



SEMINOLE COUNTY GOVERNMENT

COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA
32771-1468

LDC Amendment for Vacation Rentals

Agenda Memorandum

File Number: 2018 - 0791

Title:

Short-Term Vacation Rentals Land Development Code Amendment – Consider an Ordinance amending the Land Development Code to provide regulations for short-term vacation rentals within unincorporated Seminole County; Countywide; (**Rebecca Hammock, Project Manager**)

Division:

Planning and Development

Contact/Phone Number:

Rebecca Hammock/ (407) 665-7396

Motion/Recommendation:

1. Adopt an Ordinance amending the Land Development Code to provide regulations for short-term vacation rentals, as defined in F.S. 509.242, within unincorporated Seminole County; or
2. Deny the Ordinance amending the Land Development Code to provide regulations for short-term vacation rentals, as defined in F.S. 509.242, within unincorporated Seminole County; or
3. Continue the request to a time and date certain.

Background:

While establishing general regulations for transient public lodging establishments, Florida Statute Chapter 509, creates a sub-category known as “vacation rental” units, which provides short-term accommodations in predominantly residential areas. Under the Statute, local governments may not prohibit vacation rentals or regulate their duration or frequency, but may adopt requirements related to noise, parking, and registration. Where such requirements are adopted, their purpose is to minimize the impacts of vacation rentals on surrounding neighborhoods.

Please note that there is current 2020 legislation proposed by House Bill 1011 and Senate Bill 1128 that, if passed, would preempt vacation rental regulation to the State and prohibits local law, ordinance, or regulation from requiring inspection or licensing of vacation rentals.

The proposed amendments to the Land Development Code establish a process for registration of vacation rentals within unincorporated Seminole County, and certification by the owner through the registration process (or other responsible party) that all requirements shall be met while tenants occupy the rental units. As a result, County staff through a third party vendor, will have a record for each unit, of location, maximum occupancy, ownership, and person(s) responsible in the event of a violation. Registration through a third party vendor, depending on the selected vendor, can provide the following services: address identification; online registration; ordinance compliance monitoring; rental activity monitoring; and hotline services for complaints.

The proposed amendment contains a provision for adequate parking, and requires that any new or additional required parking spaces be provided in garages, carports, and/or driveways with paved or stabilized surfaces, and not through use of drainage swales, sidewalks, bicycle paths, and similar facilities.

As part of the registration for a vacation rental, the operator (i.e., owner or authorized agent), must certify compliance with, and inform tenants of, pertinent County regulations including those addressing parking, noise, solid waste disposal, and urban bear management. The operator must also provide proof of compliance with state licensing requirements.

As part of the registration process, the responsible party agrees to meet a list of operating standards for the rental unit, including, but not limited to, a maximum of two (2) persons per sleeping room, and providing a telephone capable of contacting the E-911 Communications Center at all times.

Violations of the Code requirements will be addressed through the Code Enforcement provisions of Chapter 53 of the Seminole County Code of Ordinances.

Per the proposed Ordinance, the regulations would not apply to any vacation rental that is owner occupied on a full-time-basis and where the sleeping room(s) is accessed via a hallway internal to the facility (vacation rental). Having a permanent resident on-site to help mitigate any issues reduces the potential for noise, parking and traffic nuisances.

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission met on June 6, 2018, and voted 5-0 to recommend adoption of the Ordinance, subject to the following language being added to the text of the ordinance:

“This Ordinance does not authorize persons to violate applicable restrictive covenants or homeowners’ association rules and regulations. The County does not police or enforce private restrictive covenants or homeowners’ association rules and regulations. Persons applying for and receiving permits under this Ordinance are solely responsible for compliance with all applicable restrictive covenants and homeowners’ association rules

and regulations.”

The above language has been incorporated into the proposed Ordinance.

Board of County Commission Meetings

On June 26, 2018, the BCC reviewed a previous draft of the proposed Vacation Rental Ordinance. At that meeting the BCC voted to continue the item indefinitely so that staff could make revisions to the Ordinance to address:

1. Annual renewals;
2. Requirements for new registrations;
3. Code enforcement; and
4. Provide these regulations do not authorize violation of HOA regulations.

The revised ordinance addresses the above issues by:

1. Requiring an annual registration with a third party vendor;
2. Requiring a new registration when certain changes occur;
3. Requiring registration with a third party vendor who could potentially receive and monitor complaints and coordinate with property owners to resolve complaints and by outlining the process through the Sheriff's Department for complaints and violations; and
4. Add a provision at Section 30.1376(c) that these regulations do not authorize persons to violate applicable restrictive covenants or HOA rules and regulations.

In addition, the revised ordinance incorporates two of the comments and suggestions we received last year via Oscar Anderson from the vacation rental industry:

1. The separate requirement for a certificate of compliance was removed and only registration is required through a third party vendor; and
2. The revised ordinance acknowledges that taxes could be remitted through a peer-to-peer platform.

On April 23, 2019, a revised Ordinance was brought to the Board for consideration. The Board of County Commissioners continued the proposed Ordinance to June 25, 2019 and on that date denied the Ordinance by a vote of 3-1 (BCC minutes attached for reference).

On January 14, 2020, the Board of County Commissioners voted 3-2 to bring the proposed Ordinance back for reconsideration. The attached Ordinance has only been amended from the version that was presented to the Board on June 25, 2019 to revise and update: language related to the affordable housing trust fund; various dates; and the name of the Chairman.

Staff Recommendation:

Recommend the Board of County Commissioners adopt the Ordinance amending the Land Development Code to provide regulations for short-term vacation rentals, as defined in F.S. 509.242, within unincorporated Seminole County.

ATTACHMENTS:

Description

- ▯ Land Use Vacation Rentals Ordinance Feb13(20).pdf
- ▯ Economic Impact Statement
- ▯ Private Property Rights Analysis
- ▯ 6.25.19 BCC Minutes
- ▯ P & Z Minutes 6.6.18

ORDINANCE NO. 2020-____

SEMINOLE COUNTY, FLORIDA

2 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF**
3 **SEMINOLE COUNTY, FLORIDA RELATING TO LAND USE FOR**
4 **VACATION RENTALS; AMENDING PART 70 (SUPPLEMENTAL**
5 **REGULATIONS) OF CHAPTER 30 (ZONING REGULATIONS) OF THE**
6 **LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, FLORIDA, TO**
7 **AMEND SECTIONS 30.1373 THROUGH 30.1376; TO ADD DEFINITIONS**
8 **PERTAINING SPECIFICALLY TO VACATION RENTALS INCLUDING:**
9 **“HALLWAY”, “RESPONSIBLE PARTY”, “SLEEPING ROOM”,**
10 **“TRANSIENT OCCUPANT”, “TRANSIENT PUBLIC LODGING**
11 **ESTABLISHMENT”, AND “VACATION RENTAL”; PROVIDING**
12 **REGULATIONS FOR VACATION RENTALS AS DEFINED IN SECTION**
13 **509.242, FLORIDA STATUTES; REQUIRING VACATION RENTAL**
14 **REGISTRATION; PROVIDING FOR MINIMUM STANDARDS FOR A**
15 **VACATION RENTAL; PROVIDING FOR VIOLATION PROCEDURES;**
16 **PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY;**
17 **AND PROVIDING FOR AN EFFECTIVE DATE.**

