



# Flagler County Board of County Commissioners Special Meeting Agenda

February 19, 2015 • 5:30 p.m.

1. **Pledge to the Flag and Moment of Silence**
2. **Chairman Comments**

## **PUBLIC HEARINGS**

*Public Hearings will be heard after 5:30 p.m.*

3. **LEGISLATIVE – Second Reading and Adoption of an Ordinance Amending the Land Development Code to Provide Standards for Short-Term Vacation Rentals:** Request the Board approve on second reading and adopt the proposed Ordinance titled similar to:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AMENDING APPENDIX C, LAND DEVELOPMENT CODE, OF THE CODE OF ORDINANCES OF FLAGLER COUNTY, FLORIDA, RELATING TO SHORT-TERM VACATION RENTALS; PROVIDING FOR FINDINGS; AMENDING ARTICLE III, ZONING DISTRICT REGULATIONS; CREATING SECTION 3.06.14, SHORT-TERM VACATION RENTALS; AMENDING SECTION 3.03.02, AC-AGRICULTURE DISTRICT, SECTION 3.03.03, AC-2-AGRICULTURE/FORESTRY DISTRICT, 3.03.04, R-1-RURAL RESIDENTIAL DISTRICT, 3.03.05, R-1B-URBAN-SINGLE-FAMILY RESIDENTIAL DISTRICT, 3.03.06, R-1C-URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT, 3.03.07, R-1D-URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT, 3.03.08, R-2-TWO-FAMILY RESIDENTIAL DISTRICT, 3.03.09.01, R-3-MULTIFAMILY RESIDENTIAL DISTRICT, 3.03.09.02, R-3B-MULTIFAMILY RESIDENTIAL DISTRICT, 3.03.10, MH-1-RURAL MOBILE HOME DISTRICT, 3.03.11, MH-2-URBAN MOBILE HOME DISTRICT, 3.03.13, R/C-RESIDENTIAL/LIMITED COMMERCIAL USE DISTRICT, 3.03.20, PUD-PLANNED UNIT DEVELOPMENT, 3.03.20.2, MUL-PUD-MIXED USE, LOW INTENSITY-PLANNED UNIT DEVELOPMENT, 3.03.20.3, MUH-PUD-MIXED USE, HIGH INTENSITY-PLANNED UNIT DEVELOPMENT, 3.03.21, FDD-FUTURE DEVELOPMENT DISTRICT, AND 3.08.02, SPECIFIC DEFINITIONS OF CERTAIN TERMS USED IN THIS ARTICLE; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

4. **Adjournment**

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS  
PUBLIC HEARING / AGENDA ITEM # 3**

**SUBJECT:** LEGISLATIVE – Second Reading and Adoption of an Ordinance Amending the Land Development Code to Provide Standards for Short-Term Vacation Rentals.

**DATE OF MEETING:** February 19, 2015

**OVERVIEW/SUMMARY:** Following the November 3, 2014 public hearing, County staff met with vacation rental owners and homeowners through a series of at least fifteen (15) meetings regarding the proposed ordinance. Many concerns were raised and changes have been made to the ordinance based on this feedback and additional review by staff. These changes have been highlighted in Attachment #1 and reflected in the revised ordinance at Attachment #2. A legal blacklined version tracking the changes since the November 3, 2014 public hearing has also been provided at Attachment #3.

For reference, this request resulted from an ongoing effort initiated shortly after the Florida Legislature put in place a measure in 2011 restricting the ability of a local government to regulate vacation rentals within their jurisdiction. As eventually adopted, House Bill 883 (subsequently referenced as Chapter 2011-119, Laws of Florida), identified a vacation rental as a type of transient public lodging establishment that could operate in a residential dwelling house or unit. Further, House Bill 883 sought to preempt new local regulations of vacation rentals based solely on classification, use, or occupancy, and exempted local regulations adopted prior to June 1, 2011 from the preemption.

The consequences of the 2011 legislation to Flagler County and other similar local governments lacking local vacation rental regulations was nearly immediate, as the number of homes operating as vacation rentals quickly increased. Impacts associated with vacation rentals – like increased traffic volume on residential streets, parking exceeding capacity within each lot, increased noise, increased trash accumulation and utility use, and public safety risk in the event of an emergency resulting from multiple occupants in an unfamiliar structure lacking basic life safety requirements, along with other considerations associated with a commercial operation in a residential neighborhood – were brought to the attention of County staff by local residents. At the 2012 state legislative delegation hearing for Flagler County, residents implored Flagler's State Senator and Representative to address the issue legislatively. Senator Thrasher responded by asking the parties to work together to resolve the issues. Those efforts unfortunately proved unsuccessful.

By late 2013, local activism had elevated the vacation rental issue to a top priority of Flagler County's Legislative Delegation. Following extensive lobbying efforts by the County and local residents, the 2014 Legislative session ended with the passage of Senate Bill 356 (Chapter 2014-71, Laws of Florida), which lifted the preemption on local regulation over use of vacation rentals, but retained the preemption over duration or frequency of rental. Additionally, the County Commission members actively pressed for adoption of local home rule authority for vacation rentals, and in particular Commissioners Ericksen and Meeker who traveled regularly to Tallahassee during the legislative session to appear at hearings and speak with legislators.

County staff greatly appreciates all the feedback provided through the meetings and correspondence and, through these revisions, this ordinance works better for all parties by balancing the private property rights of landowners operating as short-term vacation rentals with the rights of residents to the quiet enjoyment of their homes and neighborhoods.

**PRIOR REVIEW:**

October 29, 2014 – Planning and Development Board special called meeting; unanimous vote (7-0) recommending approval of the proposed ordinance

November 3, 2014 – Board of County Commissioners regular meeting; approved (5-0) on first reading

**QUASI-JUDICIAL / LEGISLATIVE REVIEW:** This agenda item is:

\_\_\_\_\_ quasi-judicial, requiring disclosure of ex-parte communication; or

X  legislative, not requiring formal disclosure of ex-parte communication.

**DEPT./CONTACT/PHONE #:** Planning & Zoning / Adam Mengel / 386-313-4065

**RECOMMENDATION:** Request the Board approve on second reading and adopt the proposed Ordinance titled similar to:

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**ATTACHMENTS:**

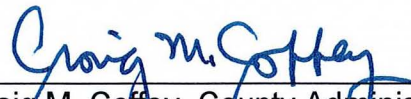
1. Highlights of changes
2. Proposed ordinance
3. Blacklined version of the ordinance reflecting changes since the November 3, 2014 public hearing



Adam Mengel, Planning Director

2-19-15

Date



Craig M. Coffey, County Administrator

19 Feb 2015

Date

## **HIGHLIGHTS OF CHANGES TO ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO PROVIDE STANDARDS FOR SHORT-TERM VACATION RENTALS**

Following the November 3, 2014 public hearing, staff has met with those in favor of the amendment and those opposed. Based on these meetings, subsequent correspondence, and additional feedback, the revised ordinance:

- Clarifies the applicability of the short-term vacation rental ordinance to unincorporated areas located east of U.S. Highway 1
- Excludes multi-family residential buildings and any short-term vacation rental where the owner is an on-premises permanent resident
- Eliminates the requirement for lighting of emergency access routes since this requirement is presently required by State regulations
- Eliminates the requirement for installation and maintenance of a landline telephone
- Sets the maximum occupancy at ten (10) for short-term vacation rentals in single- and two-family neighborhoods
- Eliminates day guests from the maximum occupant count
- Eliminates the cumulative impact location standard requiring 500-foot separation between rentals exceeding eight occupants
- Increases the solid waste capacity from three to four occupants per each trash storage container, and clarifies the size of the container and timing of curbside placement for pickup
- Eliminates the additional solid waste charge for consistency with the County's solid waste contract
- Clarifies the link between approved septic systems and occupancy limits, as applicable
- Changes references to Short-Term Vacation Rental Agent to Responsible Party to reflect that the owner remains ultimately responsible for the rental operation, but provides for the owner's designation of a proxy decision-maker in the absence of the owner
- Clarifies the qualifications and responsibilities of the Short-Term Vacation Rental Responsible Party
- Clarifies minimum lease provisions based on other changes in the ordinance
- Provides for notification to other agencies of any enforcement actions
- Provides for suspension of a Short-Term Vacation Rental Certificate when a rental unit has exceeded the maximum occupancy limits on multiple occasions
- Eliminates specific provisions related to the County's right of entry for enforcement purposes
- Provides for limited vesting based on executed lease agreements, along with vesting to certain safety requirements and maximum occupancy limits to establish a compliance period for existing legally-established rental units
- Provides a process for an owner to request a higher vesting occupancy or different vesting schedule through application to the County

ORDINANCE NO. 2015 - \_\_

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**WHEREAS**, prior to 2011 Florida's cities and counties regulated local land use issues and decisions under the Home Rule authority granted them by the Florida Constitution; and

**WHEREAS**, the 2011 Florida Legislature enacted House Bill 883 (Florida Chapter 2011-119, Laws of Florida)(hereafter "HB 883") which preempted the local regulation of a specific land use commonly called short-term vacation rentals (transient rentals less than thirty (30) days in duration and commonly located in residential areas); and

**WHEREAS**, the preemption bill provided for very little oversight from the state for short term vacation rentals, for example, did not provide for staffing for mandatory or

1 randomized inspection of the short-term vacation rental units and applied relaxed  
2 standards for short-term vacation rentals when compared to hotels, motels, and bed  
3 and breakfast establishments; and

4  
5 **WHEREAS**, HB 883 prevented local communities from enacting new regulations  
6 necessary to address any negative impacts caused by short-term vacation rentals; and

7  
8 **WHEREAS**, Chapter 720 of Florida Statutes provides for the formation and  
9 operation of homeowners' associations, independent of government authority; and

10  
11 **WHEREAS**, homeowners' associations may or may not exist in all single- and  
12 two-family residential neighborhoods; and

13  
14 **WHEREAS**, homeowners' associations may not legally be able to fully address  
15 all issues regarding short-term vacation rentals; and

16  
17 **WHEREAS**, the 2014 Florida Legislature enacted Senate Bill 356 (Florida  
18 Chapter 2014-71, Laws of Florida)(hereafter "SB 356") which rescinded the previous  
19 preemption on local regulation of short-term vacation rentals, but provided that a local  
20 law, ordinance, or regulation adopted after June 1, 2011 may not prohibit short-term  
21 vacation rentals or regulate the duration or frequency of rental of vacation rentals; and

22  
23 **WHEREAS**, SB 356 has returned some local control back to communities to  
24 mitigate the effects of short-term vacation rentals in an attempt to make them safer,  
25 more compatible with existing neighborhoods, and accountable for their proper  
26 operation; and

27  
28 **WHEREAS**, through SB 356 short-term vacation rentals cannot be prohibited  
29 from a community and would be permitted in all zoning districts; and

30  
31 **WHEREAS**, single-family residential neighborhoods and their required  
32 infrastructure are generally designed to accommodate typical single-family residential  
33 homes with two (2) to three (3) persons per household on average; and

34  
35 **WHEREAS**, local governments apply design standards tailored for residential  
36 neighborhoods for their roads, driveways, emergency services planning, public shelters,  
37 emergency evacuation plans, solid waste collection, utilities, buffers, and are also  
38 tailored in assessing their infrastructure impacts and their corresponding fair and  
39 proportionate impact/connection fees; and

40  
41 **WHEREAS**, permanent single-family home residents inherently understand and  
42 know their physical surroundings, to include any safety gaps and potential risks to their  
43 families because they have daily familiarity; and

44  
45 **WHEREAS**, short-term vacation rental occupants, due to the transient nature of  
46 their occupancy, are unfamiliar with local hurricane evacuation plans, the location of fire

1 extinguishers, residence exit routes, pool and home safety features, and other similar  
2 safety measures that would readily be provided to guests in traditional lodging  
3 establishments; and  
4

5 **WHEREAS**, short-term vacation rental owners may live elsewhere and not  
6 experience the quality of life problems and negative impacts associated with larger,  
7 unregulated short-term vacation rental units on residential neighborhoods; and  
8

9 **WHEREAS**, short-term vacation rentals with no application of mitigating  
10 standards when located in residential neighborhoods can create disproportionate  
11 impacts related to their size, excessive occupancy, and the lack of proper facilities if left  
12 unregulated; and  
13

14 **WHEREAS**, some short-term vacation rentals will likely be created in single-  
15 family homes that were built before more current building codes that require minimum  
16 life/safety improvements, like hardwired or interconnected smoke detectors, carbon  
17 monoxide detectors, or pool alarms and pool safety drains, etc.; and  
18

19 **WHEREAS**, some short-term vacation rental owners will make investments in  
20 upgrading building safety measures of their rental properties whereas other owners will  
21 not make such investments without local requirements and an ongoing  
22 inspection/enforcement program; and  
23

24 **WHEREAS**, short-term vacation rentals locating within established  
25 neighborhoods can disturb the quiet enjoyment of the neighborhood, lower property  
26 values, and burden the design layout of a typical neighborhood; and  
27

