24) hours a day, seven (7) days a week and to respond to
155 emergency calls within one (1) two (2) hours of notification.

Note:

~~Strikethrough words~~ are deletions to the existing words in the Land Development Regulations.

Underlined words are additions to the existing words in the Land Development Regulations.

156 (5) Keep available a register of all guests, which shall be open to inspection by authorized
157 personnel of the Village at all times

158 (6) Prohibit rental to any person on the Florida Sexual Offenders and Predators (FDLE)
159 database or any other state sex offender database consistent with the requirements of Chapter 16,
160 Article IV of the Village Code..

161 (g) **Standards and requirements for Vacation Rentals.**

162 (1) *Certificate of Compliance.* The Village Manager or his designee may issue a Certificate
163 of Compliance to the applicant upon proof that the Owner or Responsible Party has:

164 a. Submitted a complete Vacation Rental registration application form including
165 appropriate documentation of compliance with applicable Florida Department of
166 Revenue and Florida Department of Business and Professional Regulation
167 requirements;

168 b. Submitted the registration fee;

169 c. Obtained a Local Business Tax Receipt (LBTR) from the Village pursuant to
170 Chapter 28 of the Village Code of Ordinances;

171 d. Obtained a LBTR from Miami-Dade County;

172 e. Provide an affidavit, demonstrating initial and on-going compliance with Vacation
173 Rental Standards contained herein, plus any other applicable local, state and federal
174 laws, regulations and standards to include, but not be limited to Chapter 509, Florida
175 Statutes, and Rules, Chapter 61C and 69A, Florida Administrative Code; and

176 f. Provided a copy of the vacation rental/lease agreement form to be used when
177 contracting with Transient Occupants and guests which includes the *minimum*
178 *vacation rental lessee information* required by subsection (2)d. below.

179 g. Requested and passed a Compliance Inspection pursuant to this Division.

180 (2) *Vacation Rental Standards.* The following standards shall govern the use of any
181 Vacation Rental as a permitted use:

182 a. Minimum life/safety requirements:

183 1. Swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub shall
184 comply with the current standards of Residential Swimming Pool Safety Act,
185 Chapter 515, Florida Statutes.

Note:

~~Strikethrough words~~ are deletions to the existing words in the Land Development Regulations.

Underlined words are additions to the existing words in the Land Development Regulations.

- 186 2. Smoke and carbon monoxide (CO) detection and notification system. If an
187 interconnected and hard-wired smoke and carbon monoxide (CO) detection and
188 notification system is not in place within the Vacation Rental unit, then an
189 interconnected, hard-wired smoke alarm and carbon monoxide (CO) alarm
190 system shall be required to be installed and maintained on a continuing basis
191 consistent with the requirements of Section R314, Smoke Alarms, and Section
192 R315, Carbon Monoxide Alarms, of the Florida Building Code – Residential.
- 193 3. Fire extinguisher. A portable, multi-purpose dry chemical 2A:10B:C fire
194 extinguisher shall be installed, inspected and maintained in accordance with
195 NFPA 10 on each floor/level of the unit. The extinguisher(s) shall be installed
196 on the wall in an open common area or in an enclosed space with appropriate
197 markings visibly showing the locations.
- 198 4. There shall be posted, next to the interior door of each bedroom or sleeping
199 room a legible copy of the building evacuation map that is a minimum of 8 and
200 ½ inches by 11 inches in size.
- 201 b. Maximum occupancy. The maximum vacation rental occupancy shall not exceed
202 the smallest occupancy calculated pursuant to each of the following standards:
- 203 1. Two (2) persons per bedroom;
- 204 2. Regardless of the number of bedrooms, the maximum occupancy shall be
205 limited to ten (10) Transient Occupants per Vacation Rental unit; and.
- 206 3. Three (3) Transient Occupants per one (1) off-street parking space legally
207 available to the property, the exact number of which is determined by the
208 requirement of Division 5.22 of the Village Land Development Regulations of
209 the Village Code of Ordinances.
- 210 c. Solid waste handling and containment. Village solid waste containers shall be
211 provided for the maximum transient occupancy permitted by this Division, as
212 required by the Village Code of Ordinances. Required screening and storage
213 requirements for solid waste containers shall apply and shall be incorporated into
214 the Certificate of Compliance. For purposes of this section, a solid waste container
215 shall not be placed for curbside pickup more than 24 hours before pickup and all
216 receptacles must be removed from the curbside within 24 hours after pickup.