18 **WHEREAS**, the Board of County Commissioners desires to update the Seminole County
19 Land Development Code to more effectively implement the Seminole County Comprehensive
20 Plan; and

21 **WHEREAS**, the Seminole County Comprehensive Plan Future Land Use Map designates
22 areas for residential use that are primarily intended for dwellings as well as uses that support the
23 residential environment; and

24 **WHEREAS**, Florida Statutes, Chapter 509, Lodging and Food Service Establishments;
25 Membership Campgrounds, regulates public lodging establishments, which is divided into the
26 subcategories of transient public lodging establishment and non-transient public lodging
27 establishment; and

28 **WHEREAS**, Section 509.013(4)(a)(1), Florida Statutes, defines transient public lodging
29 establishments and Section 509.242, Florida Statutes, provides a classification of public lodging

known as a ‘vacation rental’ that is also a transient public lodging establishment, but not a timeshare; and

WHEREAS, Section 509.032(7)(b), Florida Statutes, provides that a local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals; and

WHEREAS, the Statutes were revised in 2014 to allow local regulation of noise, occupancy, parking, and registration; and

WHEREAS, Court rulings have upheld the right of local governments to regulate the maximum occupancy of such vacation rentals and to continue to apply regulations that are also applied to residential uses, such as, but not limited to, parking requirements; and

WHEREAS, single family homes converted to vacation rentals may generate more frequent automobile trips, and may not provide sufficient on-site parking to ensure no impact to the property rights of the surrounding residential dwellings, necessitating additional automobile parking capacity; and

WHEREAS, the Board of County Commissioners of Seminole County wishes to ensure the private property rights of residential dwellings surrounding vacation rental public lodgings; and

WHEREAS, the unregulated operation of a vacation rental may negatively impact the character of a residential neighborhood, which is inconsistent with provisions of the Seminole County Comprehensive Plan; and

WHEREAS, consistent with case law and Seminole County Land Development Code Section 30.48, existing Homeowner Association and Condominium Association regulations that

are more restrictive than the provisions of this Ordinance shall not be superseded by the provisions of this Ordinance; and

WHEREAS, the private property rights analysis and economic impact statement relating to this Ordinance have been prepared and made available for public review, in accordance with the requirements of the Seminole County Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Incorporation of Recitals. The above recitals are incorporated herein by reference and form an integral part of this Ordinance.

Section 2. Short Title. This Ordinance shall be known and referred to as Land Use Vacations Rentals Land Development Code Amendment.

Section 3. Intent and Purpose. The intent and purpose of this Ordinance is to amend the Seminole County Land Development Code to provide for the registration of and minimum standards by which vacation rentals shall operate in Seminole County consistent with Chapter 509, Florida Statutes, as may be amended or replaced.

Section 4. Sections 30.1373 through 30.1376 of Chapter 30 (Zoning Regulations), Part 70 (Supplemental District Regulations), pertaining to vacation rentals are amended to read as follows:

~~**Sec. 30.1373 – 30.1375. Reserved**~~

Sec. 30.1373. Definitions pertaining to Vacation Rentals. For purposes of the regulation of vacation rentals in Sections 30.1373 through 30.1376 of this Code, the following terms shall have the meaning given herein.

(a) Hallway: An internal passageway within the vacation rental into which rooms in the vacation rental may open, is enclosed by partitions or walls, has a ceiling above and a floor at its base, and enables the transient occupants to reach the exit from within the vacation rental.

(b) Responsible Party: The property owner or person/entity designated by the property owner, to be called upon for matters regarding the vacation rental, including but not limited to, the maintenance and upkeep of the property, requests for inspection, emergencies and to answer for the conduct and acts of the occupants and guests of the vacation rental. The Responsible Party shall be available to be contacted at any hour of the day, any day of the week during any period of time that the vacation rental is occupied.

(c) Sleeping room: A fully enclosed portion of a dwelling unit, which is directly connected to a hallway or the exterior of the vacation rental by a door that can be closed and locked for privacy; not accessed solely by another sleeping room; primarily designed or intended for sleeping; not equipped with nor wired for cooking facilities; excludes living rooms, kitchens, bathrooms, hallways, laundry rooms, pantries and the like; and may have a clothing closet and/or bathroom within.

(d) Transient occupant: A person who occupies a dwelling unit that is a Transient Public Lodging establishment.

(e) Transient Public Lodging Establishment: As defined in Section 509.013(4)(a)(1), Florida Statutes, as may be amended or replaced.

(f) Vacation rental: As classified in Section 509.242, Florida Statutes, as may be amended or replaced. However, Sections 30.1373 through 30.1376 shall not apply to any dwelling unit that is owner-occupied on a full-time basis and provided the means of ingress and egress is through a hallway internal to the unit to the sleeping room(s) leased by the transient occupant(s).

Sec. 30.1374. Registration Required.

(a) Each vacation rental being advertised or offered to the public must be registered by the Responsible Party with a third party vendor authorized by Seminole County prior to commencement of operation. The Responsible Party for all new and existing vacation rentals located in unincorporated Seminole County must register beginning June 1, 2020.

(b) A completed vacation rental Affidavit of Compliance (and all other required forms and attachments) must be submitted as part of the registration with the third party vendor to assert and demonstrate compliance with the requirements of this Ordinance which includes:

(1) A signed acknowledgement by the Responsible Party that the appropriate parking space(s) shall be provided in accordance with the minimum parking standards identified in Sections 30.1221(1) and 30.1375(a)(5) of the Seminole County Land Development Code, and that all vehicles associated with the vacation rental must be parked in accordance with these provisions; and

(2) A signed acknowledgement by the Responsible Party that the use of the vacation rental shall comply with the requirements of Chapter 165 (Noise) of the Seminole County Code of Ordinances, which requires no excessive noise to be produced between the hours of 11:00 p.m. and 7:00 a.m.; and

(3) A signed acknowledgement by the Responsible Party that the use of the vacation rental shall comply with the residential requirements of Chapter 235 (Solid Waste) of the Seminole County Code of Ordinances; and

(4) For vacation rentals located within the Urban Bear Management Area, a signed acknowledgement by the Responsible Party that the use of the vacation rental will comply with the requirements of Chapter 258 (Urban Bear Management) of the Seminole County Code of

Ordinances (in particular, Section 258.2. Residential Refuse Disposal within Urban Bear
Management Areas and Section 258.7. Feeding Bears Prohibited). Responsible Party must ensure
provisions of sufficient capacity for a Bear Resistant Residential Refuse Container for use by the
vacation rental; and

(5) Signed acknowledgement by the Responsible Party that the leasing of the
vacation rental complies with the provisions of Section 228.7 (Sexual Offenders and Sexual
Predators, Prohibition on rentals and leaseholds) of the Seminole County Code of Ordinances; and