28 **WHEREAS**, the presence of short-term vacation rentals within single-family  
29 dwelling units in established residential neighborhoods can create negative compatibility  
30 impacts, among which include, but are not limited to, excessive noise, on-street parking,  
31 accumulation of trash, and diminished public safety; and  
32

33 **WHEREAS**, traditional lodging establishments (hotels, motels, and bed &  
34 breakfasts) are restricted to commercial and other non-residentially zoned areas where  
35 intensity of uses is separated from less busy and quieter residential uses; and  
36

37 **WHEREAS**, traditional lodging establishments have tougher development  
38 standards, undergo annual inspections, and have more stringent operational and  
39 business requirements; and  
40

41 **WHEREAS**, traditional lodging establishments often have to make roadway  
42 improvements and/or pay much higher transportation, water, sewer, and other impact  
43 fees to offset the infrastructure demands they create; and  
44

45 **WHEREAS**, multi-unit condominium buildings with short-term vacation rental  
46 units are typically constructed to more stringent building code requirements and other

1 fire/life safety measures that single- and two-family homes often do not have to meet,  
2 including sprinkler systems, interconnected fire alarm systems, fire alarm panels,  
3 emergency lighting, exit signs, fire extinguishers, and fire wall separation between  
4 occupancies; and

5  
6 **WHEREAS**, multi-unit condominium short-term vacation rentals are routinely  
7 (often annually) inspected for fire/life safety code compliance to include inspections for  
8 the fire sprinkler system, interconnected fire alarm systems, fire alarm panels, fire  
9 pumps, emergency lighting, exit signs, backflow prevention, elevator operation,  
10 elevator keys and communication; and

11  
12 **WHEREAS**, many multi-unit condominium short-term vacation rentals have on-  
13 site property managers and employees or other contracted vendors that oversee the  
14 maintenance, upkeep, security and/or operation of the property on a frequent basis; and

15  
16 **WHEREAS**, the majority of complaints the County has received to date have  
17 been from single- and two-family neighborhoods and not from multi-unit condominium  
18 short-term vacation rentals; and

19  
20 **WHEREAS**, multi-unit condominium short-term vacation rentals are not regulated  
21 locally at this time, but may be in the future if deemed necessary by the Flagler County  
22 Board of County Commissioners under the County's home rule authority granted within  
23 the Florida Constitution; and

24  
25 **WHEREAS**, the areas west of U.S. Highway 1 of the unincorporated County are  
26 primarily rural in nature and are typically separated by large setbacks with development  
27 typically on larger acreage lots; and

28  
29 **WHEREAS**, in the areas west of U.S. Highway 1, very few short-term vacation  
30 rental units are known to exist with the exception of hunting camps which are in remote,  
31 rural locations and often directly supervised or used by the operator on-site; and

32  
33 **WHEREAS**, the majority of complaints the County has received to date have  
34 been from single- and two-family neighborhoods east of U.S. Highway 1; and

35  
36 **WHEREAS**, the unincorporated areas located west of U.S. Highway 1 will not be  
37 regulated locally for short-term vacation rental units at this time, but may be in the future  
38 if deemed necessary by the Flagler County Board of County Commissioners under the  
39 County's home rule authority granted by the Florida Constitution; and

40  
41 **WHEREAS**, whenever at least one (1) property owner permanently resides at a  
42 short-term vacation rental located within the same structure the number of renters is  
43 minimized and the owner can directly manage the property when it is under a short-term  
44 rental; and



1           **WHEREAS**, an on-site owner permanently residing at a short-term vacation  
2 rental which also serves as the owner's principal residence will likely manage any  
3 vacation rental more restrictively than any local regulation because the owner has a  
4 direct, vested interest in how the property the owner resides in is used and maintained;  
5 and  
6

7           **WHEREAS**, owner-occupied short-term vacation rental units are not the norm in  
8 the County and will not be regulated locally for short-term vacation rental units at this  
9 time, but may be in the future if deemed necessary by the Flagler County Board of  
10 County Commissioners under the County's home rule authority granted by the Florida  
11 Constitution; and  
12

13           **WHEREAS**, permanent residents within residential neighborhoods often  
14 establish long-term friendships, social norms and a sense of community which often  
15 leads to mutual respect among property owners on an ongoing basis; and  
16

17           **WHEREAS**, a single-family dwelling home is typically the largest investment a  
18 family will make in their lifetime, with the home held sacred in popular culture as the  
19 heart and the center of the family unit; and  
20

21           **WHEREAS**, permanent residents within established residential neighborhoods  
22 deserve the right to tranquility and peaceful enjoyment of their home without over-  
23 intrusion by an excessive number of transient occupants in the neighborhood; and  
24

25           **WHEREAS**, Flagler County promotes tourism, including appreciation and  
26 enjoyment of the County's abundant preserved natural areas, historic sites, rural pristine  
27 beaches, and walking and bicycling paths that make Flagler County unique among  
28 Florida's coastal counties; and  
29

30           **WHEREAS**, some municipalities in Flagler County, and many local jurisdictions  
31 in the State of Florida, and across the nation have standards in place to minimize the  
32 negative impacts caused by short-term vacation rentals; and  
33

34           **WHEREAS**, prior to the enactment of HB 883, short-term vacation rentals in  
35 Flagler County seemed to be more compatible and coexisted in a fairly compatible  
36 manner within established neighborhoods with relatively few conflicts and complaints to  
37 the County; and  
38

39           **WHEREAS**, prior to the enactment of HB 883, the City of Flagler Beach had  
40 adopted regulations providing for the siting and approval of short-term vacation rentals  
41 within established neighborhoods, with relatively few conflicts resulting from the  
42 regulatory framework that has now been effect for several years; and  
43

44           **WHEREAS**, since the enactment of HB 883, Flagler County has experienced a  
45 large increase in the construction of new, oversized structures for the primary purpose

1 of serving as mini-hotels for short-term vacation rentals for up to as many as twenty-four  
2 (24) individuals; and

3  
4 **WHEREAS**, although family sizes per residence can vary widely from residence  
5 to residence, according to the recently completed 2010 U.S. Census, Flagler County's  
6 average family size is 2.82 persons; and

7  
8 **WHEREAS**, the 2010 U.S. Census data also indicates the average household  
9 size in Flagler County of 2.42 persons; and

10  
11 **WHEREAS**, the operation of some short-term vacation rentals in established  
12 neighborhoods in the County create a huge disparity in short-term vacation rental  
13 impacts with up to nine (9) times the average occupancy of an existing single-family  
14 residence, making the higher occupancy of the rental homes incompatible with  
15 established neighborhoods; and

16  
17 **WHEREAS**, utility usage by short-term vacation rentals may exceed the usage  
18 levels anticipated at the time of initial permitting as a single-family residence, creating a  
19 disparity between the impact and connection fees paid and the system impacts caused  
20 by their increased demand; and

21  
22 **WHEREAS**, at least one utility provider has provided user information showing  
23 that some short-term vacation rentals can utilize over ten (10) times the capacity of a  
24 typical single-family residence; and

25  
26 **WHEREAS**, at least one utility provider has taken steps to charge additional  
27 impact/system capacity fees based on the increased usage from short-term vacation  
28 rentals; and

29  
30 **WHEREAS**, the State of Florida through its existing regulatory framework  
31 provides for licensing, maintenance, and inspection of hotels and motels; however no  
32 similar regulatory framework exists for short-term vacation rentals; and

33  
34 **WHEREAS**, according to the State of Florida records, vacation rentals have  
35 flourished for decades while solely under local control; and

36  
37 **WHEREAS**, according to the State of Florida Department of Business and  
38 Professional Regulation the number of vacation rental home units has actually  
39 decreased from 10,602 units in 2010 to 10,362 units in 2013, since the State  
40 preemption into this local community land use decision; and

41  
42 **WHEREAS**, current vacation rental industry practice is to set maximum limits  
43 upon the number of transient occupants within a short-term vacation rental unit, but  
44 lacking provisions for verification and enforcement when overcrowding occurs; and

1           **WHEREAS**, current vacation rental industry practice is to charge a flat rental fee  
2 for the term of the lease, regardless of the transient occupant count, which incentivizes  
3 the common practice for lessees of oversized structures used as short-term vacation  
4 rentals to increase the transient occupant count so as to spread out the cost burden for  
5 the rental term among as many payers as possible; and  
6

7           **WHEREAS**, the County desires to encourage short-term vacation rentals that are  
8 safe, fit in with the character of the neighborhood, provide positive impacts for tourism,  
9 increase property values, and achieve greater neighborhood compatibility; and  
10

11           **WHEREAS**, Flagler County seeks to balance respect for private property rights  
12 and incompatibility concerns between the investors/short-term vacation rentals and  
13 families/permanent single-family residences in established residential neighborhoods  
14 through the use of reasonable development standards; and  
15

16           **WHEREAS**, while Flagler County's average family size is 2.82 persons, the  
17 County is desirous of providing for as many as ten (10) transient occupants in a single-  
18 family residence – almost four (4) times the County's average family size – within a  
19 short-term vacation rental subject to a reasonable regulatory framework; and  
20

21           **WHEREAS**, these regulations are deemed necessary by the Flagler County  
22 Board of County Commissioners to preserve property values and to protect the health,  
23 safety, and general welfare of permanent residents, lot/parcel owners, investors and  
24 transient occupants and visitors alike; and  
25

26           **WHEREAS**, these regulations are being promulgated by the Flagler County  
27 Board of County Commissioners to supplement, but not to replace, any existing federal  
28 or state law or regulation, or other controls within established residential neighborhoods  
29 served by a homeowners' association; and  
30

31           **WHEREAS**, through these regulations, Flagler County is seeking to regulate  
32 another type of commercial use of a single- and two-family dwelling, similar to the  
33 County's provisions for home occupations, which permit limited commercial use of an  
34 owner-occupied dwelling subject to initial inspection requirements, ongoing compliance  
35 with specific home occupation regulations as provided in the Land Development Code,  
36 and issuance and annual renewal of a business tax receipt for the home occupation;  
37 and  
38

39           **WHEREAS**, these regulations do not regulate duration or frequency of rentals,  
40 but are intended to address the frequent change of many transient occupants housed  
41 within a single-family dwelling within an established residential neighborhood; and  
42

43           **WHEREAS**, the application of minimum life/safety requirements to short-term  
44 vacation rentals, along with other minimum standards, ensures that transient occupants  
45 are provided the same minimum level of protection as is required by the current statutes

1 and codes for single- and two-family residences utilized as hotels, motels, and  
2 dormitories; and  
3

4 **WHEREAS**, the County has established a maximum occupancy of sixteen (16)  
5 persons within any zoning district because an occupancy exceeding sixteen (16)  
6 persons falls into a commercial-type classification as a hotel or dormitory for purposes  
7 of the National Fire Protection Association (NFPA) 101 Life Safety Code; and  
8

9 **WHEREAS**, for purposes of compliance with the National Fire Protection  
10 Association (NFPA) 101 Life Safety Code, residential occupancies of sixteen (16) or  
11 fewer persons may be provided within one- and two-family dwelling units without  
12 consideration as a hotel or dormitory and provision of related life-safety requirements;  
13 and  
14

15 **WHEREAS**, the minimum residential safety standards, as adopted by the Florida  
16 Legislature as the Residential Swimming Pool Safety Act and now in place, include  
17 provision of swimming pool, spa, and hot tub barriers or alarms so as to reduce the  
18 likelihood of child and elder drowning; and  
19

20 **WHEREAS**, sleeping rooms as so designated within short-term vacation rental  
21 units shall be recognized in the same manner as bedrooms within single-family  
22 residential homes, with the same requirements as are currently provided within local,  
23 state, and federal regulations, as applicable; and  
24

25 **WHEREAS**, because of the high occupancy and transient nature of occupants  
26 within many short-term vacation rentals, fire safety becomes important; and  
27

28 **WHEREAS**, where interconnected, hard-wired smoke and carbon monoxide  
29 alarm systems are not in place, then at a minimum, these systems will be installed to  
30 provide for sufficient warning for evacuation so as to minimize loss of life within an  
31 occupied short-term vacation rental unit; and  
32

33 **WHEREAS**, where a fire sprinkler system is not in place, then at a minimum, the  
34 placement of a multi-purpose dry chemical fire extinguisher on each floor of a short-term  
35 vacation rental will provide a basic level of fire protection based on the class of fire and  
36 fire loading anticipated to be encountered in an occupied short-term vacation rental unit;  
37 and  
38

39 **WHEREAS**, in the event of an emergency, the presence of posted building exit  
40 routes can reduce the risk to transient occupants who are unfamiliar with the short-term  
41 vacation rental unit; and  
42

43 **WHEREAS**, site-specific short-term vacation rental standards, like minimum  
44 parking standards, solid waste handling and containment, and the establishment of  
45 quiet hours, serve to maintain the decorum that exists among owners in established

