

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA RELATING TO LAND USE FOR VACATION RENTALS; AMENDING PART 70 (SUPPLEMENTAL REGULATIONS) OF CHAPTER 30 (ZONING REGULATIONS) OF THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, FLORIDA, TO AMEND SECTIONS 30.1373 THROUGH 30.1376; PERTAINING TO DEFINITIONS, REGULATIONS, MINIMUM STANDARDS, AND VIOLATION PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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



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

WHEREAS, Section 509.013(4)(a)(1), Florida Statutes, defines transient public lodging 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, the Board of County Commissioners of Seminole County adopted the Land Use Vacation Rentals Land Development Code Ordinance on February 25, 2020 and now wishes to further amend those regulations to ensure the private property rights of the Vacation Rental properties and of the residential dwellings surrounding vacation rental public lodgings; 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 Revisions to 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 revisions to 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. 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~~ October 1, 2020.

(b) A completed vacation rental ~~Affidavit of Compliance~~ registration form, 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~~

(1) The registration form will be made available via online/electronic submission through the third party vendor and will include:

(i) An acknowledgement to comply with existing Seminole County regulations of noise, solid waste, urban bear management, sexual offenders and sexual predators,

(ii) An active license number provided by the Florida Department of Business and Professional Regulation,

(iii) An active registration with the Florida Department of Revenue, and

(iv) A local tourism tax account number provided by 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.

(v) Proof of payment of local business taxes in compliance with Seminole County Code Chapter 45, Part 1, Local Business Taxes.

(vi) An acknowledgment to provide the "Transient Occupation Information" binder in all vacation rental units.

(2) Other required forms and attachments include:

(10) (i) Acknowledgment to comply with Section 30.1375(a) of the Seminole County Land Development Code regarding maximum occupants and guests authorized to occupy the vacation rental unit.

(ii) For a vacation rental with five (5) or more bedrooms, 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. All or a portion of the County's proceeds from the registration fees, 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~~ for one year from the date of application approval or until any of the following circumstances occur:

- ~~(1) A change in ownership and/or Responsible Party of the vacation rental; or~~
- ~~(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. The following changes/events must be submitted through the Responsible Party's Vacation rental registration account online via the County's third party vendor but does not require an additional fee:~~

- (1) A notice of change of the Responsible Party (non-owner); and

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

(e) Annual renewal of the vacation rental registration with Seminole County's third party vendor shall be required. All or a portion of the County's proceeds from the registration fees, 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~~ located in a conspicuous 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 County Code of Ordinances;
- (vi) Chapter 235 Solid Waste, Seminole County Code of Ordinances;
- (vii) Chapter 258 Urban Bear Management, Seminole County Code of Ordinances, with Map;
- (viii) The 24-hour, 7-day a week telephone number of the Responsible Party;
- (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 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-standing emergency room(s).

(5) Parking Standards:

(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 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 ~~two (2)~~ four (4), one (1) additional parking space must be provided.

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

~~(iii)~~ (ii) 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, through Code Enforcement, reserves the right to perform an inspection of the vacation rental to ensure compliance within the bounds of applicable law.



(b) Posting of Parking Information and Emergency Information.

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

(i) For a vacation rental unit with five (5) or more bedrooms 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, 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, pursuant to a letter from those responsible for the shared parking; and

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

(2) There shall be posted on ~~the refrigerator door~~, the interior of the main egress 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:

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

Sec. 30.1376. Violations Procedure.



(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 given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

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.

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BE IT ORDAINED by the Board of County Commissioners of Seminole County, this

12th day of May, 2020.


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

SEMINOLE COUNTY, FLORIDA


JAY ZEMBOWER, Chairman



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4/27/20

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