(6) Proof of current and active licensure for a transient public lodging
establishment with the Florida Department of Business and Professional Regulation; and

(7) Proof of current and active registration with the Florida Department of
Revenue for purposes of collecting and remitting sales taxes and any other taxes required by law
to be remitted to the State of Florida, or proof that a peer-to-peer platform entity through which
the rental is booked will be remitting all such taxes associated with the vacation rental on the
owner's behalf; and

(8) Proof of a local tourism tax account from the Office of the County Tax
Collector, or proof that a peer-to-peer platform entity through which the rental is booked will be
remitting all such taxes associated with the vacation rental on the owner's behalf; and

(9) A copy of the form rental agreement to be signed by all transient occupants.
Said rental agreement must state that all occupants and their guest(s) must strictly abide by the
designated vehicle parking locations, the maximum occupancy allowable as specified on the
registration certificate, the noise and solid waste regulations of Seminole County, the bear
management requirements (if located within the Urban Bear Management Area), a declaration that

that penalties may be assessed for all violations of the regulations, and spaces for the signatures of
the Responsible Party and transient occupant(s); and

(10) A survey, scaled sketch or photograph of the vacation rental property
identifying the location(s) and dimensions of the required parking spaces assigned to and reserved
specifically for the vacation rental on the same parcel as the rental, pursuant to Section
30.1375(a)(5) of the Seminole County Land Development Code; and

(11) If the vacation rental is within a triplex, quadplex, apartment, multi-family
condominium, cooperative, homeowner association or mixed-use building where vehicular
parking is provided in a lot or a structured facility serving all dwelling units and any other uses, a
signed and notarized letter from the condominium, cooperative, home owner association or
management company verifying that the minimum number of required parking spaces are
specifically marked and reserved, by signage or other means, for the vacation rental, accompanied
by a survey, scaled sketch or photograph identifying the specified parking spaces; and

(12) Signed acknowledgement by the Responsible Party that all advertisement
or offering of the vacation rental will include the maximum occupancy, parking regulations, noise
restriction, Urban Bear Management regulations (if relevant), and distance requirement for sexual
offenders and sexual predators; and

(13) Signed acknowledgement by the Responsible Party that the property
owner(s) are aware that if the property has a homestead exemption, that they are at risk of losing
that homestead exemption due to use of the property as a vacation rental; and

(14) The fee amount approved by the Seminole County Board of County
Commissioners for the processing of the application and issuance of the registration certificate.
Up to fifty percent (50%) of All or a portion of the County's proceeds from the registration fees

amount, as determined by resolution of the Board of County Commissioners, may be allocated to an Affordable Housing Trust Fund; and

(15) A signed acknowledgement of the maximum occupancy regulations.

(c) The registration in the third party Vacation Rental Registry shall be valid from October 1st through September 30th of each year or until any of the following circumstances occur:

(1) A change in ownership and/or Responsible Party of the vacation rental;

(2) A change to the sleeping rooms in the vacation rental; and/or

(3) A change to the parking spaces for the vacation rental.

(d) Upon the occurrence of any of the foregoing listed events, a new registration for a vacation rental must be submitted to the County's third party vendor along with all required documents and fees.

(e) Annual renewal of the vacation rental registration with Seminole County's third party vendor shall be required. Up to fifty percent (50%) of All or a portion of the County's proceeds from the registration fees amount, as determined by resolution of the Board of County Commissioners, may be allocated to an Affordable Housing Trust Fund.

Sec. 30.1375. Minimum Vacation Rental Standards to be Verified by Self-Certification through Registration.

(a) Minimum standards:

(1) Maximum Occupants and Guests. The maximum amount of transient occupants authorized to stay overnight at any individual vacation rental shall be limited to two (2) persons per sleeping room. Additionally, a maximum of four (4) persons under the age of thirteen (13) shall also be authorized to stay overnight, not to be counted against the maximum occupancy. The maximum amount of persons allowed to visit as non-overnight guests of the transient

occupants shall not exceed two (2) times the amount of maximum occupants authorized to stay
overnight.

(2) Local Telephone Service. At least one (1) telephone (landline or cellular)
with the ability to contact Seminole County Emergency 911 Communications Center on a 24-hour,
7-day a week basis, shall be provided in the main common area of the vacation rental and be clearly
marked as the Emergency Communications Center contact telephone.

(3) Fire Extinguisher. At least one (1) fully charged, portable, multi-purpose,
dry chemical ABC fire extinguisher shall be installed and maintained in a clearly marked location
in a centrally located area near sleeping rooms on each floor of the vacation rental. Additionally,
at least one (1) Class K fire extinguisher shall be installed and maintained in a clearly marked
location in a centrally located area near the kitchen of the vacation rental.

(4) Transient Occupant Information. A binder, book or file folder clearly
labeled “Transient Occupant Information” with the full address of the vacation rental must be
permanently installed next to the telephone in the main common area of the vacation rental, and
must contain, at a minimum, all regulations with which transient occupants and their guests must
comply, including:

- (i) Chapter 165 Noise, Seminole County Code of Ordinances;
- (ii) Section 30.1302 Noise, Seminole County Land Development Code;
- (iii) Section 30.1221(1) Off-street parking requirements, Dwelling
Structures, Seminole County Land Development Code;
- (iv) Section 30.1375(a)(5) Parking Standards, Seminole County Land
Development Code;

(v) Chapter 228 Sexual offenders and sexual predators, Seminole

210 County Code of Ordinances;

(vi) Chapter 235 Solid Waste, Seminole County Code of Ordinances;

212 (vii) Chapter 258 Urban Bear Management, Seminole County Code of
Ordinances, with Map;

214 (viii) The 24-hour, 7-day a week telephone number of the Responsible
Party;

216 (ix) A copy of the survey, scaled sketch or picture depicting the
location(s) of parking spaces reserved for the vacation rental with a statement that the transient
218 occupant parking is limited to the area(s) identified on the graphic; and

(x) The locations of all nearby hospitals, walk-in clinics and free-
220 standing emergency room(s).

(5) Parking Standards:

222 (i) Per Section 30.1221(1) of the Seminole County Land Development
Code, the minimum required amount of parking spaces for a single-family dwelling, duplex halves
224 or a multi-family dwelling is two (2). In addition to the minimum requirement of Section
30.1221(1) of the Seminole County Land Development Code, for each sleeping room in excess of
226 two (2), one (1) additional parking space must be provided.

(ii) A minimum of two (2) parking spaces for each vacation rental
228 within single-family dwelling units, duplex halves or a multi-family dwelling must be located on
the same parcel as the vacation rental.

230 (iii) All required parking spaces must comply with minimum net area,
length, and width standards set forth in Section 30.1221 of the Seminole County Land

Development Code and may be provided in carports, garages, parking lots or on paved driveways or a driveway with a stabilized surface that is not part of landscaping. Spaces shall not be provided, nor parking allowed, in any drainage swale, on a public sidewalk, in the street right-of-way where parking is not otherwise permitted, in a pedestrian way, bicycle path or hiking trail.

