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**ORDINANCE NO. 2017-\_\_\_\_\_**

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

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

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

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

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

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

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

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32 WHEREAS, the other classifications of transient public lodging establishments are subject  
33 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 conduct  
36 inspections of public lodging establishments for compliance with the Florida Building Code and  
37 the Florida Fire Prevention Code, pursuant to Sections 553.80 and 633.206, Florida Statutes  
38 (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 the  
48 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 VILLAGE OF  
54 PINECREST, FLORIDA:

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

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

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62 **Division 5.33. – Vacation Rentals.**

63 (a) Definitions

64 Partially Rented shall mean a rental where, at all times that the property is being rented out,  
65 the owner rents to guests only a portion of the property and retains some portion of the  
66 property for their own personal use and the excluded portions of the property are clearly  
67 delineated in all rental agreements.

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

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

76 *Vacation Rental* shall mean any unit or group of units in a condominium or cooperative or  
77 any individually or collectively owned single-family, two-family, three-family, or four-family  
78 house or dwelling unit that is rented to guests more than three (3) times in a calendar year for  
79 periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is  
80 advertised or held out to the public as a place regularly rented to guests, but that is not a  
81 timeshare project. A property which is only Partially Rented or which is simultaneously  
82 occupied by the homeowner is not a Vacation Rental and is not subject to the requirements of  
83 Division 5.33.

84  
85 (b) Registration Required.

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

91 (c) Application for Registration

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

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- 94 (1) The legal description of the property offered for rental, including the complete address,  
95 subdivision, or community name.
- 96 (2) Proof of ownership of the property, including the name, address and phone number of  
97 each person or entity with an ownership interest in the property.
- 98 (3) An approved inspection report of the Miami-Dade County Fire Rescue Department  
99 verifying compliance with the Department's criteria for a residential dwelling transient  
100 lodging use.
- 101 (4) The gross square footage of the property, including the number of rooms, bedrooms,  
102 kitchens and on-site parking spaces attributable to the Vacation Rental use.
- 103 (5) A valid and current federal employer tax identification number (or social security number)  
104 for the owner(s) of the property.
- 105 (6) Proof of registration with, or exemption from, the Florida Department of Revenue for sales  
106 tax collection under Chapter 212, Florida Statutes, and Miami-Dade County for Tourist  
107 Development Tax.
- 108 (7) Proof of licensure with, or exemption from, the Florida Department of Business and  
109 Professional Regulation for a transient public lodging establishment.
- 110 (8) The name, address and 24-hour phone number of the person who will act as the  
111 Responsible Party, operating the Vacation Rental property. The Responsible Party phone  
112 number shall be answered twenty-four (24) hours, seven (7) days a week.
- 113 (9) The name and contact information for any listing services on or through which the  
114 vacation rental is to be offered for rent.
- 115 ~~(109)~~ The application shall bear the signatures of all owners, authorized agents, authorized  
116 property managers and the Responsible Party.
- 117 ~~(110)~~ The owner of the property and the Responsible Party must individually acknowledge  
118 the affirmative duty to ensure compliance with the requirements of this Division, including the  
119 *Owner and Responsible Party Requirements* of this Division.
- 120 ~~(121)~~ Acknowledgement that the application and any related approvals are specific to the  
121 property identified in the application and approval; other properties are not jointly shared  
122 commodities and shall not be considered available for use by transient occupants of the  
123 property which is the subject of the application.

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124 (132) Submission of an incomplete registration application form shall result in rejection of the  
125 application.

126 (d) Responsible party required.

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

135 (e) Fees for Registration.

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

139 (f) Owner and Responsible Party Requirements.