Note:

~~Strikethrough words~~ are deletions to the existing words in the Land Development Regulations.

Underlined words are additions to the existing words in the Land Development Regulations.

- 217 d. Minimum vacation rental lessee information. The following information shall be
 218 posted conspicuously within the establishment *and shall be provided to each*
 219 *vacation rental lessee as part of their lease:*
- 220 1. The maximum occupancy permitted under the Certificate of Compliance.
 - 221 2. A statement advising the Occupant that it is unlawful to allow or make any
 222 noise or sound that exceeds the limits set forth in the Chapter 15, Article II,
 223 “Noises; Unnecessary and Excessive Prohibited,” of the Village Code and such
 224 violation is subject to Village code enforcement, including but not limited to
 225 fines up to \$500 per violation;
 - 226 2. A sketch of the location of the off-street parking spaces available to the
 227 property;
 - 228 3. The days and times of trash pickup and the solid waste handling and
 229 containment requirements of this Division;
 - 230 4. The location of the nearest hospital; and
 - 231 5. The local non-emergency police phone number.
- 232 e. Advertising. Any advertising of the vacation rental unit shall conform to
 233 information included in the Vacation Rental Certificate of Compliance and the
 234 property’s approval, and shall include at a minimum, identification of the maximum
 235 occupancy permitted on the property.
- 236 f. Posting of Certificate of Compliance. The Certificate of Compliance shall be
 237 posted on the back of or next to the main entrance door and shall include at a
 238 minimum the name, address and phone number of the Responsible party and the
 239 maximum occupancy of the Vacation Rental.
- 240 g. Other standards. The Occupant shall be advised that all standards contained within
 241 the Code of Ordinances and Land Development Regulations of the Village
 242 including, but not limited to: noise, setbacks, and stormwater, are applicable to the
 243 vacation rental and may be enforced against the Occupant.
- 244 (h) **Sale or transfer of dwelling unit used for vacation rentals.** Whenever a dwelling used for
 245 vacation rentals is sold or otherwise changes ownership and the new owner desires to use
 246 the dwelling for vacation rentals, the new owner must, prior to allowing any vacation rental
 247 use:

Note:
~~Strikethrough words~~ are deletions to the existing words in the Land Development Regulations.
Underlined words are additions to the existing words in the Land Development Regulations.

248 (1) Schedule and obtain an inspection of the dwelling for a Certificate of Compliance; and

249 (2) Apply for a vacation rental certificate for the vacation rental use.

250 (i) **Rules and procedures.** The Village Manager or designee may create rules and procedures
251 to assist in the implementation of this section, including but not limited to a timeline and
252 procedure for all existing vacation rentals to apply for and obtain their first vacation rental
253 certificate pursuant to this ordinance in a manner consistent with available staff resources.

254 (j) **Administration, penalties, and enforcement.**

255 (1) Initial and Annual Compliance Inspections of Vacation Rentals.

256 An inspection of the dwelling unit for compliance with this section, and for compliance
257 with the requirements of the Florida Building Code is required prior to issuance or
258 renewal of a Vacation Rental Certificate of Compliance. If violations are found, all
259 violations must be corrected and the dwelling unit must be re-inspected prior to issuance
260 or renewal of a Vacation Rental Certificate of Compliance as provided herein. All
261 violations must be corrected and re-inspected within thirty (30) calendar days. Failure to
262 correct such inspection deficiencies in the timeframes provided shall result in the denial
263 of an initial application or suspension of the vacation rental certificate of compliance
264 until such time as the violations are corrected and re-inspected.

265 a. Inspections will be conducted by the Village Manager or his or her designee.

266 b. The suspension of a Vacation Rental Certificate of Compliance shall be posted at the
267 establishment.

268 (2) Registration not transferable.

269 No registration issued under this Division shall be transferred or assigned or used by any
270 person other than the person to whom it is issued, or at any location other than the
271 location for which it is issued.

272 (3) Expiration of registration.

273 All registrations issued under the provisions of this Division shall be valid for no more
274 than one year, and all registrations shall expire on September 30th of each year. Fees for
275 renewal and applicable late renewal fees shall be established by resolution of the Village
276 Council.

277 (4) Revocation.

Note:

~~Strikethrough words~~ are deletions to the existing words in the Land Development Regulations.