(iv) If any parking spaces above the minimum of two (2) are to be provided on a parcel other than the parcel where the vacation rental is located, the Responsible Party must provide a notarized letter signed by the owner of the alternate property, attesting that the additional parking spaces will be reserved for the vacation rental on the alternate property, accompanied by a survey, scaled sketch or picture of the location, the signage indicating the reservation of the additional parking spaces, and a safe pedestrian pathway connecting the additional parking spaces to the vacation rental property.

(v) If the vacation rental is within a triplex, quadplex, apartment, multi-family condominium, cooperative, homeowner association or mixed-use building where vehicular parking is provided in a lot or a structured parking facility serving all dwelling units and any other uses, a minimum of two (2) spaces for the first two (2) sleeping rooms of the vacation rental, and one (1) additional space for each additional sleeping room, is required and must be specifically reserved and marked as such for the vacation rental. Verification of reservation and marking of those additional parking spaces shall be provided with the registration.

(6) Non-compliance Inspections. In cases of reasonable indication of non-compliance with the above standards, Seminole County reserves the right to perform an inspection of the vacation rental to ensure compliance.

(b) Posting of Parking Information and Emergency Information.

254 (1) There shall be posted on the interior of the main egress door of the vacation rental, the following information:

256 (i) A survey or scaled sketch showing the location(s) of all parking spaces assigned to the vacation rental, both on the property where the vacation rental is located,
258 and any parking spaces that are located on a separate property pursuant to a signed, notarized agreement with the owner of that separate property, or within a shared parking lot or structure,
260 pursuant to a letter from those responsible for the shared parking; and

 (ii) A statement advising all transient occupants and guests that parking
262 is limited to the areas identified on the graphic.

 (2) There shall be posted on the refrigerator door, the interior of the main egress
264 door, and the inside of the doors of all sleeping rooms, a poster labeled “Emergency Information”
 in capital letters and **BOLDFACE** type, with the following emergency information:

266 (i) The full street address for the vacation rental;
 (ii) The location of the vacation rental’s telephone to reach the Seminole
268 County 911 Emergency Communications Center;
 (iii) The 24-hour, 7-day a week telephone number of the Responsible
270 Party; and
 (iv) The location of the “Transient Occupant Information”.

272 ~~**Sec. 30.1376. Reserved.**~~

Sec. 30.1376. Violations Procedure.

274 (a) The response to a potential violation of Section 30.1373, Section 30.1374 or Section 30.1375 of the Seminole County Land Development Code may, without limitation, be addressed

by the provisions of Sections 53.14 and 53.24, regarding violations procedure, Seminole County Code of Ordinances.

(b) Complaints of violations of these Sections are to be filed by affected members of the general public with the Code Enforcement Officer. Code violations can be reported to the Seminole County Sheriff's Office at (407) 665-6650 or online at <https://www.seminolesheriff.org/forms/ReportCodeViolation.aspx>.

(c) The regulations of vacation rentals as set forth in Sections 30.1373 through 30.1376 of the Seminole County Land Development Code do not authorize persons to violate applicable restrictive covenants or homeowner association rules and regulations. The County does not police or enforce private restrictive covenants or homeowner association rules and regulations. Persons obtaining a Vacation Rental registration certificate under Sections 30.1373 through 30.1376 of this Code are solely responsible for compliance with all applicable restrictive covenants and homeowner association rules and regulations.

Section 5. Conflicts. This Ordinance shall control over any County ordinances or parts of ordinances in conflict herewith.

Section 6. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Land Development Code of Seminole County, and that 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 re-lettered to accomplish such intention; providing, however, that Sections 5, 6, 7 and 8 of this Ordinance shall not be codified.

Section 7. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners

that such invalidity will not affect other provisions or applications of this Ordinance which can be
300 given effect without the invalid provision or application and, to this end, the provisions of this
Ordinance are declared severable.

302 **Section 8. Effective date.** This Ordinance will take effect upon filing a copy of this
Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

304 **BE IT ORDAINED** by the Board of County Commissioners of Seminole County, this
_____ day of _____, 20____.

SEMINOLE COUNTY, FLORIDA

GRANT MALOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida

JAY ZEMBOWER, Chairman

**Seminole County
ECONOMIC IMPACT ANALYSIS
Vacation Rentals LDC Amendment**

Date:	2/25/20	Department/Division:	Development Services/ Planning & Development Division
Contact:	Rebecca Hammock	Phone:	407-665-7396
Action:	Amendment of the Land Development Code to provide regulations for vacation rentals in Seminole County		
Topic:	Vacation Rentals		

Describe Project/Proposal

The proposed amendments to the County's Land Development Code will regulate vacation rentals in residential areas of Seminole County. The amendments address concerns related to neighborhood compatibility and minimizing negative impacts such as noise, traffic, and improper parking.

Describe the Direct Economic Impact of the Project/Proposal upon the Operation of the County

The proposed ordinance will have little, if any, direct economic impact on County operations. The application fee is expected to cover the cost of processing the application.

Describe the Direct Economic Impact of the Project/Proposal Upon the Property Owners/Tax Payers/Citizens Who Are Expected to be Affected

Because the establishment of short term vacation rental units is already permitted under state law, the proposed amendments to the Land Development Code will have a minimal direct economic impact on affected property owners.

Identify Any Potential Indirect Economic Impacts, Positive or Negative, Which Might Occur as a Result of the Adoption of the Ordinance

Due to the establishment of standards and permitting requirements for vacation rental facilities, the proposed amendment will have a slight negative impact on the availability and profitability of vacation rentals in Seminole County. However, these same provisions will have a protective effect on property values and quality of life considerations in residential areas where the rental units are created.

Seminole County
PRIVATE PROPERTY RIGHTS ANALYSIS*
Vacation Rentals LDC Amendment

Date:	2/25/20	Department/Division:	Development Services/ Planning & Development Division
Contact:	Rebecca Hammock	Phone:	407-665-7396
Action:	Amendment of the Land Development Code to provide regulations for vacation rentals in Seminole County		
Topic:	Vacation Rentals		

Describe Project/Proposal

The proposed amendments to the County's Land Development Code will regulate vacation rentals in residential areas of Seminole County. The amendments address concerns related to neighborhood compatibility and minimizing negative impacts such as noise, traffic, and improper parking.

Estimated Economic Impact on Individuals, Businesses, or Government

Because vacation rentals are already permitted under state law, economic impacts of the amendments will be minor. Its primary purpose is to protect neighborhoods and adjoining property owners from possible adverse impacts of transient lodging in areas intended for residential use.

Anticipated New, Increased or Decreased Revenues

The amendments may generate additional revenues for the County through permitting and licensing fees associated with approval of a Certificate of Compliance for each vacation rental facility.

Method Used in Determining Analysis

The method of analysis included analyzing the potential impacts from adopting the proposed amendments to the Seminole County Land Development Code, and professional expertise.

Citation

Seminole County Comprehensive Plan

***Note:**

Existing development rights with respect to the types of permitted uses are based on future land use designations of the Seminole County Comprehensive Plan and zoning classifications of the Land Development Code. Aside from the requirements discussed herein, no changes in development rights will be created by this ordinance.