1 neighborhoods and are better assured by having these same standards conveyed to  
2 transient occupants through the duration of their rental; and

3  
4 **WHEREAS**, short-term vacation rentals operate as commercial enterprises,  
5 subject to additional regulatory requirements beyond those normally required of single-  
6 family and two-family residences, including business licensing by the State of Florida  
7 Department of Business and Professional Regulation's Division of Hotels and  
8 Restaurants, obtaining a local business tax receipt, and collecting and remitting various  
9 sales taxes to state and local government; and

10  
11 **WHEREAS**, a vacation rental is a commercial lodging activity; and

12  
13 **WHEREAS**, some vacation rentals are being used exclusively as rentals by  
14 investors/owners; and

15  
16 **WHEREAS**, the establishment of minimum business practices, such as the  
17 provision of both lease-specific and property-specific information to lessees, and the  
18 designation of a local short-term vacation rental responsible party, ensures that the  
19 private property rights of the short-term vacation rental owner are balanced with the  
20 needs of the County to protect visitors and tourists and to preserve the general welfare  
21 through its limited regulatory power; and

22  
23 **WHEREAS**, the County, through its existing regulatory framework, will issue  
24 certificates to short-term vacation rentals conforming to these standards, which will in  
25 turn provide a level playing field amongst all providers of short-term vacation rental  
26 units; and

27  
28 **WHEREAS**, this ordinance additionally establishes an enforcement mechanism  
29 for those short-term vacation rentals which do not adhere to the standards on an initial  
30 or continuing basis, with the overall goal of the short-term vacation rental program being  
31 compliance with the standards and not punitive in its scope; and

32  
33 **WHEREAS**, the Flagler County Planning and Development Board held a duly  
34 noticed public hearing on October 29, 2014 and recommended approval of this  
35 ordinance; and

36  
37 **WHEREAS**, the Flagler County Board of County Commissioners held a duly  
38 noticed public hearing on November 3, 2014 and approved this ordinance on first  
39 reading; and

40  
41 **WHEREAS**, the Flagler County staff has held at least fifteen (15) different  
42 meetings with potentially affected individuals to hear, discuss, and consider their  
43 concerns regarding the ordinance; and



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1. Obtaining a short-term vacation rental certificate from Flagler County pursuant to this section;
2. Obtaining a business tax receipt from Flagler County pursuant to chapter 19 of the Code of Ordinances;
3. Obtaining a Florida Department of Revenue certificate of registration for purposes of collecting and remitting tourist development taxes, sales surtaxes, and transient rental taxes;
4. Obtaining a Florida Department of Business and Professional Regulation license as a transient public lodging establishment; and
5. As demonstrated through an affidavit; maintaining initial and ongoing compliance with the Short-term Vacation Rental Standards contained herein, plus any other applicable local, state, and federal laws, regulations, and standards to include, but not be limited to, Chapter 509, Florida Statutes, and Rule Chapters 61C and 69A, Florida Administrative Code.

C. Short-term Vacation Rental Standards. The following Standards shall govern the use of any short-term vacation rental as a permitted use:

1. Minimum life/safety requirements:
  - a. Swimming pool, spa and hot tub safety – A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.
  - b. Sleeping rooms – All sleeping rooms shall meet the single- and two-family dwelling minimum requirements of the Florida Building Code.
  - c. Smoke and carbon monoxide (CO) detection and notification system – If an interconnected and hard-wired smoke and carbon monoxide (CO) detection and notification system is not in place within the short-term vacation rental unit, then an interconnected, hard-wired smoke alarm and carbon monoxide (CO) alarm system shall be required to be installed and maintained on a continuing basis consistent with the requirements of Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code – Residential.
  - d. Fire extinguisher – A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and

1 maintained in accordance with NFPA 10 on each floor/level of the  
2 unit. The extinguisher(s) shall be installed on the wall in an open  
3 common area or in an enclosed space with appropriate markings  
4 visibly showing the location.  
5

6 2. Maximum occupancy. The following specific site considerations in  
7 subsections a., b., and c. shall limit any short-term vacation rental  
8 occupancy to whichever is less, but not to exceed the permitted  
9 maximums provided in subsections d. or e., as applicable, below:  
10

11 a. One (1) person per one hundred fifty (150) gross square feet of  
12 permitted, conditioned living space; or  
13

14 b. The maximum number of occupants allowed shall be restricted in  
15 accordance with any septic tank permit and the assumed  
16 occupancy/conditions the permit was issued under by the Flagler  
17 County Health Department; or  
18

19 c. Two (2) persons per sleeping room, meeting the requirements for a  
20 sleeping room, plus two (2) additional persons that may sleep in a  
21 common area.  
22

23 d. In the R-1, R-1b, R-1c, R-1d, R-2, MH-1, MH-2, and R/C zoning  
24 districts and any PUD development or specific portion thereof  
25 developed as a single- or two-family neighborhood, the maximum  
26 occupancy shall be limited to ten (10) occupants per short-term  
27 vacation rental unit.  
28

29 e. In all other zoning districts and developments predominantly  
30 developed with greater than two-family dwelling units, the maximum  
31 occupancy shall be limited to sixteen (16) transient occupants per  
32 short-term vacation rental unit.  
33

34 3. Parking standard. Based on the maximum short-term transient  
35 occupancy permitted, minimum off-street parking shall be provided as  
36 one (1) space per three (3) transient occupants. Garage spaces shall  
37 count if the space is open and available and the transient occupants  
38 are given vehicular access to the garage. On-street parking shall not  
39 be permitted.  
40

41 4. Solid waste handling and containment. Based on the maximum  
42 transient occupancy permitted, one (1) trash storage container shall be  
43 provided per four (4) transient occupants or fraction thereof.  
44 Appropriate screening and storage requirements for trash storage  
45 containers shall apply per any development approval or local  
46 neighborhood standard, whichever is more restrictive, and be



1 incorporated into the Certificate. For purposes of this section, a trash  
2 storage container shall be a commercially available thirty-five (35)  
3 gallon or greater capacity container with a lid that securely fastens to  
4 the container so as to prevent spills and animal access, with the  
5 container to be placed at curbside on the day of solid waste pickup and  
6 to be removed from curbside no later than sunrise the following day.  
7

8 5. Minimum short-term vacation rental/lease agreement wording. The  
9 short-term vacation rental/lease agreement shall contain the minimum  
10 information as provided for in subsection 3.06.14.H.  
11

12 6. Minimum short-term vacation rental information required postings. The  
13 short-term vacation rental shall be provided with posted material as  
14 required by Flagler County as prescribed in subsection 3.06.14.I.  
15

16 7. Minimum short-term vacation rental lessee information. The short-term  
17 vacation rental lessee shall be provided with a copy of the information  
18 required in subsection 3.06.14.H.  
19

20 8. Designation of a short-term vacation rental responsible party capable  
21 of meeting the duties provided in subsection 3.06.14.G.  
22

23 9. Septic tank wastewater disposal. If wastewater service is provided  
24 through a private home septic system, then the owner shall provide  
25 Flagler County a valid Health Department septic permit and the  
26 application it is based upon for the property, demonstrating the  
27 capacity for the short-term vacation rental occupancy requested.  
28

29 10. Advertising. Any advertising of the short-term vacation rental unit shall  
30 conform to information included in the Short-Term Vacation Rental  
31 Certificate and the property's approval, particularly as this pertains to  
32 maximum occupancy.  
33

34 11. Other standards. Any other standards contained within the Flagler  
35 County Land Development Code to include but not be limited to: noise,  
36 setbacks, stormwater, and similar provisions.  
37

38 D. Short-Term Vacation Rental Certificate. To verify compliance with these  
39 short-term vacation rental standards, any property owner who wishes to  
40 use his or her dwelling unit as a short-term vacation rental must first apply  
41 for and receive a Short-Term Vacation Rental Certificate from Flagler  
42 County, and renew the Certificate annually for as long as the unit is used  
43 as a short-term vacation rental. Each dwelling unit used as a short-term  
44 vacation rental requires a separate Short-Term Vacation Rental  
45 Certificate. An annual Certificate fee shall be paid for each dwelling unit  
46 certified as a short-term vacation rental, in an amount to be determined by

1 resolution of the Board of County Commissioners, to cover the costs of  
2 administration of the Certificate and inspection program. Failure to comply  
3 with any of the requirements of this section shall be grounds for revocation  
4 or suspension of the Certificate in accordance with the requirements  
5 contained herein.  
6

7 E. Application for a Short-Term Vacation Rental Certificate. Each property  
8 owner seeking initial issuance of a Short-Term Vacation Rental Certificate,  
9 renewal, transfer, or modification of a Short-Term Vacation Rental  
10 Certificate, shall submit a Flagler County Short-Term Vacation Rental  
11 application in a form specified by the County, along with an application fee  
12 in an amount to be determined by resolution of the Board of County  
13 Commissioners.  
14

15 1. A complete application for the initial or modification of a Short-Term  
16 Vacation Rental Certificate shall demonstrate compliance with the  
17 Short-Term Vacation Rental Standards above through the following  
18 submittals:  
19

20 a. A completed application and applicable fees.  
21

22 b. Exterior site sketch – An exterior sketch of the facility  
23 demonstrating compliance with the Standards contained herein  
24 shall be provided. The sketch provided shall be drawn to scale,  
25 and showing all structures, pools, fencing, and uses, including  
26 areas provided for off-street parking and trash collection. For  
27 purposes of the sketch, off-street parking spaces will be delineated  
28 so as to enable a fixed count of the number of spaces provided;  
29 however, no parking shall be permitted within a public right-of-way  
30 or private roadway tract.  
31

32 c. Interior building sketch by floor – A building sketch(s) shall be  
33 provided by floor showing a floor layout and demonstrating  
34 compliance with the Standards contained herein. The sketch shall  
35 be drawn to scale, showing all bedrooms and sleeping areas, exits,  
36 smoke and carbon monoxide detectors, and fire extinguishers etc.  
37

38 d. Required short-term vacation rental postings – Copies of required  
39 postings shall be provided.  
40

41 e. A draft short-term vacation rental/lease agreement showing  
42 required lease terms – A blank sample to be provided.  
43

44 f. A Health Department septic tank permit and the application on  
45 which the permit is based, if applicable.  
46

1 g. Any other required information necessary to demonstrate  
2 compliance with the Short-Term Vacation Rental Standards herein.

3  
4 2. Certificate renewals or transfers. The application for renewal or  
5 transfer of a Short-Term Vacation Rental Certificate shall demonstrate  
6 compliance with the following:

7  
8 a. If no changes have occurred since the issuance of the most recent  
9 Short-Term Vacation Rental Certificate, then no additional  
10 submittals are required to accompany the renewal/transfer Short-  
11 Term Vacation Rental Certificate application except as subsection  
12 3.06.14.E.2.b below may be applicable.

13  
14 b. If minor changes not involving the specific modifications described  
15 below in subsection 3.06.14.E.3 have occurred since the issuance  
16 of the most recent Short-Term Vacation Rental Certificate, then  
17 additional submittals specific to the minor changes shall be required  
18 to accompany the application as necessary to demonstrate  
19 compliance with the Standards herein.

20  
21 c. A Short-Term Vacation Rental Certificate holder must apply  
22 annually for a renewal of the Certificate by January 1 of each year.

23  
24 3. Modification of Certificate. An application for modification of a Short-  
25 Term Vacation Rental Certificate is necessary where any of the  
26 following apply:

27  
28 a. The gross square footage of the dwelling unit has increased; or

29  
30 b. The number of sleeping areas/bedrooms is proposed to increase;  
31 or

32  
33 c. The occupancy is otherwise proposed to increase.

34  
35 For the inspection of a modification to a Short-Term Vacation Rental  
36 Certificate, the modification in facility usage may not occur until after a  
37 successful County inspection; however, pending such successful  
38 inspection the current Certificate will still apply.

39  
40 F. *Initial and routine compliance inspections of short-term vacation rentals.*

41  
42 1. An inspection of the dwelling unit for compliance with this section is  
43 required prior to issuance of an initial Short-Term Vacation Rental  
44 Certificate. If violations are found, all violations must be corrected and  
45 the dwelling unit must be re-inspected prior to issuance of the initial  
46 Short-Term Vacation Rental Certificate as provided herein. An

1 exception to the correction of violations as required in this subsection  
2 is made for any short-term vacation rental seeking vested rights  
3 pursuant to subsection 3.06.14.N to the extent that a vesting  
4 determination specifically provides such exemption.

5  
6 2. Once issued, a short-term vacation rental unit must be properly  
7 maintained in accordance with the Short-Term Vacation Rental  
8 Standards herein and will be re-inspected annually if possible, but at  
9 least once every two (2) years by the County. For an inspection, all  
10 violations must be corrected and re-inspected within thirty (30)  
11 calendar days. Failure to correct such inspection deficiencies in the  
12 timeframes provided shall result in the suspension of the Short-Term  
13 Vacation Rental Certificate until such time as the violation(s) is/are  
14 corrected and re-inspected.