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

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

146 (2) Maintain the property under their control in compliance with the occupancy limits, as  
147 specified in this Division, the Certificate of Compliance, the Minimum Housing Standards of  
148 Miami-Dade County, specific requirements of the Florida Building Code noted herein and the  
149 Village Code of Ordinances, as determined by the Village Manager, building official or  
150 respective designee;

151 (3) Ensure that, at all times:

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

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- 154           b.     the entire property, including the front, back, and side yards, is maintained  
 155                 free of garbage and litter, provided however, that this subsection shall not  
 156                 prohibit the storage of garbage and litter in authorized receptacles for  
 157                 collection;
- 158           c.     all Transient Occupants are aware that it shall be unlawful to allow or make  
 159                 any noise or sound that exceeds the limits set forth in the Chapter 15, Article  
 160                 II, "Noises; Unnecessary and Excessive Prohibited," of the Village Code;
- 161           d.     all Transient Occupants are aware that unauthorized occupants of any  
 162                 structure or conveyance of the property that have been warned by the owner  
 163                 or lessee to leave and refuse to do so commit the offense of trespass of a  
 164                 structure or conveyance and will be charged under the State of Florida and  
 165                 local law; and
- 166           e.     the provisions of this Division are complied with and promptly address any  
 167                 violations of this Division or any violations of law which may come to the  
 168                 attention of the Responsible party.
- 169           (4) Be available with authority to address and coordinate solutions to problems with the  
 170           rental of the property twenty-four (24) hours a day, seven (7) days a week and to respond to  
 171           emergency calls within one (1) two (2) hours of notification.
- 172           (5) Keep available a register of all guests, which shall be open to inspection by authorized  
 173           personnel of the Village at all times
- 174           (6) Prohibit rental to any person on the Florida Sexual Offenders and Predators (FDLE)  
 175           database or any other state sex offender database consistent with the requirements of  
 176           Chapter 16, Article IV of the Village Code.
- 177           (g) Standards and requirements for Vacation Rentals.
- 178           (1) *Certificate of Compliance*. The Village Manager or his designee may issue a Certificate  
 179           of Compliance to the applicant upon proof that the Owner or Responsible Party has:
- 180                 a. Submitted a complete Vacation Rental registration application form including  
 181                 appropriate documentation of compliance with applicable Florida Department of  
 182                 Revenue and Florida Department of Business and Professional Regulation  
 183                 requirements;
- 184                 b. Submitted the registration fee;

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- 185 c. Obtained a Local Business Tax Receipt (LBTR) from the Village pursuant to Chapter  
186 28 of the Village Code of Ordinances;
- 187 d. Obtained a LBTR from Miami-Dade County;
- 188 e. Provide an affidavit, demonstrating initial and on-going compliance with Vacation  
189 Rental Standards contained herein, plus any other applicable local, state and federal  
190 laws, regulations and standards to include, but not be limited to Chapter 509,  
191 Florida Statutes, and Rules, Chapter 61C and 69A, Florida Administrative Code; and
- 192 f. Provided a copy of the vacation rental/lease agreement form to be used when  
193 contracting with Transient Occupants and guests which includes the *minimum*  
194 *vacation rental lessee information* required by subsection (2) d. below.
- 195 g. Requested and passed a Compliance Inspection pursuant to this Division.
- 196 (2) *Vacation Rental Standards*. The following standards shall govern the use of any  
197 Vacation Rental as a permitted use:
- 198 a. Minimum life/safety requirements:
- 199 1. Swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub shall  
200 comply with the current standards of Residential Swimming Pool Safety Act,  
201 Chapter 515, Florida Statutes.
- 202 2. Smoke and carbon monoxide (CO) detection and notification system. If an  
203 interconnected and hard-wired smoke and carbon monoxide (CO) detection and  
204 notification system is not in place within the Vacation Rental unit, then an  
205 interconnected, hard-wired smoke alarm and carbon monoxide (CO) alarm  
206 system shall be required to be installed and maintained on a continuing basis  
207 consistent with the requirements of Section R314, Smoke Alarms, and Section  
208 R315, Carbon Monoxide Alarms, of the Florida Building Code – Residential.
- 209 3. Fire extinguisher. A portable, multi-purpose dry chemical 2A:10B:C fire  
210 extinguisher shall be installed, inspected and maintained in accordance with  
211 NFPA 10 on each floor/level of the unit. The extinguisher(s) shall be installed on  
212 the wall in an open common area or in an enclosed space with appropriate  
213 markings visibly showing the locations.