Seminole County recognizes that it has the responsibility and duty to both insure that public facilities are available concurrent with the impacts of development and to protect private property rights, which have vested in owners of parcels of real property.

Policy FLU 17.1, Private Property Rights Act, of the Seminole County Comprehensive Plan states: "The County shall fully implement the provisions of the Bert J. Harris, Jr., Private Property Rights Protection Act (Section 1, Chapter 95-181, Laws of Florida). Each staff recommendation relative to any land use decision shall consider the provisions of that Act and other general principles of law relating to the appropriate regulation of land without said regulation resulting in the taking of private property rights."

Motion by Commissioner Dallari, seconded by Commissioner Constantine, to approve appropriate Resolution #2019-R-113 vacating and abandoning a portion of a public right-of-way known as Starwood Drive, more particularly described as the south 653.95 feet of Starwood Drive right-of-way lying in Section 31, Township 21 south, and Range 31 east of Seminole County, as described in the proof of publication; PEC Surveying and Mapping, Applicant.

Districts 1, 3, 4, and 5 voted AYE.

Item #33 - 2018-0791
Short-Term Vacation Rentals
Land Development Code Amendment
(Continued from 4/23/19)

Rebecca Hammock, Development Services Director, addressed the Board to present the request as outlined in the agenda memorandum. She noted this is a proposed ordinance to amend the Land Development Code to provide regulations for short-term vacation rentals to help mitigate potential impacts of vacation rentals on neighborhoods. This item was continued from April to address long-term rentals; however, the County Attorney's Office recommended a separate ordinance for long-term rentals. Therefore, the changes to this draft of the ordinance are to the maximum number of allowable guests, required registration date, and a provision that provides the right but not the obligation for the County to perform inspections. She read from the report, Vacation Rental Regulation, (received and filed). Ms. Hammock stated staff recommends adoption of the ordinance.

Commissioner Dallari commented the next time staff distributes a report, he would like to have it before 5:00 p.m. the day before the meeting. He received the 19-page report at 5:12 p.m. yesterday.

Chairman Carey distributed an information sheet prepared by the Property Appraiser's Office (received and filed) regarding the

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number of single-family homes, townhomes, condominiums and apartments in the County and in unincorporated Seminole County. She stated there are 72,492 housing units in unincorporated Seminole County and noted that Ms. Hammock received a presentation from a company called Host Compliance, who is one of the companies that have been formed specifically to monitor and regulate short-term rentals. Upon inquiry by Chairman Carey, Ms. Hammock advised, based on the numbers provided by Host Compliance, in the unincorporated area they estimated there were 311 vacation rentals. Chairman Carey discussed the low amount of revenue that would be generated for the County and the monitoring company, which would be split between the two. She noted in staff's report, there are six things that local governments can talk about and regulate in short-term rentals: noise, public safety, parking, revenue collection/tourist tax, signage, and trash. She reviewed those and noted that each has another ordinance or regulation to address them. Chairman Carey asked about how many complaints they have received, and Ms. Hammock replied information obtained from Code Enforcement estimates 11 complaints in the last five years. Most of the time they would refer those to the Department of Business and Professional Regulation at the state level.

With regard to public participation, Kathy Layman, 3404 Holliday Avenue, spoke in support. Chairman Carey questioned whether her neighbors still hold weddings there and mentioned it is something for the zoning staff to see if that is an allowable use. The following spoke in opposition: Ed Bayton, 4001 S. Tuskawilla Road; Robert Hunt (no address); Tom O'Hanlon, 827 N. Division Street; Jeffrey Fagan, 1485 Travertine Terrace; Alexa Michna, 140 Douglas Drive; Kelley Thomas, 2160 Ridge Drive; Vincent Gerace, 122 E. Lake Avenue; Paula Spann, 338 Lake Dawson Point;

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Remo Eyal, 6155 Linneal Beach Drive; Jennifer McMurtray, 217 Lincolnshire Road; Walter Grundorf, 3400 Whitner Way; Celeste Elson, 337 Bernard Avenue; Connie O'Hanlon, 827 N. Division Street; no one else in the audience spoke in support or opposition, and public input was closed.

Public Comment Forms and one Written Comment Form were received and filed.

Commissioner Lockhart said she feels like they don't have a code problem, they have an enforcement problem. This Board recently spent a lot of time talking about how they can work on some of the enforcement and compliance issues, and they just gave staff direction last month to modify some of the ways code violations are handled. She noted some of the complaints that were talked about today that went unanswered were in violation of the Code, so she would like to see them get that under control and work with the Sheriff's Office to see how the new ordinance they are putting into effect to handle enforcement of their codes would work. Before they start layering more bureaucracy, she thinks they should give that a try. Commissioner Dallari agreed.

Commissioner Constantine stated he thinks there is confusion here because no one is suggesting that they don't allow short-term rentals. It is a great business, an opportunity and an alternative, but it is a business in residential neighborhoods. He noted as the Chairman went down the list of six items to be regulated, there have been many places where they have put all of the ordinances that they already have existing in one location that had to do with a particular subject so it is convenient for everybody to get to. He opined there are no new regulations per se here. There is an accumulation of regulations that are placed in there that already exist; the only unique one is the

registration. The reason he suggested they look at this is not because of the problems that exist today, although there are some, the problem is an enforcement problem, knowing where they are. It was indicated that only 24 of the 311 they know of are paying tourist taxes. He opined this business will only get bigger and as it gets bigger and since they are in residential neighborhoods, they have to protect those neighbors. That is the whole reason, the safety and protection of neighbors, that he thinks they need to be bringing this up. It is a level playing field for all businesses; if you do business even in a residential neighborhood, he believes you should have regulation.

Motion by Commissioner Lockhart, seconded by Commissioner Dallari, to deny the request to adopt an Ordinance to amend the Land Development Code to provide regulations for short-term vacation rentals within unincorporated Seminole County, as described in the proof of publication.

Districts 1, 4, and 5 voted AYE.

District 3 voted NAY.

Item #34 - 2019-1467
Long-Term/Non-Transient
Rental Registration

Chairman Carey pointed out this item is for the long-term registration for property and while this doesn't affect the short-term rentals, this does affect any rental that is over 180 days. She noted in staff's defense, this is being brought back as a separate item because at a previous meeting, a Commissioner requested that this be added to the short-term rental, the attorney could not accommodate that and therefore wrote a separate ordinance.

Ms. Hammock stated this is being brought forward by staff per the direction of the Board at the April 23, 2019 meeting. The

**SEMINOLE COUNTY
LOCAL PLANNING AGENCY/
PLANNING AND ZONING COMMISSION
COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA
BOARD CHAMBERS, ROOM 1028**

MINUTES

**WEDNESDAY, JUNE 6, 2018
6:00 P.M.**

Vacation Rentals Land Development Code Amendment – Consider an Ordinance amending the Land Development Code to provide regulations for vacation rentals, as defined in F.S. 509.242, within unincorporated Seminole County; Countywide; (Jeff Hopper, Project Manager).