15  
16 3. The inspections shall be made by appointment with the short-term  
17 vacation rental responsible party. If the inspector(s) has made an  
18 appointment with the responsible party to complete an inspection, and  
19 the responsible party fails to admit the officer at the scheduled time,  
20 the owner shall be charged a "no show" fee in an amount to be  
21 determined by resolution of the Board of County Commissioners to  
22 cover the inspection expense incurred by Flagler County.

23  
24 4. If the inspector(s) is denied admittance by the short-term vacation  
25 rental responsible party or if the inspector(s) fails in at least three (3)  
26 attempts to complete an initial or subsequent inspection of the rental  
27 unit, the inspector(s) shall provide notice of failure of inspection to the  
28 owner to the address shown on the existing Short-Term Vacation  
29 Rental Certificate or the application for Short-Term Vacation Rental  
30 Certificate.

31  
32 a. For an initial inspection, the notice of failure of inspection results in  
33 the Certificate not being issued; the short-term vacation rental is not  
34 permitted to operate without a valid Certificate.

35  
36 b. For a subsequent inspection, the notice of failure of inspection is  
37 considered a violation pursuant to subsection 3.06.14.F.2. above  
38 and is subject to enforcement remedies as provided herein.

39  
40 G. Short-term vacation rental responsible party.

41  
42 1. The purpose of the responsible party is to respond to routine  
43 inspections and as well non-routine complaints and other more  
44 immediate problems related to the short-term vacation rental of the  
45 property.

1 2. The property owner may serve in this capacity or shall otherwise  
2 designate a short-term vacation rental responsible party to act on their  
3 behalf. Any person eighteen (18) years of age or older may be  
4 designated by the owner provided they can perform the duties listed in  
5 subsection 3.06.14.G.3 below.  
6

7 3. The duties of the short-term vacation rental responsible party whether  
8 the property owner or an agent are to:  
9

10 a. Be available by landline or mobile telephone at the listed phone  
11 number twenty-four (24) hours a day, seven (7) days a week and  
12 capable of handling any issues arising from the short-term vacation  
13 rental use;  
14

15 b. If necessary, be willing and able to come to the short-term vacation  
16 rental unit within two (2) hours following notification from an  
17 occupant, the owner, or Flagler County to address issues related to  
18 the short-term vacation rental;  
19

20 c. Authorized to receive service of any legal notice on behalf of the  
21 owner for violations of this section; and  
22

23 d. Otherwise monitor the short-term vacation rental unit at least once  
24 weekly to assure continued compliance with the requirements of  
25 this section.  
26

27 4. A property owner may change his or her designation of a short-term  
28 vacation rental responsible party temporarily or permanently; however,  
29 there shall only be one (1) short-term vacation rental responsible party  
30 for each short-term vacation rental at any given time. To change the  
31 designated responsible party, the property owner shall notify Flagler  
32 County in writing via a completed form provided by the County.  
33

34 H. *Short-term vacation rental/lease agreement minimum provisions.* The  
35 rental/lease agreement must contain the following information at a  
36 minimum:  
37

38 1. Maximum occupancy of the short-term vacation rental unit as permitted  
39 on the Short-Term Vacation Rental Certificate for the property;  
40

41 2. The name and ages of all persons who will be occupying the unit;  
42

43 3. The license tag numbers for all vehicles that the occupant(s) will be  
44 parking at the unit, with a total number not to exceed the number of off-  
45 street parking spaces at the unit as designated on the Short-Term  
46 Vacation Rental Certificate; and

1  
2 4. A statement that all transient occupants must evacuate from the short-  
3 term vacation rental upon posting of any evacuation order issued by  
4 local, state, or federal authorities.  
5

6 I. Required posting of the following short-term vacation rental unit  
7 information.  
8

9 1. On the back of or next to the main entrance door or on the refrigerator  
10 there shall be provided as a single page the following information:  
11

12 a. The name, address and phone number of the short-term vacation  
13 rental responsible party;  
14

15 b. The maximum occupancy of the unit;  
16

17 c. Notice that quiet hours are to be observed between 10:00 p.m. and  
18 8:00 a.m. daily or as superseded by any County noise regulation;  
19

20 d. The maximum number of vehicles that can be parked at the unit,  
21 along with a sketch of the location of the off-street parking spaces;  
22

23 e. The days of trash pickup and recycling;  
24

25 f. If the short-term vacation rental unit is located on the barrier island,  
26 notice of sea turtle nesting season restrictions and sea turtle  
27 lighting usage; and  
28

29 g. The location of the nearest hospital.  
30

31 2. If the short-term vacation rental unit includes three (3) or more  
32 occupied floors, on the third floor above ground level and higher floors  
33 there shall be posted, next to the interior door of each bedroom a  
34 legible copy of the building evacuation map – Minimum 8-1/2" by 11" in  
35 size.  
36

37 J. Offenses/violations.  
38

39 1. Non-compliance with any provisions of this section shall constitute a  
40 violation of this section, which shall include, but shall not be limited to,  
41 the specific paragraphs within subsection 3.06.14.B.  
42

43 2. Separate violations. Each day a violation exists shall constitute a  
44 separate and distinct violation, except that occupancy violations shall  
45 be governed by subsection 3.06.14.L.3.  
46

1 K. Remedies/enforcement. Violations of this section shall be subject to  
2 penalties as part of a progressive enforcement program with the primary  
3 focus on compliance and compatibility with adjoining properties, versus  
4 penalties and legal actions. To accomplish a safe and effective vacation  
5 rental program it is key that short-term vacation rental responsible parties  
6 are responsive and responsible in the management of the property for  
7 compliance with this section. Code enforcement activities will be in  
8 accordance with Florida Statutes Chapter 162 and the Flagler County  
9 Code of Ordinances.

10  
11 1. Warnings. Warnings shall be issued for first-time violations and have a  
12 correction/compliance period associated with it. Such warnings may  
13 include notice to other agencies for follow-up by such agencies, such  
14 as the Department of Business and Professional Regulation, the  
15 Department of Revenue, the Flagler County Tax Collector and the  
16 Flagler County Property Appraiser, as applicable. Non-compliance  
17 with a correction compliance period shall result in the issuance of a  
18 citation.

19  
20 2. Fines per violation shall be set by resolution by the Board of County  
21 Commissioners of Flagler County for first (1st), second (2nd), third  
22 (3rd) and further repeat violations. The County may utilize Part 1 of  
23 Florida Chapter 162 to prosecute a code violation and in such case a  
24 special magistrate shall be authorized to hold hearings, assess fines  
25 and order other relief in lieu of any code enforcement board.  
26 Alternatively, the County may utilize Part 2 of Florida Chapter 162 and  
27 pursue violations by way of a civil citation system as provided in its  
28 Code of Ordinances. The County may also rely on an appropriate  
29 enforcing agency at the state or local level.

30  
31 3. Additional remedies. Nothing contained herein shall prevent Flagler  
32 County from seeking all other available remedies which may include,  
33 but not be limited to, suspension or revocation of a Short-Term  
34 Vacation Rental Certificate, injunctive relief, liens, and other civil and  
35 criminal penalties as provided by law, as well as referral to other  
36 enforcing agencies.

37  
38 L. Suspension of Short-Term Vacation Rental Certificate. In addition to any  
39 finances and any other remedies described herein or provided for by law, the  
40 County may suspend a Short-Term Vacation Rental Certificate for multiple  
41 violations of the maximum occupancy in any continuous thirty-six (36)  
42 month period, in accordance with the following:

43  
44 1. Suspension timeframes.  
45

1 a. Upon a fourth (4th) violation of the maximum occupancy the Short-  
2 Term Vacation Rental Certificate shall be suspended for a period of  
3 seven (7) calendar days.

4  
5 b. Upon a fifth (5th) violation of the maximum occupancy the Short-  
6 Term Vacation Rental Certificate shall be suspended for a period of  
7 thirty (30) calendar days.

8  
9 c. For each additional violation of the maximum occupancy the Short-  
10 Term Vacation Rental Certificate shall be suspended for an  
11 additional thirty (30) calendar days up to a maximum period of  
12 twelve (12) months. For example the sixth (6th) violation shall be  
13 for sixty (60) calendar days; the seventh (7th) violation shall be for  
14 ninety (90) calendar days, and so on.

15  
16 2. Suspension restrictions. A short-term vacation rental may not provide  
17 transient occupancy during any period of suspension of a Short-Term  
18 Vacation Rental Certificate.

19  
20 a. The suspension shall begin immediately following notice,  
21 commencing either:

22  
23 1. at the end of the current vacation rental lease period; or

24  
25 2. within thirty (30) calendar days, whichever date commences  
26 earlier, or as otherwise determined by the County.

27  
28 b. Operation during any period of suspension shall be deemed a  
29 violation pursuant to subsection 3.06.14.K.2 and shall be subject to  
30 daily fine, up to five hundred dollars (\$500) or to the maximum  
31 amount as otherwise provided in Florida Statutes for repeat  
32 violations, for each day that the short-term vacation rental operates  
33 during a period of violation.

34  
35 3. Number of violations. For purposes of this section only, violations shall  
36 be considered per the rental period or per every seven (7) days,  
37 whichever is less and for only those violations in which a code  
38 enforcement citation or criminal charge was issued. Violations could  
39 potentially occur over multiple times over the same rental period.

40  
41 N. Vesting. Existing, legally-established short-term vacation rentals located  
42 in zoning districts and developments described in subsection 3.06.14.A as  
43 of January 1, 2015 may become vested in the ways described below,  
44 provided they are otherwise in compliance with all other requirements  
45 contained herein.



1 To qualify for any vesting existing short-term vacation rentals shall have  
2 until April 15, 2015 to make a full and complete application for a Short-  
3 Term Vacation Rental Certificate and until July 1, 2015 to receive a Short-  
4 Term Vacation Rental Certificate to come into compliance with the  
5 County's requirements.  
6

7 1. Rental agreement vesting. It is recognized that likely there are existing  
8 rental/lease agreements for short-term vacation rentals in existence at  
9 the time of passage of the ordinance enacting this section which may  
10 not be in compliance with the terms of this section. Rental agreements  
11 that were entered into prior to February 19, 2015, for the period to up  
12 to February 28, 2016 shall be considered vested. No special vesting  
13 process or fee shall be required to obtain this vesting benefit other than  
14 demonstrating eligibility through the normal Short-Term Vacation  
15 Rental Certificate process. Such rental/lease agreement(s) shall not  
16 be required to be submitted to the County to retain this vesting.  
17

18 Any rental/lease agreement(s) entered into prior to February 19, 2015,  
19 for the period after March 1, 2016 shall be required to be submitted to  
20 the County for verification and go through a vesting hearing process for  
21 a final determination. All rental agreements entered into after February  
22 19, 2015 and for any rental period beyond January 1, 2017 shall  
23 comply with the provisions of the ordinance enacting this section.  
24

25 2. Temporary vesting of certain safety requirements. Some existing  
26 short-term vacation rentals may not meet the minimum life/safety  
27 standards (subsection 3.06.14.C.1) required herein. Correcting these  
28 measures may take some time to secure a licensed contractor, obtain  
29 the necessary permits, and complete the work. All short-term vacation  
30 rentals shall have six (6) months from the effective date of the  
31 ordinance enacting this section to come into compliance with these  
32 standards. A provisional Short-Term Vacation Rental Certificate may  
33 be issued for up to a maximum of six (6) months past the adoption of  
34 the ordinance enacting this section granting this time for the facility to  
35 comply with the physical changes required. No special vesting  
36 process or fee shall be required to obtain this vesting benefit other than  
37 demonstrating eligibility through the normal Short-Term Vacation  
38 Rental Certificate process.  
39

40 3. Maximum occupancy vesting. In applying the standards of subsection  
41 3.06.14.C to the short-term vacation rentals lawfully in existence prior  
42 to February 19, 2015, it is understood that there are properties that  
43 may otherwise physically qualify for larger occupancies if the maximum  
44 occupancy were set higher. In an effort to recognize investment  
45 backed expectations and yet balance and protect the interest of other

1 single-family and two-family properties who are not rental properties,  
2 there shall be a phasing-in of maximum occupancy.

3  
4 The maximum occupancy for these properties may be temporarily  
5 allowed to be capped at no more than fourteen (14) transient  
6 occupants providing all other requirements of subsection 3.06.14.C  
7 can be met. This maximum density may be retained through February  
8 28, 2020 in which case it shall be reduced by two (2) thereafter. The  
9 maximum density of twelve (12) transient occupants shall then be  
10 retained through February 28, 2025 and then shall be reduced by two  
11 (2) to reach the maximum occupancy herein. No special vesting  
12 process or fee shall be required to obtain this vesting benefit other than  
13 demonstrating eligibility through the normal Short-Term Vacation  
14 Rental Certificate process.