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- 214 4. There shall be posted, next to the interior door of each bedroom or sleeping  
215 room a legible copy of the building evacuation map that is a minimum of 8 and  
216 ½ inches by 11 inches in size.
- 217 b. Maximum occupancy. The maximum vacation rental occupancy shall not exceed  
218 the smallest occupancy calculated pursuant to each of the following standards:
- 219 1. Two (2) persons per bedroom;
- 220 2. Regardless of the number of bedrooms, the maximum occupancy shall be limited  
221 to ten (10) Transient Occupants per Vacation Rental unit; and.
- 222 3. Three (3) Transient Occupants per one (1) off-street parking space legally  
223 available to the property, the exact number of which is determined by the  
224 requirement of Division 5.22 of the Village Land Development Regulations of the  
225 Village Code of Ordinances.
- 226 c. Solid waste handling and containment. Village solid waste containers shall be  
227 provided for the maximum transient occupancy permitted by this Division, as  
228 required by the Village Code of Ordinances. Required screening and storage  
229 requirements for solid waste containers shall apply and shall be incorporated into  
230 the Certificate of Compliance. For purposes of this section, a solid waste container  
231 shall not be placed for curbside pickup more than 24 hours before pickup and all  
232 receptacles must be removed from the curbside within 24 hours after pickup.
- 233 d. Minimum vacation rental lessee information. The following information shall be  
234 posted conspicuously within the establishment *and shall be provided to each*  
235 *vacation rental lessee as part of their lease:*
- 236 1. The maximum occupancy permitted under the Certificate of Compliance.
- 237 2. A statement advising the Occupant that it is unlawful to allow or make any noise  
238 or sound that exceeds the limits set forth in the Chapter 15, Article II, "Noises;  
239 Unnecessary and Excessive Prohibited," of the Village Code and such violation  
240 is subject to Village code enforcement, including but not limited to fines up to  
241 \$500 per violation;
- 242 3. A sketch of the location of the off-street parking spaces available to the property;
- 243 4. The days and times of trash pickup and the solid waste handling and  
244 containment requirements of this Division;

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- 245 5. The location of the nearest hospital; and
- 246 6. The local non-emergency police phone number.
- 247 e. Advertising. Any advertising of the vacation rental unit by the owner or any service  
248 shall conform to information included in the Vacation Rental Certificate of  
249 Compliance and the property's approval, and shall include at a minimum,  
250 identification of the maximum occupancy permitted on the property. The owner or  
251 Responsible Party shall ensure that the name and contact information for any listing  
252 services on or through which the vacation rental is to be offered for rent which was  
253 provided in the application is updated with the Village to reflect any changes and  
254 maintain with the Village at all times a list of current listing services.
- 255 f. Posting of Certificate of Compliance. The Certificate of Compliance shall be posted  
256 on the back of or next to the main entrance door and shall include at a minimum the  
257 name, address and phone number of the Responsible party and the maximum  
258 occupancy of the Vacation Rental.
- 259 g. Other standards. The Occupant shall be advised that all standards contained within  
260 the Code of Ordinances and Land Development Regulations of the Village including,  
261 but not limited to: noise, setbacks, and stormwater, are applicable to the vacation  
262 rental and may be enforced against the Occupant.
- 263 (h) Sale or transfer of dwelling unit used for vacation rentals. Whenever a dwelling used for  
264 vacation rentals is sold or otherwise changes ownership and the new owner desires to use  
265 the dwelling for vacation rentals, the new owner must, prior to allowing any vacation rental  
266 use:
- 267 (1) Schedule and obtain an inspection of the dwelling for a Certificate of Compliance; and  
268 (2) Apply for a vacation rental certificate for the vacation rental use.
- 269 (i) Rules and procedures. The Village Manager or designee may create rules and procedures to  
270 assist in the implementation of this section, including but not limited to a timeline and  
271 procedure for all existing vacation rentals to apply for and obtain their first vacation rental  
272 certificate pursuant to this ordinance in a manner consistent with available staff resources.
- 273 (j) Administration, penalties, and enforcement.
- 274 (1) Initial and Annual Compliance Inspections of Vacation Rentals.