Jeff Hopper, Senior Planner, stated that this item is a proposed amendment to the Seminole County Land Development Code to provide regulations for vacation rentals within unincorporated areas of the County. Florida Statutes Chapter 509 has created a category of temporary lodging called vacation rental, which is a dwelling unit rented more than three (3) times per year for periods less than one (1) month, but is not a Timeshare. State law prevents local governments from prohibiting vacation rentals or regulating their duration or frequency; however, local government regulations may be adopted to address compatibility issues with surrounding residential properties, including noise, parking, and the number of persons occupying a vacation rental unit. Requirements of the new proposed regulations would include a maximum occupancy of two (2) persons per sleeping room, a landline telephone capable of contacting 911 on a 24 hour basis, and for each sleeping room in excess of two (2) rooms, an additional parking space would be provided. The amendments would establish a registration process and require certification by the owner or other responsible party that all requirements are met while tenants occupy the units. As a result, County Staff would have a record for each unit of a location, maximum occupancy, ownership, and persons responsible in the event of a violation. Violations could be addressed through the Code Enforcement process of Chapter 53 of the County Code. Also, the County Manager would have the power to revoke or suspend the Certificate of Compliance for vacation rental facilities upon a finding of repeat violations. Staff recommends approval of the proposed Code Amendments to provide regulations for vacation rentals as defined in Florida Statutes Chapter 509.242 within unincorporated Seminole County.

****** Commissioner Jeanne Miller arrived late to the meeting at 6:11 p.m. ******

Commissioner Rob Wolf asked if this is reactive or proactive, if complaints have driven us to do this, and is this like an AirBnB. Mr. Hopper stated yes, that is the idea.

Commissioner Wolf asked if this would be up to the owners to disclose and register themselves or how would the County find out. Mr. Hopper responded that it would be a question of them bringing us an application within 60 days from the date of application. Commissioner Wolf asked what would be the motivation for them to do it unless they receive some sort of complaint.

Commissioner Carissa Lawhun stated that she understands the enforcement mechanism is Code Enforcement and it was referenced that some complaints were from neighbors about parking and noise.

Commissioner Wolf stated that Code Enforcement is a very weak arm of the County and wonders, although good in spirit, how effective it will be as well as how much it would cost to manage.

Commissioner Matt Brown stated that he would like to hear about the complaints and the proactive/reactive answer from the Senior Assistant County Attorney.

Paul Chipok, Senior Assistant County Attorney, responded to these questions by stating that the answer is a little bit of both. He further stated the following:

- * On our books right now, there is nothing to address these vacation rental types of situations.
- * State Statutes prevent us from prohibiting vacation rentals or regulating their duration or frequency, which is in the Preamble and Whereas clauses in the Ordinance.
- * When complaints related to vacation rentals have occurred in the past, we have had to rely on other provisions of the Code which are not always effective when applied to vacation rentals.
- * For example, with regard to parking, if you have a home that has more bedrooms than normal, there are no requirements for additional parking.
- * However, if you're using it as a vacation rental under this Ordinance, you would have to accommodate parking for the additional bedrooms.
- * We are trying to address the concerns and the practical applications of using a facility or a residential structure as a vacation rental.

Commissioner Wolf asked if this would be an existing subdivision and a house next to you could be one of these houses, Mr. Chipok responded that it can be so now.

Commissioner Wolf asked how this differs from someone leasing a house. Also, is there a distinction in the Code where the rental becomes more of a commercial operation and therefore not allowed? Mr. Chipok responded that you can rent out any piece of property. He further stated that if it's a longer term rental for residential purposes, there is really no discernable distinction between home ownership and rental in that situation. Commissioner Wolf stated that a niche is being created for these vacation rentals and asked if they are trying to say it's a commercial operation in an urban environment. Mr. Chipok responded that the niche has already been created. He further stated that under State Statutes, if you're leasing property on a short term basis, or 30 days, then you need

to register with the State and pay the appropriate taxes and also the Tourist Development Tax. Mr. Chipok further stated that we cannot prohibit short term vacation-type rentals, as under State Statutes we are pre-empted. However, we can regulate certain aspects of the process. In order to balance between the private property rights of the homeowner that wants to use his property as a vacation rental unit, lease it out on a short term basis, and the rights of the surrounding neighbors, who have bought into a single family neighborhood in anticipation of that neighborhood being operated as a residential community, these regulations are geared towards attempting to minimize the impacts on the surrounding neighborhood.

Commissioner Wolf asked if enforcement would be proactive or reactive and would someone research the websites, like an AirBnB website, to see if there are places in the County that are available and not registered, or will it just be based on complaints. Mr. Chipok responded that there is a provision that states within so many days of the Ordinance there will be a notice program put out in general to notify people that the Ordinance has been adopted and that there is a compliance period. Beyond that he is not sure and he would anticipate like most of the County's Code Enforcement provisions, they are more reactive than proactive.

Commissioner Lawhun stated that it reads like it is driven on complaints, because the wording is centered on parking, noise, and little bit of safety. She asked if some things have been left out. She stated that she's aware of other counties that do things such as a minimum number of days or nights that can be leased to keep it from being like a hotel. It can also keep out commercial activities, like larger properties being rented for a wedding for a day. She stated that she knows Brevard County has a minimum of seven (7) nights, and she's not sure if this would be the appropriate vehicle for that, but if this is in reaction to complaints then this may help address it.

Mr. Chipok responded that in regards to the duration or frequency of the rentals, State Statutes specifically prohibits us from doing that. He further stated that there was a grandfathered provision in there, but the Ordinance would have had to be in existence prior to 2011.

Commissioner Brown asked about Group Residential Homes and do we have similar requirements that were just addressed, like having the land line for 911 and parking requirements. Mr. Chipok responded that those facilities are specifically regulated by the State and if they are a Group Residential Home, they are recognized and permitted through the State. He further stated that on vacation rentals, other than having to register with the State and pay the appropriate taxes, there are no operational requirements on these vacation rental facilities at the State level.

Commissioner Brown asked if he knows how many complaints we've had in the past year where Code Enforcement had to get involved because of what we suspect was an AirBnB. Mr. Chipok deferred to the Acting Planning & Development Manager.

Kathy Hammel, Acting Planning & Development Manager, responded that they have not kept a count on the number of complaints that have come in from Code Enforcement. She further stated that there are numerous AirBnB's throughout the County.

Commissioner Wolf asked if Staff had an estimate of how many of these types of residences are located in unincorporated Seminole County, and Mr. Chipok responded that there are about 350.

Commissioner Lawhun asked about the Economic Impact section where it states that it is expected to have limited or no impact to the County. She further stated that if there are 350 of these, then the County is foregoing some Tourism Tax that it otherwise should be paid, unless the Tax Collector's office has some kind of process where they look for these. Mr. Chipok responded that he doesn't know what our sister agencies do, specifically in this matter, but in regards to enforcement it is anticipated to be complaint driven.

Commissioner Wolf asked if the County can include in their motion, that it include active, rather than complaint-driven, Code Enforcement.