Underlined words are additions to the existing words in the Land Development Regulations.

278 Any Certificate of Compliance issued pursuant to this Division may be denied, revoked,
279 or suspended by the Village Manager upon the adjudication of a violation of this
280 Division, any Village of Pinecrest Ordinance, or state law by the Responsible party,
281 property owner or Transient Occupant attributable to the property for which the
282 certificate of compliance is issued. Such denial, revocation or suspension is in addition
283 to any other penalty or remedy available at law.

284 (5) Offenses/violations.

285 a. A violation of any of the provisions of this Division, is punishable by a fine of up to
286 two hundred and fifty dollars (\$250.00).

287 b. Suspension of Vacation Rental Certificate of Compliance. In addition to any fines
288 and any other remedies described herein or provided for by law, the Village may
289 suspend a Vacation Rental Certificate of Compliance for multiple violations of the
290 maximum occupancy in any continuous thirty-six (36) month period, in accordance
291 with the following:

292 1. Suspension timeframes.

293 i. Upon a third violation of the maximum occupancy the Vacation Rental
294 Certificate shall be suspended for a period of thirty (30) calendar days.

295 ii. Upon a fourth violation of the maximum occupancy the Vacation Rental
296 Certificate shall be suspended for a period of twelve (12) calendar months.

297 iii. For each additional violation of the maximum occupancy the Vacation
298 Rental Certificate shall be suspended for an additional twelve (12) calendar
299 months.

300 2. Suspension restrictions. A vacation rental may not provide transient occupancy
301 during any period of suspension of a Vacation Rental certificate. The suspension
302 shall begin immediately following notice, commencing either:

303 i. At the end of the current vacation rental lease period; or

304 ii. Within thirty (30) calendar days, whichever date commences earlier, or as
305 otherwise determined by the Village.

306 3. Operation during any period of suspension shall be deemed a violation pursuant
307 to this Division and shall be subject to a daily fine, up to the maximum amount

Note:

~~Strikethrough words~~ are deletions to the existing words in the Land Development Regulations.

Underlined words are additions to the existing words in the Land Development Regulations.

308 as otherwise provided in Florida Statutes for repeat violations, for each day that
309 the Vacation Rental operates during a period of violation.

310 **(k) Vesting.**

311 1. Vacation Rentals existing as of [THE EFFECTIVE DATE OF THIS
312 ORDINANCE] shall be considered vested Vacation Rentals only as related to
313 contracts entered prior to [THE EFFECTIVE DATE OF THIS ORDINANCE].
314 Rental/lease agreements that were entered into prior to [EFFECTIVE DATE OF
315 ORDINANCE], as evidenced by a written and validly executed rental agreement or
316 contract provided to the Village Manager no later than [THE EFFECTIVE DATE
317 OF THIS ORDINANCE PLUS 3 MONTHS] shall be considered vested.

318 2. Vesting shall:

319 a. Apply only to date specific rentals; and

320 b. Not apply to renewals of existing rental agreements or contracts which are at the
321 option of either of the parties.

322 3. All rental agreements entered into after [THE EFFECTIVE DATE OF THIS
323 ORDINANCE] shall comply with the provisions of this Division. No Vacation
324 Rental shall be occupied pursuant to a contract/lease entered into after [THE
325 EFFECTIVE DATE OF THIS ORDINANCE], until the Owner has obtained the
326 required Vacation Rental Certificate of Compliance.

327 4. A vested contract/lease transferred to a subsequent owner shall continue to be
328 vested, but shall not be transferred to a different Vacation Rental property, provided
329 the new owner complies with the inspection and licensing requirements of this
330 Division.

331 **SECTION 3. Inclusion in the Code of Ordinances.**

332 It is the intention of the Village Council and it is hereby ordained that the amendments to
333 the Village of Pinecrest Code of Ordinances and Land Development Regulations shall become
334 part of the Village of Pinecrest Code of Ordinances, and that the sections of this Ordinance may
335 be renumbered and relettered as necessary, and that the word “Ordinance” may be changed to
336 “Section, “Article” or other appropriate word.

337 **SECTION 4. Conflicts.**

Note:

~~Strikethrough words~~ are deletions to the existing words in the Land Development Regulations.

Underlined words are additions to the existing words in the Land Development Regulations.

338 All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict
339 with the provisions of this Ordinance are hereby repealed.