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275 An inspection of the dwelling unit for compliance with this section, and for compliance with  
276 the requirements of the Minimum Housing Standards of Miami-Dade County and the specific  
277 requirements of the Florida Building Code as noted herein is required prior to issuance or  
278 renewal of a Vacation Rental Certificate of Compliance. If violations are found, all violations  
279 must be corrected and the dwelling unit must be re-inspected prior to issuance or renewal of  
280 a Vacation Rental Certificate of Compliance as provided herein. All violations must be  
281 corrected and re-inspected within thirty (30) calendar days. Failure to correct such inspection  
282 deficiencies in the timeframes provided shall result in the denial of an initial application or  
283 suspension of the vacation rental certificate of compliance until such time as the violations are  
284 corrected and re-inspected.

- 285 a. Inspections will be conducted by the Village Manager or his or her designee.
- 286 b. The suspension of a Vacation Rental Certificate of Compliance shall be posted at the  
287 establishment.

288 (2) Registration not transferable.

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

292 (3) Expiration of registration.

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

296 (4) Revocation.

297 In addition to, or as an alternative to, the penalties of subsection (5) below, aAny Certificate  
298 of Compliance issued pursuant to this Division may be denied, revoked, or suspended by the  
299 Village Manager upon the adjudication of a violation of this Division, any Village of Pinecrest  
300 Ordinance, or state law by the Responsible party, property owner or Transient Occupant  
301 attributable to the property for which the certificate of compliance is issued. Such denial,  
302 revocation or suspension is in addition to any other penalty or remedy available at law.

303 (5) Offenses/violations.

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

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- 306 b. Suspension of Vacation Rental Certificate of Compliance. In addition to any fines  
307 and any other remedies described herein or provided for by law, the Village may  
308 suspend a Vacation Rental Certificate of Compliance for multiple violations of the  
309 maximum occupancy, parking requirements, noise ordinance, or failure to advertise  
310 the maximum occupancy, in any continuous forty-eight (48) ~~thirty-six (36)~~ month  
311 period, in accordance with the following:
- 312 1. Suspension timeframes.
- 313 i. Upon a second ~~third~~ violation of the maximum occupancy, parking  
314 requirements, noise ordinance, or for failure to advertise the maximum  
315 occupancy, the Vacation Rental Certificate shall be suspended for a period of  
316 thirty (30) calendar days.
- 317 ii. Upon a third ~~fourth~~ violation of the maximum occupancy, parking  
318 requirements, noise ordinance, or for failure to advertise the maximum  
319 occupancy, the Vacation Rental Certificate shall be suspended for a period of  
320 twelve (12) calendar months.
- 321 iii. For each additional violation of the maximum occupancy the Vacation Rental  
322 Certificate shall be suspended for an additional twelve (12) calendar months.
- 323 2. Suspension restrictions. A vacation rental may not provide transient occupancy  
324 during any period of suspension of a Vacation Rental certificate. The suspension  
325 shall begin immediately following notice, commencing either:
- 326 i. At the end of the current vacation rental lease period; or
- 327 ii. Within thirty (30) calendar days, whichever date commences earlier, or as  
328 otherwise determined by the Village.
- 329 3. Operation during any period of suspension shall be deemed a violation pursuant  
330 to this Division and shall be subject to a daily fine, up to the maximum amount as  
331 otherwise provided in Florida Statutes for repeat violations, for each day that the  
332 Vacation Rental operates during a period of violation.