15  
16 4. For those owners that desire a higher vesting occupancy and/or  
17 different vesting schedule, the owner of the property may make  
18 application for consideration of an alternative vesting benefit. The  
19 alternative vesting process shall require the following information at a  
20 minimum, although the actual application and review process may  
21 request additional information:

22  
23 a. Submittal of a complete vesting application to include applicable  
24 fee;

25  
26 b. Issuance of Short-term Vacation Rental Certificate on the property  
27 otherwise meeting all other requirements herein;

28  
29 c. A written narrative and any tabulation/evidence showing what  
30 potential financial impacts the reduction in occupancy will create;

31  
32 d. Any prospectus, financial pro forma, or other information relied  
33 upon to make the investment into the property;

34  
35 e. Actual short-term vacation rental/lease agreements on the property  
36 for the last three (3) years showing the number of occupants for the  
37 short-term vacation rental unit per rental;

38  
39 f. Profit and loss statement for the property certified accurate by a  
40 Certified Public Accountant for the last three (3) years;

41  
42 g. Detailed gross and net revenues/expenses for the property to  
43 include but not be limited to: management fees, maintenance fees,  
44 utility costs, and similar expenses;

1 h. Purchase price for the property and/or structure – If constructed by  
2 the owner, the construction costs of the facility;

3  
4 i. Any mortgage or debt on the property along with any monthly debt  
5 service payments; and

6  
7 j. All other information the applicant believes is relevant in  
8 establishing any vested rights claim and to demonstrate an  
9 extraordinary consideration that should be considered by the  
10 County.

11  
12 The review process for an application for a higher vesting occupancy  
13 and/or different vesting schedule under this subsection will, at a  
14 minimum, provide for public notice to abutting property owners,  
15 including those directly across any public right-of-way or private  
16 roadway tract.

17  
18 5. In the consideration of applications for vested rights under this  
19 subsection, such determinations shall be made by the County  
20 Administrator or a special master appointed by the Board. Such  
21 appointment of a special master shall be made by Resolution.

22  
23 a. The determination of the County Administrator or the special  
24 master shall be deemed final action. In considering an application  
25 for vested rights, the burden of demonstrating entitlement to a  
26 vested right from the provisions of the ordinance enacting this  
27 section shall be on the owner or applicant seeking to establish  
28 vested rights.

29  
30 b. Owners, seeking to establish vested rights, must demonstrate that  
31 the application of the ordinance enacting this section would  
32 inordinately burden an existing use of their real property or a vested  
33 right to a specific use of their real property.

34  
35 6. A vested use shall transfer to a subsequent owner, provided that all the  
36 applicable Short-Term Vacation Rental Standards continue to be met  
37 in addition to any specific vesting conditions. A vested use is not  
38 transferrable to another short-term vacation rental.

39  
40 7. If a vested use ceases for a period of one (1) year, then the vesting  
41 shall be considered to have lapsed and the short-term vacation rental  
42 will be subject to all Short-Term Vacation Rental Standards as if a new  
43 application.

44  
45 \*\*\*\*\*

- 1 2. Amendment to section 3.03.02, *AC-Agriculture district*, subsection B., *Permitted*  
2 *principal uses and structures*, to read as follows:  
3  
4 \*\*\*\*  
5 18. Short-term vacation rentals.  
6 \*\*\*\*  
7 3. Amendment to section 3.03.03, *AC-2-Agriculture/forestry district*, subsection B.,  
8 *Permitted principal uses and structures*, to read as follows:  
9  
10 \*\*\*\*  
11 7. Short-term vacation rentals.  
12 \*\*\*\*  
13 4. Amendment to section 3.03.04, *R-1-Rural residential district*, subsection B.,  
14 *Permitted principal uses and structures*, to read as follows:  
15  
16 \*\*\*\*  
17 6. Short-term vacation rentals.  
18 \*\*\*\*  
19 5. Amendment to section 3.03.05, *R-1b-Urban single-family residential district*,  
20 subsection B., *Permitted principal uses and structures*, to read as follows:  
21  
22 \*\*\*\*  
23 4. Short-term vacation rentals.  
24 \*\*\*\*  
25 6. Amendment to section 3.03.06, *R-1c-Urban single-family residential district*,  
26 subsection B., *Permitted principal uses and structures*, to read as follows:  
27  
28 \*\*\*\*  
29 4. Short-term vacation rentals.  
30 \*\*\*\*  
31 7. Amendment to section 3.03.07, *R-1d-Urban single-family residential district*,  
32 subsection B., *Permitted principal uses and structures*, to read as follows:  
33  
34 \*\*\*\*  
35 4. Short-term vacation rentals.  
36 \*\*\*\*  
37 8. Amendment to section 3.03.08, *R-2-Two-family residential district*, subsection B.,  
38 *Permitted principal uses and structures*, to read as follows:  
39  
40 \*\*\*\*  
41 5. Short-term vacation rentals.  
42 \*\*\*\*  
43 9. Amendment to section 3.03.09.01, *R-3-Multifamily residential district*, subsection  
44 B., *Permitted principal uses and structures*, to read as follows:  
45  
46 \*\*\*\*



1 17. Amendment to section 3.03.21, *FDD-Future development district*, subsection B.,  
2 *Permitted principal uses and structures*, to read as follows:

3  
4 \*\*\*\*

5 16. Short-term vacation rentals.

6 \*\*\*\*

7  
8 18. Amendment to section 3.08.02, *Specific definitions of certain terms used in this*  
9 *article*, to include the following definitions:

10  
11 \*\*\*\*

12 Bedroom: The term "bedroom" shall have the same meaning as in  
13 §381.0065(2)(b), Florida Statutes. The term "sleeping room" is the same as a  
14 bedroom.

15  
16 Short-term vacation rental: Any unit or group of units in a condominium,  
17 cooperative, or timeshare plan or any individually or collectively owned single-  
18 family, two-family, three-family, or four-family house or dwelling unit which is also  
19 a "transient public lodging establishment." As used in section 3.06.14, the term  
20 "vacation rental" is the same as a short-term vacation rental.

21  
22 Transient public lodging establishment: Any unit, group of units, dwelling,  
23 building, or group of buildings within a single complex of buildings which is rented  
24 to guests more than three (3) times in a calendar year for periods of less than  
25 thirty (30) days or one (1) calendar month, whichever is less, or which is  
26 advertised or held out to the public as a place regularly rented to guests. A  
27 "transient public lodging establishment" shall be a considered as a non-  
28 residential, commercial business, whether operated for profit or as a not-for-  
29 profit, and be subject to the additional requirements of section 3.06.14 if the  
30 transient public lodging establishment is additionally considered to operate as a  
31 short-term vacation rental as defined herein.

32  
33 \*\*\*\*

34  
35  
36 **SECTION 3. CODIFICATION AND SCRIVENER'S ERRORS**

- 37  
38 A. The provisions of this Ordinance shall be included and incorporated into the Code of  
39 Ordinances of Flagler County, Florida, as additions and amendments thereto, and  
40 shall be appropriately renumbered or relettered to conform to the uniform numbering  
41 system of the Code. Scrivener's errors may be corrected as deemed necessary.  
42  
43 B. Only Section 2 herein shall be codified within the Flagler County Code of  
44 Ordinances. Sections not specifically amended herein shall remain unchanged by  
45 this Ordinance.  
46

1 **SECTION 4. SEVERABILITY**

2  
3 If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or  
4 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way  
5 affect the validity of the remaining portions of this Ordinance.  
6

7 **SECTION 5. EFFECTIVE DATE**

8  
9 This ordinance shall take effect upon filing with the Secretary of State as provided in  
10 Section 125.66, Florida Statutes.  
11

12 **PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS**  
13 **OF FLAGLER COUNTY, FLORIDA THIS 19TH DAY OF FEBRUARY, 2015.**

14  
15 **FLAGLER COUNTY BOARD OF**  
16 **COUNTY COMMISSIONERS**  
17

18  
19  
20 \_\_\_\_\_  
Frank J. Meeker, Chairman

21  
22 **ATTEST:**

23 **APPROVED AS TO FORM:**

24  
25  
26 \_\_\_\_\_  
Gail Wadsworth, Clerk of the  
27 Circuit Court and Comptroller

28 \_\_\_\_\_  
Al Hadeed, County Attorney

ORDINANCE NO. 20142015 - \_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AMENDING APPENDIX C, LAND DEVELOPMENT CODE, OF THE CODE OF ORDINANCES OF FLAGLER COUNTY, FLORIDA, ~~RELATED~~RELATING TO SHORT-TERM VACATION RENTALS; PROVIDING FOR FINDINGS; AMENDING ARTICLE III, ZONING DISTRICT REGULATIONS; CREATING SECTION 3.06.14~~..2~~ SHORT-TERM VACATION RENTALS; AMENDING SECTION 3.03.02~~..2~~ AC-AGRICULTURE DISTRICT, SECTION 3.03.03~~..2~~ AC-2-AGRICULTURE/FORESTRY DISTRICT, 3.03.04~~..2~~ R-1-RURAL RESIDENTIAL DISTRICT, 3.03.05~~..2~~ R-1B-URBAN-SINGLE-FAMILY RESIDENTIAL DISTRICT, 3.03.06~~..2~~ R-1C-URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT, 3.03.07~~..2~~ R-1D-URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT, 3.03.08~~..2~~ R-2-TWO-FAMILY RESIDENTIAL DISTRICT, 3.03.09.01~~..2~~ R-3-MULTIFAMILY RESIDENTIAL DISTRICT, 3.03.09.02~~..2~~ R-3B-MULTIFAMILY RESIDENTIAL DISTRICT, 3.03.10~~..2~~ MH-1-RURAL MOBILE HOME DISTRICT, 3.03.11~~..2~~ MH-2-URBAN MOBILE HOME DISTRICT, 3.03.13~~..2~~ R/C-RESIDENTIAL/LIMITED COMMERCIAL USE DISTRICT, 3.03.20~~..2~~ PUD-PLANNED UNIT DEVELOPMENT, 3.03.20.2~~..2~~ MUL-PUD-MIXED USE, LOW INTENSITY-PLANNED UNIT DEVELOPMENT, 3.03.20.3~~..2~~ MUH-PUD-MIXED USE, HIGH INTENSITY-PLANNED UNIT DEVELOPMENT, 3.03.21~~..2~~ FDD-FUTURE DEVELOPMENT DISTRICT, AND 3.08.02~~..2~~ SPECIFIC DEFINITIONS OF CERTAIN TERMS USED IN THIS ARTICLE; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, prior to 2011 Florida's ~~Cities~~Florida's cities and ~~Counties~~counties regulated local land use issues and decisions under the Home Rule authority granted them ~~within~~by the Florida Constitution; and

**WHEREAS**, the 2011 Florida Legislature enacted House Bill 883 (Florida Chapter 2011-119, Laws of Florida)~~)~~(hereafter "HB 883") which preempted the local regulation of a specific land use commonly called short-term vacation rentals (transient rentals less than thirty (30) days in duration and commonly located in residential areas); and



1           **WHEREAS**, the preemption bill provided for very little oversight from the  
2 | ~~State~~state for short term vacation rentals, for example, did not provide for staffing for  
3 | mandatory or randomized inspection of the short-term vacation rental units and applied  
4 | relaxed standards for short-term vacation rentals when compared to hotels, motels, and  
5 | bed and breakfast establishments; and  
6 |

7 |           **WHEREAS**, ~~House Bill~~HB 883 prevented local communities from enacting new  
8 | regulations necessary to address any negative impacts caused by short-term vacation  
9 | rentals; and  
10 |

11           **WHEREAS**, Chapter 720 of Florida Statutes provides for the formation and  
12 | operation of ~~homeowners'~~homeowners' associations, independent of government  
13 | authority; and  
14 |

15 |           **WHEREAS**, ~~homeowners'~~homeowners' associations, ~~independent~~ of  
16 | government authority, may or may not exist in all single- and two-family residential  
17 | neighborhoods; and  
18 |

19 |           **WHEREAS**, ~~homeowners'~~homeowners' associations may not legally be able to  
20 | fully address all issues regarding short-term vacation rentals; and  
21 |

22           **WHEREAS**, the 2014 Florida Legislature enacted Senate Bill 356 (Florida  
23 | Chapter 2014-71, Laws of Florida))(hereafter "SB 356") which rescinded the previous  
24 | preemption on local regulation of short-term vacation rentals, but provided that a local  
25 | law, ordinance, or regulation adopted after June 1, 2011 may not prohibit short-term  
26 | vacation rentals or regulate the duration or frequency of rental of vacation rentals; and  
27 |

28 |           **WHEREAS**, ~~Senate Bill~~SB 356 has returned some local control back to  
29 | communities to mitigate the effects of short-term vacation rentals in an attempt to make  
30 | them safer, more compatible with ~~existing~~ neighborhoods, and accountable for their  
31 | proper operation; and  
32 |

33 |           **WHEREAS**, through ~~Senate Bill~~SB 356 short-term vacation rentals cannot be  
34 | prohibited from a community and would be permitted in all zoning districts; and  
35 |