340 **SECTION 5. Severability.**

341 If any section, clause, sentence or phrase of this Ordinance is for any reason held invalid
342 or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity
343 of the remaining portions of this Ordinance.

344 **SECTION 6. Effective Date**

345 This Ordinance shall become effective on immediately upon adoption.

346

Note:
~~Strikethrough words~~ are deletions to the existing words in the Land Development Regulations.
Underlined words are additions to the existing words in the Land Development Regulations.



Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

DATE: January 4, 2017

TO: Yocelyn Galiano, ICMA-CM, LEED-GA
Village Manager

FROM: Stephen R. Olmsted, AICP, LEED-GA
Planning Director

RE: Village of Pinecrest Code of Ordinances
Chapter 30, Land Development Regulations – Vacation Rental Dwelling
Regulations

Background

In 2016, the Building and Planning Department coordinated with a volunteer staff intern and student at the University of Miami in the initial research of the potential impacts and regulation of short-term vacation rental dwellings in the State of Florida and Village of Pinecrest. Current research of the "AIRBNB", "VRBO", and "Home Away" web sites indicates that they currently advertise approximately 22 short term vacation rental dwellings in the Village of Pinecrest for rent. It is expected that there may be other dwellings offered for rent on a short-term basis in the Village of Pinecrest that are not listed on the "AIRBNB", "VRBO", or "Home Away" web sites and it is expected that the total number of these dwellings available for rent will continue to increase as the recent concept of short term rental of dwellings continues to become more convenient with the continued development of such websites and applications. Attached are some examples of the ads placed on these rental sites.

The minimum number of nights that a short term rental unit is required to be rented is typically indicated as two (2) to three (3) nights. Renters often travel on vacation from out of town and occupancy of any particular unit changes frequently. Occupants are typically not familiar with the neighborhood or neighboring property owners. Vacation rentals in established neighborhoods can create negative compatibility impacts if left unregulated which can include excessive noise, excessive on-street parking, and accumulation of trash.



Pursuant to the provisions of Chapter 509.032 of the Florida Statutes, the regulation of public lodging establishments is generally preempted to the state. Chapter 509.032, however, does not preempt the authority of a local government to conduct inspections of Vacation rental dwellings for compliance with the Florida Building Code and the Florida Fire Prevention Code or to impose reasonable standards for the regulation of noise, parking, trash, and life-safety issues.

In the absence of specific regulations governing the inspection and operation of short term rental dwellings, the Village's Land Development Regulations do not otherwise regulate or regulate these types of dwellings. Following further review and coordination with the Village Attorney, a draft ordinance was completed for initial review and consideration by the Local Planning Agency and Village Council at first reading on January 10, 2017. A copy of the draft ordinance allowing for registration and inspection of short-term rental units, and regulation of the units consistent with the limitations of State Statutes, is attached. The Village's Land Development Regulations

Vacation rental dwellings existing as of the effective date of the proposed ordinance will have the opportunity to vest their existing contracts, but would be required to comply with the ordinance before accepting new contracts. All the ordinance requirements would apply to all new short term rental dwellings established after the effective date of the ordinance and any existing short term dwellings in existence prior to the effective date of the ordinance that fail to establish their vested rights within three months after the effective date.

The proposed ordinance defines vacation rental dwellings as dwelling units that are rented to guests for more than three (3) times in a calendar year for periods of less than 30 days or one calendar month. The proposed ordinance requires annual registration and inspection of defined short-term rental dwellings. The ordinance further requires payment of an annual registration and inspection fee; requires identification of a responsible contact individual within thirty miles of the rental unit who may be contacted when necessary; limits occupancy of any vacation rental dwelling unit to two persons per bedroom and a maximum of 10 persons per dwelling unit; establishes minimum safety and inspection requirements; and includes penalties for violation of the ordinance.

The proposed ordinance requires payment of a fee to compensate for the administrative expenses associated with registration and inspection of vacation rental units, although a specific fee is not included in the proposed ordinance. The Village's Fee Schedule will need to be amended following consideration at an advertised public hearing to include specific fees for registration and inspection of vacation rental dwellings. Staff will provide a resolution for the Village Council's consideration for establishment of a proposed fee at the time of second reading of the attached ordinance.

Recommendation

The Building and Planning Department recommends approval of the proposed Vacation Rental Dwelling ordinance at first reading.

If you have questions or require additional information regarding the draft amendments, please let me know.