Commissioner Lawhun stated that the County would be entitled to 5% of the rental revenues from any of these and she thinks they may be flying under the radar.

Mr. Chipok stated that this is an emerging area and we are trying to address it as appropriately as we can. He further stated that with emerging technology, this situation didn't exist 10 years ago. He said that there are bits and pieces already in place through State Statutes, which make it very clear that we cannot prohibit these types of activities. What we are trying to do with this Ordinance is to provide a degree of safe-guard to the residents in the neighborhoods and also to the renters of these properties, because a lot of this is geared towards providing information for the renters so that they have appropriate knowledge of safety resources -- hospital facilities for example.

Commissioner Lawhun stated that even if enforcement would be challenging right now, having an Ordinance like this might be a vehicle that we could amend as we learn more, should there be other changes at the State level.

Mr. Chipok stated that from an enforcement standpoint, the majority of our Code Enforcement is reactive and it would be a policy decision for the Board of County Commissioners if they wanted to be more proactive, and it is within their prerogative to do so.

Commissioner Brown asked if there are costs for someone to register with Seminole County and Kathy Hammel stated that they are looking at an application fee of \$75.00, which would need to be approved by the Board of County Commissioners. At this time it is only a proposed fee and has not yet been adopted. Commissioner Brown asked if the \$75.00 fee would run continuously as per the Code until the property stops being an AirBnB or would it be an annual fee. Ms. Hammel stated it would be an annual fee.

Commissioner Wolf asked if we would get the 6% tax plus the tourism tax on the rentals. The Board discussed this and Commissioner Wolf stated that he would think the application fee should be as low as possible, since the revenue is not from the fee it's from the use of the rental.

George Sellery, of Sanford, stated that he is in the unincorporated area of Seminole County and in the Lake Forest HOA, which he is representing. He further stated the following:

- * Code Enforcement is run by the Sheriff's Office with five (5) employees, they don't work nights or weekends, and is the main issue.
- * He doesn't have a problem with the County Ordinance so far as it has been put forth.
- * This is a big issue, which Mr. Chipok indicated earlier being pre-emptive on the State's part, because there is a huge vacation rental Lobby really lobbying for this.
- * This year on the last day of the session, they failed to get language into the HOA Statute in Chapter 720; specifically that would pre-empt governance and governing documents from not allowing these type of rentals. It failed at the last minute.
- * The history reflects that most of the communities in unincorporated Seminole County are primarily HOA's and a lot of them are gated.
- * Being that way and having private roads, their tax dollars go to the County, but they don't come back to us.
- * We do not get sidewalks, roads, or regular Sheriff's patrols, which they have to pay for those, unless there is a 911 call.
- * Primarily they have enterprise funds, which are water, sewer and garbage.
- * State and County oversight for HOA's is typically limited to health, safety and welfare types of items and why it was so strange for the Legislature to come after HOA's.
- * The reason is because that is where people want to have vacation rentals.
- * Wouldn't it be great to have one in Isleworth so you could walk by Shaq's house and homes in Alaqua?
- * The HOA's are liable for their roads and whatever happens in their community.
- * He started out in Deltona in the 1980's and it was a beautiful area until everything changed with fire pits in the front yard, purple houses, Christmas lights up all year long, 9' statues in the front yard, and nine cars parked in front yards.
- * He gave up his property rights, somewhat, by going to an HOA in Seminole County in lieu of the greater good; meaning the entire community has their governing documents.
- * Anyone who lives within an HOA understands those are the rules that everyone has agreed to live by.
- * House Bill 841 failed on the last day and they know that is coming back again.
- * Most of the HOA's have governing documents that are very old and they are all in the process of updating these documents, including Heathrow and Alaqua, to address the vacation rental issue.
- * The problem they have with the way the Ordinance is written is that for example, he could buy a house right next to someone, own the house and rent out rooms to UCF students, who sit in their front yard and drink beer all night long.
- * Call the Code Enforcement officer on Friday night and you'll see someone on Monday or Tuesday and then it's a "he said/she said" type of thing.

- * He understands where the County is going with this, but it's difficult, and he applauds them. He feels there should be more added to it.
- * They have rules in their neighborhood, but the first thing they hear is "I didn't know" as they don't look at the County Ordinance and no one will really know right away on this.
- * What he is asking, as this Ordinance goes forward, is language that is written in the Backyard Chicken Ordinance, under Section 20.161 – Intent/Definitions:

This Ordinance does not authorize persons to violate applicable restrictive covenants or homeowner's association rules and regulations. The County does not police or enforce private restrictive covenants or homeowners' association rules and regulations. Persons applying for and receiving (temporary goes away) permits under this Ordinance are solely responsible for compliance with all applicable restrictive covenants and homeowners' association rules and regulations.

- * They would like this language used and included in this Ordinance.
- * They have rules and they say they don't allow backyard animals in the HOA.
- * This is putting some of the onus on the HOA's, but it doesn't help those who live in unincorporated Seminole County.
- * Code Enforcement is reactive, they just don't have enough people, and it's been that way for a number of years.
- * There are ways to strengthen this.
- * Regarding occupancy, it says two (2) per room, but it also allows three (3) children ages 13 and under. That is five (5) in a room.
- * If they're not staying the night, they can double that, the way he is reading the Ordinance.
- * If they do stay the night, then you have to contact Code Enforcement two (2) days later and prove that they did or they didn't.
- * They have a lot of amenities in Lake Forest with a junior Olympic swimming pool, a lot of tennis courts, and a basketball court.
- * They have enough issues with neighboring communities trying to get in and use those.
- * They would hope that since they're paying for them and AirBnB people are not, that the Board would consider including this language in the Ordinance.
- * Hopefully, if they get another chance at this, it will be advertised not in the Thursday newspaper in the fine point legal ad, which he knows is required by State Law, but they're going to put it on Nextdoor.
- * The County sent him six (6) different things this week on Nextdoor and they will put these issues on Nextdoor, so that all of the public can see what impacts them and give the Board the input they need from the public.

Commissioner Jeanne Miller ask about F.S. Chapter 720 and when they change their HOA rules is that going to require a 100% change or an 80% change. Mr. Sellery responded no, most of them are 50% plus 1 of the membership. They have already talked to their membership and it's about 99 to 1 and the only one person against it is somebody that is running an AirBnB. He further stated that everybody is worried about this. There is language in the State Statute about sexual offenders. Is the name of an AirBnB guest

going to be run through the State database before they rent it out? You don't know who you're going to get.

Commissioner Miller re-stated that her question was about what the percentage was to have the Bylaws changed in F.S. Chapter 720 and he thinks it is 50%. Mr. Sellery stated that the Legislature is trying to change it, but usually for all HOA's it is 50% plus 1 voting membership.

Commissioner Brown asked if the person that owns the home is paying dues to the HOA and Mr. Sellery responded yes, they are paying the same dues. Commissioner Brown then stated that they would have the use of the amenities.

Commissioner Brown stated that he's been an AirBnB person in communities and they're not sexual predators, just coming in to have a nice time, and not actually in the house that much, because they're out doing what they want to do in the community.