36 |           **WHEREAS**, ~~single~~ family residential neighborhoods and their required  
37 | infrastructure are generally designed to accommodate typical single-family residential  
38 | homes with two (2) to three (3) persons per household on average; and  
39 |

40           **WHEREAS**, local governments apply design standards tailored for residential  
41 | neighborhoods for their roads, driveways, emergency services planning, public shelters,  
42 | emergency evacuation plans, solid waste collection, utilities, buffers, and are also  
43 | tailored in assessing their infrastructure impacts and their corresponding fair and  
44 | proportionate impact/connection fees; and  
45 |

1 | **WHEREAS**, permanent ~~neighborhood~~single-family home residents inherently  
2 understand and know their physical surroundings, to include any safety gaps and  
3 potential risks to their families because they have daily familiarity; and  
4

5 | **WHEREAS**, short-term vacation rental ~~transient~~occupants, due to the transient  
6 nature of ~~the occupants~~their occupancy, are unfamiliar with local hurricane evacuation  
7 plans, the location of fire extinguishers, residence exit routes, pool and home safety  
8 features, and other similar safety measures that would readily be provided to guests in  
9 traditional lodging establishments; and  
10

11 **WHEREAS**, short-term vacation rental owners may live elsewhere and not  
12 experience the quality of life problems and negative ~~impacts~~ associated with larger,  
13 unregulated short-term vacation rental units on residential neighborhoods; and  
14

15 **WHEREAS**, short-term vacation rentals with no application of mitigating  
16 standards when located in residential neighborhoods can create  
17 ~~disproportional~~disproportionate impacts related to their size, excessive occupancy, and  
18 the lack of proper facilities if left unregulated; and  
19

20 **WHEREAS**, some short-term vacation rentals will likely be created in single-  
21 family homes that were built before more current building codes that require minimum  
22 life/safety improvements, like hardwired or interconnected smoke detectors, carbon  
23 monoxide detectors, or pool alarms and pool safety drains, etc.; and  
24

25 **WHEREAS**, some short-term vacation rental owners will make investments in  
26 upgrading building safety measures of their rental properties, ~~some whereas other~~  
27 owners will not make such investments without local requirements and an ongoing  
28 inspection/enforcement program; and  
29

30 **WHEREAS**, short-term vacation rentals locating within established  
31 neighborhoods can disturb the quiet enjoyment of the neighborhood, lower property  
32 values, and burden the design layout of a typical neighborhood; and  
33

34 **WHEREAS**, the presence of short-term vacation rentals within single-family  
35 dwelling units in established residential neighborhoods can create negative compatibility  
36 impacts, among which include, but are not limited to, excessive noise, on-street parking,  
37 accumulation of trash, and diminished public safety; and  
38

39 **WHEREAS**, traditional lodging establishments (hotels, motels, and bed &  
40 breakfasts) are restricted to commercial and other non-residentially zoned areas where  
41 intensity of uses is separated from less busy and quieter residential uses; and  
42

43 **WHEREAS**, traditional lodging establishments have tougher development  
44 standards, undergo annual inspections, and have more stringent operational and  
45 business requirements; and  
46

1           **WHEREAS**, traditional lodging establishments often have to make roadway  
2 improvements and/or pay much higher transportation, water, sewer, and other impact  
3 fees to offset the infrastructure demands they create; and

4  
5           **WHEREAS**, multi-unit condominium buildings with short-term vacation rental  
6 units are typically constructed to more stringent building code requirements and other  
7 fire/life safety measures that single- and two-family homes often do not have to meet,  
8 including sprinkler systems, interconnected fire alarm systems, fire alarm panels,  
9 emergency lighting, exit signs, fire extinguishers, and fire wall separation between  
10 occupancies; and

11  
12           **WHEREAS**, multi-unit condominium short-term vacation rentals are routinely  
13 (often annually) inspected for fire/life safety code compliance to include inspections for  
14 the fire sprinkler system, interconnected fire alarm systems, fire alarm panels, fire  
15 pumps, emergency lighting, exit signs, backflow prevention, elevator operation,  
16 elevator keys and communication; and

17  
18           **WHEREAS**, many multi-unit condominium short-term vacation rentals have on-  
19 site property managers and employees or other contracted vendors that oversee the  
20 maintenance, upkeep, security and/or operation of the property on a frequent basis; and

21  
22           **WHEREAS**, the majority of complaints the County has received to date have  
23 been from single- and two-family neighborhoods and not from multi-unit condominium  
24 short-term vacation rentals; and

25  
26           **WHEREAS**, multi-unit condominium short-term vacation rentals are not regulated  
27 locally at this time, but may be in the future if deemed necessary by the Flagler County  
28 Board of County Commissioners under the County's home rule authority granted within  
29 the Florida Constitution, and

30  
31           **WHEREAS**, the areas west of U.S. Highway 1 of the unincorporated County are  
32 primarily rural in nature and are typically separated by large setbacks with development  
33 typically on larger acreage lots; and

34  
35           **WHEREAS**, in the areas west of U.S. Highway 1, very few short-term vacation  
36 rental units are known to exist with the exception of hunting camps which are in remote,  
37 rural locations and often directly supervised or used by the operator on-site; and

38  
39           **WHEREAS**, the majority of complaints the County has received to date have  
40 been from single- and two-family neighborhoods east of U.S. Highway 1; and

41  
42           **WHEREAS**, the unincorporated areas located west of U.S. Highway 1 will not be  
43 regulated locally for short-term vacation rental units at this time, but may be in the future  
44 if deemed necessary by the Flagler County Board of County Commissioners under the  
45 County's home rule authority granted by the Florida Constitution; and

1 WHEREAS, whenever at least one (1) property owner permanently resides at a  
2 short-term vacation rental located within the same structure the number of renters is  
3 minimized and the owner can directly manage the property when it is under a short-term  
4 rental; and

5  
6 WHEREAS, an on-site owner permanently residing at a short-term vacation  
7 rental which also serves as the owner's principal residence will likely manage any  
8 vacation rental more restrictively than any local regulation because the owner has a  
9 direct, vested interest in how the property the owner resides in is used and maintained;  
10 and

11  
12 WHEREAS, owner-occupied short-term vacation rental units are not the norm in  
13 the County and will not be regulated locally for short-term vacation rental units at this  
14 time, but may be in the future if deemed necessary by the Flagler County Board of  
15 County Commissioners under the County's home rule authority granted by the Florida  
16 Constitution; and

17  
18 WHEREAS, permanent residents within residential neighborhoods often  
19 establish long-term friendships, social norms and a sense of community, which often  
20 leads to mutual respect among property owners on an ongoing basis; and

21  
22 WHEREAS, a single-family dwelling home is typically the largest investment a  
23 family will make in their lifetime, with the home held sacred in popular culture as the  
24 heart and the center of the family unit; and

25  
26 WHEREAS, permanent residents within established residential neighborhoods  
27 deserve the right to tranquility and peaceful enjoyment of their home without over-  
28 intrusion by an excessive number of transient occupants in the neighborhood; and

29  
30 WHEREAS, Flagler County promotes tourism, including appreciation and  
31 enjoyment of the County's abundant preserved natural areas, historic sites, rural pristine  
32 beaches, and walking and bicycling paths that make Flagler County unique among  
33 Florida's coastal counties; and

34  
35 WHEREAS, some municipalities in Flagler County, and many other local  
36 jurisdictions in Flagler County, the State of Florida, and across the nation have  
37 standards in place to minimize the negative impacts caused by short-term vacation  
38 rentals; and

39  
40 WHEREAS, prior to the enactment of House Bill HB 883, short-term vacation  
41 rentals in Flagler County seemed to be more compatible and coexisted in a fairly  
42 compatible manner within established neighborhoods with relatively few conflicts and  
43 complaints to the County; and

44  
45 WHEREAS, prior to the enactment of House Bill HB 883, the City of Flagler  
46 Beach had adopted regulations providing for the siting and approval of short-term

1 vacation rentals within established neighborhoods, with relatively few conflicts resulting  
2 from the regulatory framework that has now been effect for several years; and

3  
4 | **WHEREAS**, since the enactment of ~~House Bill~~HB 883, Flagler County has  
5 experienced a large increase in the construction of new, oversized structures for the  
6 primary purpose of serving as mini-hotels for short-term vacation rentals for up to as  
7 | many as twenty-four (24) individuals; and

8  
9 **WHEREAS**, although family sizes per residence can vary widely from residence  
10 to residence, according to the recently completed 2010 U.S. Census, Flagler  
11 | ~~County's~~County's average family size is 2.82 persons; and

12  
13 | **WHEREAS**, the 2010 U.S. Census data also included an estimate of~~indicates~~ the  
14 average household size in Flagler County of 2.42 persons; and

15  
16 **WHEREAS**, the operation of some short-term vacation rentals in established  
17 neighborhoods in the County create a huge disparity in short-term vacation rental  
18 impacts with up to nine (9) times the average occupancy of an existing single-family  
19 residence, making the higher occupancy of ~~these~~the rental homes incompatible with  
20 established neighborhoods; and

21  
22 | **WHEREAS**, utility usage by short-term vacation rentals ~~may~~ exceed the usage  
23 levels anticipated at the time of initial permitting as a single-family residence, creating a  
24 | disparity between the impact and connection fees paid and the system impacts caused  
25 by ~~the~~their increased demand; and

26  
27 | **WHEREAS**, at least one utility ~~providers~~ provider has provided user  
28 information showing that some short-term vacation rentals can utilize over ten (10)  
29 times the capacity of a typical single-family residence; and

30  
31 **WHEREAS**, at least one utility provider has taken steps to charge additional  
32 | impact/system capacity fees based on the increased usage from short-term vacation  
33 rentals; and

34  
35 **WHEREAS**, the State of Florida through its existing regulatory framework  
36 | provides for licensing, maintenance, and inspection of hotels and motels; ~~however~~ no  
37 similar regulatory framework exists for short-term vacation rentals; and

38  
39 **WHEREAS**, according to the State of Florida records, vacation rentals have  
40 flourished for decades while solely under local control; and

41  
42 **WHEREAS**, according to the State of Florida Department of Business and  
43 Professional Regulation the number of vacation rental home units has actually  
44 | decreased from 10,602 units in 2010 to 10,362 units in 2013; ~~since~~ the State  
45 preemption into this local community land use decision; and

1           **WHEREAS**, current vacation rental industry practice is to set maximum limits  
2 upon the number of transient occupants within a short-term vacation rental unit, but  
3 lacking provisions for verification and enforcement when overcrowding occurs; and  
4

5           **WHEREAS**, current vacation rental industry practice is to charge a flat rental fee  
6 for the term of the lease, regardless of the transient occupant count, which incentivizes  
7 the common practice for lessees of oversized structures used as short-term vacation  
8 rentals to increase the transient occupant count so as to spread out the cost burden for  
9 the rental term among as many payers as possible; and  
10

11           **WHEREAS**, the County desires to encourage short-term vacation rentals that are  
12 safe, fit in with the character of the neighborhood, provide positive impacts for tourism,  
13 increase property values, and achieve greater neighborhood compatibility; and  
14

15           **WHEREAS**, Flagler County seeks to balance respect for private property rights  
16 and incompatibility concerns between the investors/short-term vacation rentals and  
17 families/permanent single-family residences in established residential neighborhoods  
18 through the use of reasonable development standards; and  
19

20           **WHEREAS**, while Flagler County's County's average family size is 2.82 persons,  
21 the County is desirous of providing for as many as eighteen (10) transient occupants in a  
22 single-family residence – almost threefour (4) times the County's ~~County's~~ average  
23 family size – within a short-term vacation rental subject to a reasonable regulatory  
24 framework; and  
25

26           **WHEREAS**, these regulations are deemed necessary by the Flagler County  
27 Board of County Commissioners to preserve property values and to protect the health,  
28 safety, and general welfare of permanent residents, lot/parcel owners, investors and  
29 transient occupants/ and visitors alike; and  
30

31           **WHEREAS**, these regulations are being promulgated by the Flagler County  
32 Board of County Commissioners to supplement, but not to replace, any existing federal  
33 or state law or regulation, or other controls within established residential neighborhoods  
34 served by a homeowners' association; and  
35

36           **WHEREAS**, through these regulations, Flagler County is seeking to regulate  
37 another type of commercial use of a single- and two-family dwelling, similar to the  
38 County's ~~County's~~ provisions for home occupations, which permit limited commercial use  
39 of an owner-occupied dwelling subject to initial inspection requirements, ongoing  
40 compliance with specific home occupation regulations as provided in the Land  
41 Development Code, and issuance and annual renewal of a business tax receipt for the  
42 home occupation; and  
43

44           **WHEREAS**, these regulations do not regulate duration or frequency of rentals,  
45 but are intended to address the frequent change of many transient occupants housed  
46 within a single-family dwelling within an established residential neighborhood; and