333 (k) Vesting.

- 334 1. Vacation Rentals existing as of [THE EFFECTIVE DATE OF THIS ORDINANCE] shall  
335 be considered vested Vacation Rentals only as related to contracts entered prior to  
336 [THE EFFECTIVE DATE OF THIS ORDINANCE]. Rental/lease agreements that were

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337 entered into prior to [EFFECTIVE DATE OF ORDINANCE], as evidenced by a written  
338 and validly executed rental agreement or contract provided to the Village Manager  
339 no later than [THE EFFECTIVE DATE OF THIS ORDINANCE PLUS 3 MONTHS] shall  
340 be considered vested.

341 2. Vesting shall:

342 a. Apply only to date specific rentals; and

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

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

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

354 Section 3. Inclusion in the Code of Ordinances.

355 It is the intention of the Village Council and it is hereby ordained that the amendments to  
356 the Village of Pinecrest Code of Ordinances and Land Development Regulations shall become  
357 part of the Village of Pinecrest Code of Ordinances, and that the sections of this Ordinance may  
358 be renumbered and relettered as necessary, and that the word "Ordinance" may be changed to  
359 "Section, "Article" or other appropriate word.

360 Section 4. Conflicts.

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

363 Section 5. Severability.

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

367 Section 6. Effective Date.

368 This Ordinance shall become effective on immediately upon adoption.

369 PASSED on first reading this 10th day of January, 2017.

370  
371 PASSED AND ADOPTED on second reading this \_\_\_th day \_\_\_\_\_, 2017.

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379 \_\_\_\_\_  
380 Guido H. Inguanzo, Jr., CMC  
381 Village Clerk

382

383 Approved as to Form and Legal Sufficiency:

384

385

386 \_\_\_\_\_  
387 Mitchell Bierman  
388 Village Attorney

389

390 Motion on Second Reading by:

391 Second on Second Reading by:

Vote:

\_\_\_\_\_  
Joseph M. Corradino, Mayor

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

MEMORANDUM

Department of Building and Planning

DATE: April 3, 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 – Second Reading

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On January 10, 2017 the Village Council approved the attached Vacation Rental Dwelling Regulations at first reading.

At second reading on February 14, 2017 the Building and Planning Department recommended a minor amendment that would require vacation rental dwellings to be inspected for compliance with the Minimum Housing Standards of Miami-Dade County. The Village Council continued the ordinance with a request that the ordinance be reviewed to consider exemption of owner occupied and homesteaded properties and requested that penalties be increased for violations. The Village Attorney has reviewed the proposed ordinance and provided amendments for the Village Council's consideration at second reading.

The ordinance presented today provides a new definition of *Partially Rented* which simply means that the property owner retains some portion of the property for their own personal use. The definition does not specify what must be retained or where the property owner must be. They could rent out the main residence in its entirety for the night and stay in an accessory dwelling on site or they could stay in just one room and rent out the remainder of the property. The definition of *Vacation Rental* has then been modified to specifically exclude *Partially Rented* properties from the definition of a Vacation Rental, having the effect of exempting Partially Rented properties from the Ordinance.

Several changes have been made to improve the level of information the Village has regarding listing services and advertising (See lines 112-113 and 244-251).



Finally, changes have been made to increase the penalties for violations of the ordinance. Violations of the parking requirements, noise ordinance and for failure to advertise the maximum occupancy, have been added to the list of violations triggering suspension (line 309) and the number of violations required before imposing a suspension has been reduced (lines 309-319). In addition, while a vacation rental certificate could always be revoked, the language has been revised to clarify that suspension for maximum occupancy, parking, noise or advertising failure does not preclude revocation (line 296).

The proposed amendments to the ordinance at second reading are shown in strike-through and underlined text and the proposed changes since second reading are shown in strike-through and underlined text and highlighted in yellow.