Mr. Sellery stated that he agreed, but he also stated that there are nefarious folks out there that would use that as a way to get into an exclusive gated community. He further stated that there are also a bunch of liability issues associated with that. When the resident brings in their own guest, that resident is aware of what is going on and they usually don't have any control. They are gated like Alaqua and Heathrow. Guests using AirBnB's are a little bit different than the residents of a community.

Chairman Michelle Ertel stated that his concern is about an undesirable type of person coming into the community and making a mess of the neighborhood. Mr. Sellery responded yes and the liability issue, which they are responsible for if something happens in their community.

Commissioner Miller stated that the HOA has the ability to control it in their neighborhoods, but vacation rentals in the rest of the County could potentially have registered sex offenders without neighbors being aware.

Mr. Sellery stated that Lake Forest is very wooded and rural and the reason why they weren't in favor of chickens is because they attract rats. That is why in Lake Forest's governing documents they don't allow those kinds of animals in their neighborhood. This is the same reason why they try to shy away from orange and other fruit trees, because they attract bears. He is asking that HOA's be given the same courtesy until they can all address this issue. Mr. Sellery stated that he talked with Alaqua Lakes tonight and they weren't aware of this issue, but they'll come back to the Board meeting and he can get Sweetwater, Magnolia Plantation, Wekiva, and a ton of the HOA's here if they need to talk about this further.

Commissioner Wolf stated that they are just a recommending body, but this does go to the Board of County Commissioners and that is where they'd want to show up.

Mr. Sellery stated to the Board that he hopes that they will add and recommend this language to their motion.

Commissioner Wolf asked if the recommended Backyard Chicken Ordinance language condition is something this Board could impose. Mr. Chipok responded that the Backyard Chicken Ordinance is in the Seminole County Code rather than the Land Development Code. The County Code does not have blanket existing language stating that its provisions do not override private deed restrictions, and therefore this language was needed in the Backyard Chicken Ordinance. However, the vacation rental Ordinance would be part of the Land Development Code, which states, in Chapter 30, Section 30.48, that the Land Development Code operates independently of private deed restrictions and that the provisions of this Code do not repeal or rescind private legal rights and obligations between private parties. In other words, the Land Development Code already contains broad language addressing this situation. Mr. Chipok stated that the Land Development Code acknowledges that there are private deed restrictions in certain communities, and does not supersede additional restrictions made privately between parties.

Commissioner Wolf stated that this language is inherent and Mr. Chipok responded that the language is already in there as part of the overriding Land Development Code section and all of Zoning.

Commissioner Brown asked if the Florida Statute overrides an HOA, whereas an HOA says they don't want to have an AirBnB or any short term rental. Mr. Chipok responded that Florida Statute Chapter 509 addresses local laws, ordinances, and regulations, so anything the local government would put in place is pre-empted. As far as private deed restrictions, to his knowledge, there is no prohibition at this time. However, there was a proposed amendment to the HOA regulations this past year. Commissioner Brown said they could pass it and then they wouldn't have it in their community. Mr. Chipok responded that is happening at the State level and we have no control over that.

Commissioner Wolf asked whether from a legal position the requested supplementary language is redundant and Mr. Chipok responded that it is already in there. Commissioner Brown asked if he is saying don't add this information and Mr. Chipok responded it is already in there.

Mr. Sellery stated that respectfully, there is only one person in this room that's going to know this and if you're going to run an AirBnB and they are given the Ordinance, are you going to look at the Preface of the Land Development Code to know that doesn't apply. If somebody from Lake Forest comes into the County and asks for the Ordinance, there is nothing there, unless somebody in Planning & Development says they need to read the top of Chapter 30 that private deed restrictions are applicable, will be the only way somebody's going to know. He further stated that even Code Enforcement won't know that. He stated that he agrees it's probably there, but there's nothing that precludes it from being at the start of this Ordinance to reinforce that to anybody that's reading it.

Grey Wilson, of Heathrow, stated that he applauds the County Attorney for bringing this forward and he thinks it is a good idea. He further stated the following:

- * He's had three (3) rental properties, mainly VRBO, and this language is a good start.
- * He is in a community that restricts rentals to a one year lease.
- * The lobby wants to get the language in there, so the HOA's cannot restrict it and they don't consider it a lease, they are defining vacation rentals as a separate category.
- * Even though Heathrow has a one year restriction, it doesn't apply to a vacation rental.
- * It's good that the County is getting ahead on this.
- * His concern is that sales tax needs to be included and wondered if the County was getting any of that.
- * He suggests it be funded as it looks like it is an unfunded mandate.
- * People have to fill out an application for this and he asked who is going to enforce it.
- * George is an expert on Code Enforcement.
- * The County is going to be shackled with this and he doesn't know what department is going to oversee it.
- * He sat on this Board 20 years ago and this is where the comments need to be heard.
- * He thinks it is something that needs to be carefully looked at with more participation, rather than just moving it forward.
- * Unless this Board is 100% clear on this document and how it should go forward, he thinks it needs more time and more advertising.
- * He thinks input from the HOA's is important.
- * He is not representing Heathrow, but he's spoken with Blaine, and he thinks there are seven or eight communities there and each of their community's Chairperson votes on a document change and then they inform the owners.
- * Each association does it differently.
- * The HOA's should be notified directly on this issue.
- * Seminole County is probably 60% HOA's.
- * This Ordinance is important to protect the HOA's.

Commissioner Brown asked if we include the recommended language into the Ordinance will they just take it back out. Mr. Chipok stated under Part 3, Chapter 30 Administration, Section 30-48. Mr. Chipok read the following:

Interpretation of Code – The provisions of this Chapter shall operate independently upon property subject to the Land Development regulatory authority of Seminole County notwithstanding any private legal relationships between and among various land owners. Although land owners may have legal rights and obligations with regard to one another, the provisions of this Chapter shall operate independently of such obligations, but do not repeal or rescind such legal rights and obligations.

Mr. Chipok stated that they don't enforce private deed restrictions.

Further discussion occurred between the Board and Staff.

Mr. Chipok stated that it is not an annual registration it is a one-time permitting fee. He added that administratively, they don't want to have a department of short-term rentals, so it is a one-time registration requirement for the permit, which lasts until a change of ownership or the permit is otherwise revoked.

A motion was made by Commissioner Rob Wolf, seconded by Commissioner Carissa Lawhun to Approve and Refer the Vacation Rentals Land Development Code Amendment to the Board of County Commissioners, with the Condition to incorporate the following language into the Ordinance:

"This Ordinance does not authorize persons to violate applicable restrictive covenants or homeowners' association rules and regulations. The County does not police or enforce private restrictive covenants or homeowners' association rules and regulations. Persons applying for and receiving permits under this Ordinance are solely responsible for the compliance with all applicable restrictive covenants and homeowners' association rules and regulations".

Ayes 5: Chairman Michelle Ertel, Commissioner Matt Brown, Commissioner Carissa Lawhun, Commissioner Jeanne Miller, and Commissioner Rob Wolf

Absent 2: Commissioner Jennifer Dane and Commissioner Richard Jerman