1  
2       **WHEREAS**, the application of minimum life/safety requirements to short-term  
3 vacation rentals, along with other minimum standards, ensures that transient occupants  
4 are provided the same minimum level of protection as is required by the current statutes  
5 and codes for single- and two-family residences utilized as hotels, motels, and  
6 dormitories; and  
7

8       **WHEREAS**, the County has established a maximum occupancy of sixteen (16)  
9 persons within any zoning district because an occupancy ~~exceeding sixteen (16)~~  
10 persons falls into a commercial-type classification as a hotel or dormitory for purposes  
11 of the National Fire Protection Association (NFPA) 101 Life Safety Code; and  
12

13       **WHEREAS**, for purposes of compliance with the National Fire Protection  
14 Association (NFPA) 101 Life Safety Code, residential occupancies of sixteen (16) or  
15 fewer persons may be provided within one- ~~and two-family dwellings~~dwelling units  
16 without consideration as a hotel or dormitory and provision of related life-safety  
17 requirements; and  
18

19       **WHEREAS**, the minimum residential safety standards, as adopted by the Florida  
20 Legislature as the Residential Swimming Pool Safety Act and now in place, include  
21 provision of swimming pool, spa, and hot tub barriers or alarms so as to reduce the  
22 likelihood of child and elder drowning; and  
23

24       **WHEREAS**, sleeping rooms as so designated within short-term vacation rental  
25 units shall be recognized in the same manner as bedrooms within single-family  
26 residential homes, with the same requirements as are currently provided within the  
27 local, state, and federal regulations, as applicable; and  
28

29       **WHEREAS**, because of the high occupancy and transient nature of occupants  
30 within many short-term vacation rentals, fire safety becomes important; and  
31

32       **WHEREAS**, where interconnected, hard-wired smoke and carbon monoxide  
33 alarm systems are not in place, then at a minimum, these systems will be installed to  
34 provide for sufficient warning for evacuation so as to minimize loss of life within an  
35 occupied short-term vacation rental unit; and  
36

37       **WHEREAS**, where a fire sprinkler system is not in place, then at a minimum, the  
38 placement of a multi-purpose dry chemical fire extinguisher on each floor of a short-term  
39 vacation rental will provide a basic level of fire protection based on the class of fire and  
40 fire loading anticipated to be encountered in an occupied short-term vacation rental unit;  
41 and  
42

43       ~~**WHEREAS**, in the event of an emergency, the presence of a landline local~~  
44 ~~telephone within the short-term vacation rental can eliminate confusion and save~~  
45 ~~valuable response time caused when an out-of-the-area cellular telephone is used to~~  
46 ~~contact emergency services or where cellular service is not available; and~~

1  
2       **WHEREAS**, in the event of an emergency, the presence of posted building exit  
3 routes can reduce the risk to transient occupants who are unfamiliar with the short-term  
4 vacation rental unit; and

5  
6       ~~**WHEREAS**, Flagler County recognizes the impacts to established~~  
7 ~~neighborhoods where short term vacation rentals permit eight or more transient~~  
8 ~~occupants and seeks through this ordinance to provide a minimum separation distance~~  
9 ~~between these rental units so that the residential character of established~~  
10 ~~neighborhoods can be preserved; and~~

11  
12       **WHEREAS**, site-specific short-term vacation rental standards, like minimum  
13 parking standards, solid waste handling and containment, and the establishment of  
14 quiet hours, serve to maintain the decorum that exists ~~between~~among owners in  
15 established neighborhoods and are better assured by conveying~~having~~ these same  
16 standards conveyed to transient occupants through the duration of their rental; and

17  
18       **WHEREAS**, short-term vacation rentals operate as commercial enterprises,  
19 subject to additional regulatory requirements ~~beyond those normally required of single-~~  
20 ~~family and two-family residences, including~~ business licensing and inspection by the  
21 State of Florida Department of Business and Professional Regulation's Division of  
22 Hotels and Restaurants, obtaining a local business tax receipt, and collecting and  
23 remitting various sales taxes to state and local government; and

24  
25       **WHEREAS**, a vacation rental is a commercial lodging activity ~~with;~~ and

26  
27       **WHEREAS**, ~~some homes~~vacation rentals are being used exclusively as rentals  
28 by investors/owners; and

29  
30       **WHEREAS**, the establishment of minimum business practices, such as the  
31 provision of both lease-specific and property-specific information to lessees, and the  
32 designation of a local agent~~short-term vacation rental responsible party~~, ensures that  
33 the private property rights of the short-term vacation rental owner are balanced with the  
34 needs of the County to protect visitors and tourists and to preserve the general welfare  
35 through its limited regulatory power; and

36  
37       **WHEREAS**, the County, through its existing regulatory framework, will issue  
38 certificates to short-term vacation rentals conforming to these standards, which will in  
39 turn provide a level playing field amongst all providers of short-term vacation rental  
40 units; and

41  
42       **WHEREAS**, this ordinance additionally establishes an enforcement mechanism  
43 for those short-term vacation rentals which do not adhere to the standards on an initial  
44 or continuing basis, with the overall goal of the short-term vacation rental program being  
45 compliance with the standards and not punitive in its scope; and



1 **WHEREAS**, the Flagler County Planning and Development Board held a duly  
2 noticed public hearing on October 29, 2014 and recommended  
3 approval of this ordinance; and

4  
5 **WHEREAS**, the Flagler County Board of County Commissioners held a duly  
6 noticed public hearing on November 3, 2014 and approved this ordinance on first  
7 reading; and

8  
9 **WHEREAS**, the Flagler County staff has held at least fifteen (15) different  
10 meetings with potentially affected individuals to hear, discuss, and consider their  
11 concerns regarding the ordinance; and

12  
13 **WHEREAS**, public notice of this action has been provided in accordance with  
14 Section 125.66, Florida Statutes and in accordance with the Flagler County Land  
15 Development Code.

16  
17 **NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY**  
18 **COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AS FOLLOWS:**

19  
20 **SECTION 1. FINDINGS**

21  
22 A. The above Recitals are incorporated herein as Findings of Fact.

23  
24 B. The Board of County Commissioners further finds as follows:

25  
26 1. The proposed amendment will provide for the orderly development of Flagler  
27 County and complies with applicable Comprehensive Plan goals, objectives and  
28 policies; and

29  
30 2. The proposed amendment will serve to protect the health and safety of residents  
31 or workers in the area and will be complementary to the use of adjacent  
32 properties or the general neighborhood.

33  
34 **SECTION 2. LAND DEVELOPMENT CODE AMENDMENT**

35  
36 A. Appendix C, Land Development Code, Article III Zoning Districts, is hereby amended  
37 as follows:

38  
39 1. Creation of new Section 3.06.14, *Short-term vacation rentals*, to read as follows:

40  
41 \*\*\*\*\*

42 3.06.14. – Short-term vacation rentals.

43  
44 A. *Applicability.* This section shall apply to short-term vacation rental as a  
45 commercial business, as defined in section 3.08.02, of a single-family  
46 dwelling and a two-family dwelling. This section shall not apply to short-

1 term vacation rentals within a multi-family residential building, or a group  
2 of multi-family residential buildings, which includes three (3) or more  
3 individual dwelling units within such building or group of buildings. This  
4 section shall also not apply to unincorporated areas west of U.S. Highway  
5 1 and to any facilities that are occupied on a full-time basis by the owner  
6 as an on-premises permanent resident.

7  
8 B. *Short-term vacation rental minimum requirements.* Short-term vacation  
9 rentals shall be permitted in all residential zoning districts provided they  
10 are in compliance with this section. No person shall rent or lease all or any  
11 portion of a dwelling unit as a short-term vacation rental as defined in  
12 section 3.08.02 without initially, and then on a continuing basis:

13  
14 1. Obtaining a short-term vacation rental certificate from Flagler County  
15 pursuant to this section; and

16  
17 2. Obtaining a business tax receipt from Flagler County pursuant to  
18 chapter 19 of the Code of Ordinances; and

19  
20 3. Obtaining a Florida Department of Revenue certificate of registration  
21 for purposes of collecting and remitting tourist development taxes,  
22 sales surtaxes, and transient rental taxes; and

23  
24 4. Obtaining a Florida Department of Business and Professional  
25 Regulation license as a transient public lodging establishment; and

26  
27 5. Maintaining<sup>5.</sup> As demonstrated through an affidavit, maintaining  
28 initial and ongoing compliance with the Short-term Vacation Rental  
29 Standards contained herein, plus any other applicable local, state, and  
30 federal laws, regulations, and standards to include, but not be limited  
31 to, Chapter 509, Florida Statutes, and Rule Chapters 61C and 69A,  
32 Florida Administrative Code.

33  
34 C. *Short-term Vacation Rental Standards.* The following ~~standards~~Standards  
35 shall govern the use of any short-term vacation rental as a permitted use:

36  
37 1. *Minimum life/safety requirements:*

38  
39 a. *Swimming pool, spa and hot tub safety – A swimming pool, spa or*  
40 *hot tub shall comply with the current standards of the Residential*  
41 *Swimming Pool Safety Act, Chapter 515, Florida Statutes.*

42  
43 b. *Sleeping rooms – All sleeping rooms shall meet the single- and*  
44 *two-family dwelling minimum requirements of the Florida Building*  
45 *Code.*

1 c. Smoke and carbon monoxide (CO) detection and notification  
2 system – If an interconnected and hard-wired smoke and carbon  
3 monoxide (CO) detection and notification system is not in place  
4 within the short-term vacation rental unit, then an interconnected,  
5 hard-wired smoke alarm and carbon monoxide (CO) alarm system  
6 shall be required to be installed and maintained on a continuing  
7 basis consistent with the requirements of Section R314, Smoke  
8 Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida  
9 Building Code – Residential.

10  
11 d. Fire extinguisher – A portable, multi-purpose dry chemical  
12 2A:10B:C fire extinguisher shall be installed, inspected and  
13 maintained in accordance with NFPA 10 on each floor/level of the  
14 unit. The extinguisher(s) shall be installed on the wall in an open  
15 common area or in an enclosed space with appropriate markings  
16 visibly showing the location.

17  
18 e. Emergency egress maintenance and lighting – Halls, entrances and  
19 stairways shall be clean, ventilated and well-lighted day and night.  
20 Hall and stair runners shall be kept in good condition. Railways  
21 shall be installed on all stairways and around all porches and steps.  
22 (Rule 61C 1.004(9), F.A.C.).

23  
24 f. Local phone service – At least one landline telephone with the  
25 ability to call 911 shall be available in the main floor common area  
26 in the unit.

27  
28 2. Maximum occupancy based on site capacity/limitations. The following  
29 specific site considerations in subsections a., b., and c. shall limit any  
30 short-term vacation rental occupancy to whichever is less, but not to  
31 exceed the permitted maximums provided in subsections d. or e., as  
32 applicable, below:

33  
34 a. One (1) person per one hundred fifty (150) gross square feet of  
35 permitted, conditioned living space; or

36  
37 b. The maximum number permitted of occupants allowed shall be  
38 restricted in accordance with any septic tank permit and the  
39 assumed occupancy/conditions the permit was issued under by the  
40 Flagler County Health Department; or

41  
42 c. Two (2) persons per sleeping room, meeting the requirements for a  
43 sleeping room, plus two (2) additional persons that may sleep in a  
44 common area.

1 ~~3. Maximum occupancy by zoning district/development. The following~~  
2 ~~specific district/development considerations shall further limit any other~~  
3 ~~local, state or federal permitted short term vacation rental occupancy~~  
4 ~~to whichever results in the lower occupancy count:~~

5  
6 ~~ad. In the R-1, R-1b, R-1c, R-1d, R-2, MH-1, MH-2, and R/C~~  
7 ~~zoning districts and any PUD development or specific portion~~  
8 ~~thereof developed as a single- or two-family neighborhood, the~~  
9 ~~maximum occupancy shall be limited to ~~eight~~ten (10) occupants per~~  
10 ~~short-term vacation rental unit including day guests.~~

11  
12 ~~be. In all other zoning districts and developments predominantly~~  
13 ~~developed with greater than two-family dwelling units, the maximum~~  
14 ~~occupancy shall be limited to sixteen (16) transient occupants per~~  
15 ~~short-term vacation rental unit including day guests.~~

16  
17 ~~4. Cumulative impact location standard. Owners of short term vacation~~  
18 ~~rentals located in zoning districts and developments described in~~  
19 ~~subsection 3.06.14.C.3.b. above desiring a rental certificate in excess~~  
20 ~~of eight transient occupants per unit shall be 500 feet apart as~~  
21 ~~measured property line to property line from other short term vacation~~  
22 ~~rental certificate holders in excess of eight transient occupants. This~~  
23 ~~shall be issued on a first come first serve basis. For pre-existing short-~~  
24 ~~term vacation rentals determined to be vested for separation through~~  
25 ~~subsection 3.06.14.N herein, they shall be considered first and this~~  
26 ~~standard shall not apply so long as the location remains an approved~~  
27 ~~short term vacation rental.~~

28  
29 ~~5. Parking standard.3. Parking standard. Based on the maximum short-~~  
30 ~~term transient occupancy permitted, minimum off-street parking shall~~  
31 ~~be provided as one (1) space per three (3) transient occupants or~~  
32 ~~fraction thereof, plus one extra space for day guests. Garage spaces~~  
33 ~~shall count if the space is open and available and the transient~~  
34 ~~occupants are given vehicular access to the garage. On-street parking~~  
35 ~~shall not be permitted.~~

36  
37 ~~6.4. Solid waste handling and containment. Based on the maximum~~  
38 ~~transient occupancy permitted, one (1) trash storage container shall be~~  
39 ~~provided per threefour (4) transient occupants or fraction thereof.~~  
40 ~~Appropriate screening and storage requirements for trash storage~~  
41 ~~containers shall apply per any development approval or local~~  
42 ~~neighborhood standard, whichever is more restrictive, and be~~  
43 ~~incorporated into the certificateCertificate. For purposes of this~~  
44 ~~section, a trash storage container shall be a commercially available~~  
45 ~~thirty-five (35) gallon or greater capacity container with a lid that~~  
46 ~~securely fastens to the container so as to prevent spills and animal~~

1 access, with the container to be placed at curbside on the day of solid  
2 waste pickup and to be removed from curbside no later than sunrise  
3 the following day.

