

**ORDINANCE NO. 2019-\_\_\_\_**

**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 ~~October~~December 1, 2019.

(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 the registration fee 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; and

(16) A signed acknowledgment by the Responsible Party that the County has the right, but not the obligation, to conduct a physical inspection of the vacation rental to verify the representations made in the Affidavit of Compliance submitted as part of the registration.

(c) The registration in the third party Vacation Rental Registry shall be valid from ~~October~~December 1<sup>st</sup> through ~~September~~November 30<sup>th</sup> 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 the registration fee 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 transient occupants authorized  
to stay overnight. For example, in a three (3) sleeping room house at two (2) persons per sleeping  
room there is a maximum occupancy of six (6) overnight transient occupants. Therefore, the  
maximum amount of persons to visit as non-overnight guests of the transient occupants is six (6)  
persons. That is a total of twelve (12) people during the day at the vacation rental; in addition  
there may be four (4) children under the age of 13 present.

(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

208 must contain, at a minimum, all regulations with which transient occupants and their guests must  
comply, including:

210 (i) Chapter 165 Noise, Seminole County Code of Ordinances;  
(ii) Section 30.1302 Noise, Seminole County Land Development Code;  
212 (iii) Section 30.1221(1) Off-street parking requirements, Dwelling  
Structures, Seminole County Land Development Code;

214 (iv) Section 30.1375(a)(5) Parking Standards, Seminole County Land  
Development Code;

216 (v) Chapter 228 Sexual offenders and sexual predators, Seminole  
County Code of Ordinances;

218 (vi) Chapter 235 Solid Waste, Seminole County Code of Ordinances;  
(vii) Chapter 258 Urban Bear Management, Seminole County Code of  
220 Ordinances, with Map;

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

(ix) A copy of the survey, scaled sketch or picture depicting the  
224 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

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

228 (5) Parking Standards:  
(i) Per Section 30.1221(1) of the Seminole County Land Development  
230 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), 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) 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.

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

(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, 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. Reserved.~~**

**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.

**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

\_\_\_\_\_  
BRENDA CAREY, Chairman