4  
5 ~~7. Annual County solid waste charges. The 5. Minimum short-term~~  
6 ~~vacation rental/lease agreement wording. The short-term vacation~~  
7 ~~rental shall be charged one annual solid waste fee for every eight~~  
8 ~~transient occupants or fraction thereof, based on the maximum~~  
9 ~~transient occupancy permitted. Any additional solid waste fees shall~~  
10 ~~be paid at the time of permit issuance/renewal~~

11  
12 ~~8. Quiet hours. Quiet hours for short term vacation rentals shall be from~~  
13 ~~10:00 p.m. to 8:00 a.m. daily. Law enforcement officers shall have the~~  
14 ~~authority to determine if short term vacation rentals are disturbing the~~  
15 ~~peace and violating these quiet hours and issue citations appropriately.~~

16  
17 ~~9. Minimum Short-Term Vacation Rental Lease wording. The Short-Term~~  
18 ~~Vacation Rental Lease/lease agreement shall contain the minimum~~  
19 ~~information as provided -for in subsection 3.06.14.H.~~

20  
21 ~~106. Minimum short-term vacation rental information required postings.~~  
22 ~~The short-term vacation rental shall be provided with posted material~~  
23 ~~as required by Flagler County as prescribed in subsection 3.06.14.I.~~

24  
25 ~~117. Minimum short-term vacation rental lessee information. The short-~~  
26 ~~term vacation rental lessee shall be provided with a copy of the~~  
27 ~~information required in subsection 3.06.14.H.~~

28  
29 ~~12.Appointment8. Designation of a short-term vacation rental agent.~~  
30 ~~The short-term vacation rental agent shall be identified as required~~  
31 ~~responsible party capable of meeting the duties provided in subsection~~  
32 ~~3.06.14 G.~~

33  
34 ~~13. Utility service.~~

35  
36 ~~a. 9. Septic tank wastewater disposal. If wastewater service is provided~~  
37 ~~through a private home septic system, then the owner shall~~  
38 ~~demonstrate to provide Flagler County that the Flagler County a valid~~  
39 ~~Health Department has reviewed the utilization of the septic~~  
40 ~~system permit and the application it is based upon for the short-term~~  
41 ~~vacation rental and that the septic system provides adequate property,~~  
42 ~~demonstrating the capacity for the anticipated short-term vacation~~  
43 ~~rental occupancy applied for. For these purposes, a valid Health~~  
44 ~~Department permit displaying the number of bedrooms shall satisfy this~~  
45 ~~requirement requested.~~

b. If central water and/or wastewater service is provided to the short-term vacation rental, then the owner shall demonstrate to Flagler County that appropriate application has been made and fees paid to reflect approval by the utility provider for the additional utility usage impacts from the short term vacation rental use.

c. Nothing contained herein shall encumber or otherwise prevent the utility provider from regulation of their utility system, including but not limited to, the ability to disconnect service.

14. No person shall allow occupancy or possession of all or any portion of a dwelling unit as a short term vacation rental if the dwelling is in violation of any zoning, building, housing, density, life/safety, utility, public health/sanitary and fire codes or regulations.

145-10. Advertising. Any advertising of the short-term vacation rental unit shall conform to information included in the Short-Term Vacation Rental Certificate and the property's approval, particularly as this pertains to maximum occupancy.

11. Other standards. Any other standards contained within the Flagler County Land Development Code to include but not be limited to: noise, setbacks, stormwater, and similar provisions.

D. Short-Term Vacation Rental Certificate. To verify compliance with these short-term vacation rental standards, any property owner who wishes to use his or her dwelling unit as a short-term vacation rental must first apply for and receive a Short-Term Vacation Rental Certificate from Flagler County, and renew the certificate annually for as long as the unit is used as a short-term vacation rental. Each dwelling unit used as a short-term vacation rental requires a separate Short-Term Vacation Rental Certificate. An annual certificate fee shall be paid for each dwelling unit certified as a short-term vacation rental, in an amount to be determined by resolution of the Board of County Commissioners, to cover the costs of administration of the certificate and inspection program. Failure to comply with any of the requirements of this section shall be grounds for revocation or suspension of the certificate in accordance with the requirements contained herein.

E. Application for a Short-Term Vacation Rental Certificate. Each property owner seeking initial issuance of a Short-Term Vacation Rental Certificate, renewal, transfer, or modification of a vacation rental certificate shall submit a Flagler County Short-Term Vacation Rental Application in a form specified by the County, along with an application fee in an amount to be determined by resolution of the Board of County Commissioners.

1  
2 1. A complete application for the initial or modification of a Short-Term  
3 Vacation Rental Certificate shall demonstrate compliance with the  
4 standardsShort-Term Vacation Rental Standards above through the  
5 following submittals:

6  
7 a. A completed application and applicable fees (i.e., application, solid  
8 waste).

9  
10 b. Exterior site sketch— – An exterior sketch of the facility  
11 demonstrating compliance with the standardsStandards contained  
12 herein shall be provided. The sketch provided shall be drawn to  
13 scale, and showing all structures, pools, fencing, and uses,  
14 including areas provided for off-street parking and trash collection.  
15 For purposes of the sketch, off-street parking spaces will be  
16 delineated so as to enable a fixed count of the number of spaces  
17 provided; however, no parking shall be permitted within a public or  
18 private-right-of-way or private roadway tract.

19  
20 c. Interior building sketch by floor— – A building sketch(s) shall be  
21 provided by floor showing a floor layout and shall  
22 demonstratedemonstrating compliance with the  
23 standardsStandards contained herein. The sketch shall be drawn  
24 to scale, showing all bedrooms and sleeping areas, exits, smoke  
25 and carbon monoxide detectors, and fire extinguishers and exit  
26 signage/lightingetc.

27  
28 d. Required Short Term Vacation Rental Postings—short-term vacation  
29 rental postings – Copies of required postings shall include  
30 evacuation drawings for each sleeping area and other items  
31 required herein.be provided.

32  
33 e. Draft Short-Term Vacation Rental LeaseA draft short-term vacation  
34 rental/lease agreement showing required lease terms – A blank  
35 sample to be provided.

36  
37 f. Utility certification forms fromA Health Department or utility  
38 providersseptic tank permit and the application on which the permit  
39 is based, if applicable.

40  
41 g. Any other required information necessary to demonstrate  
42 compliance with the Short-Term Vacation Rental Standards herein.

43  
44 h. Modification. An application for modification of a Short-Term Vacation  
45 Rental Certificate is necessary where any of the following apply:  
46

- ~~i. The gross square footage of the dwelling unit has increased; or~~
- ~~ii. The number of sleeping areas is increasing; or~~
- ~~iii. The occupancy is proposed to increase.~~

2. Certificate renewals or transfers— The application for renewal or transfer of a Short-Term Vacation Rental Certificate shall demonstrate compliance with the following:

- a. If no changes have occurred since the issuance of the most recent Short-Term Vacation Rental Certificate, then no additional submittals are required to accompany the renewal/transfer Short-Term Vacation Rental Certificate application except as subsection 3.06.14.E.2.b below may be applicable.
- b. If minor changes not involving the specific modifications described below in subsection 3.06.14.E.3 have occurred since the issuance of the most recent Short-Term Vacation Rental Certificate, then additional submittals specific to the changed areas minor changes shall be required to accompany the application as necessary to demonstrate compliance with the standards Standards herein.
- c. A Short-Term Vacation Rental Certificate holder must apply annually for a renewal of the certificate Certificate by January 1 of each year.

3. Modification of Certificate. An application for modification of a Short-Term Vacation Rental Certificate is necessary where any of the following apply:

- a. The gross square footage of the dwelling unit has increased; or
- b. The number of sleeping areas/bedrooms is proposed to increase; or
- c. The occupancy is otherwise proposed to increase.

For the inspection of a modification to a Short-Term Vacation Rental Certificate, the modification in facility usage may not occur until after a successful County inspection; however, pending such successful inspection the current Certificate will still apply.

F. Initial and routine compliance inspections of short-term vacation rentals.



- 1           1. An inspection of the dwelling unit for compliance with this section is  
2           required prior to issuance of an initial Short-Term Vacation Rental  
3           Certificate. If violations are found, all violations must be corrected and  
4           the dwelling unit must be re-inspected prior to issuance of the initial  
5           Short-Term Vacation Rental Certificate as provided herein.— An  
6           exception to the correction of violations as required in this subsection  
7           is made for any short-term vacation rental seeking vested rights  
8           pursuant to subsection 3.06.14.N to the extent that a vesting  
9           determination specifically provides such exemption.
  
- 10           2. Once issued, a short-term vacation rental unit must be properly  
11           maintained in accordance with the Short-Term Vacation Rental  
12           Standards herein and will be re-inspected annually if possible, but at  
13           least once every two (2) years by the County. For an inspection, all  
14           violations must be corrected and re-inspected within thirty (30)  
15           calendar days, except life safety violations which must be corrected  
16           prior to the start of the next rental period. Failure to correct such  
17           inspection deficiencies in the timeframes provided shall result in the  
18           suspension of the vacation rental certificate Short-Term Vacation  
19           Rental Certificate until such time as the violation(s) is/are  
20           corrected and re-inspected.
  - 21           a. ~~For the inspection of a modification to a vacation rental certificate,~~  
22           ~~the modification may not occur until after a successful County~~  
23           ~~inspection, however the current certificate will still apply.~~
  
- 24           3. ~~When possible the~~ The inspections shall be made by appointment with  
25           the short-term vacation rental agent responsible party. If the  
26           inspector(s) has made an appointment with the rental agent responsible  
27           party to complete an inspection, and the agent responsible party fails to  
28           admit the officer at the scheduled time, the applicant owner shall be  
29           charged a "no show" fee in an amount to be determined by resolution  
30           of the Board of County Commissioners to cover the inspection  
31           expense incurred by Flagler County.
  
- 32           4. If the inspector(s) is denied admittance by the short-term vacation  
33           rental agent responsible party or if the inspector(s) fails in at least three  
34           (3) attempts to complete an initial or subsequent inspection of the  
35           rental unit, the inspector(s) shall provide notice of failure of inspection  
36           to the rental agent owner to the address shown on the existing Short-  
37           Term Vacation Rental Certificate or the application for Short-Term  
38           Vacation Rental Certificate.
  - 39           a. For an initial inspection, the notice of failure of inspection results in  
40           the Certificate not being issued; the Short-Term Vacation  
41           Rental Certificate is suspended until such time as the violation(s) is/are  
42           corrected and re-inspected.

Rental short-term vacation rental is not permitted to operate without a valid Certificate.

b. For a subsequent inspection, the notice of failure of inspection is considered a violation pursuant to subsection 3.06.14.F.2. above and is subject to enforcement remedies as provided herein.

G. Short-term vacation rental agent responsible party.

1. The purpose of the responsible party is to respond to routine inspections and as well non-routine complaints and other more immediate problems related to the short-term vacation rental of the property.

2. The property owner may serve in this capacity or shall otherwise designate a short-term vacation rental agent responsible party to act on its Short-Term Vacation Rental Certificate application or renewal, and provide the agent's contact information. The property owner may serve as the vacation rental agent. Alternatively, the owner may designate as his or her agent any their behalf. Any person eighteen (18) years of age or older, who is:

a. Customarily present at a business location within Flagler County for the purposes of transacting business; or

b. Actually resides within Flagler County.

In order to may be designated as a short term vacation rental agent, a person must first present the County with written certification that he or she agrees to by the owner provided they can perform the duties specified listed in subsection 3.06.14.G.23 below.

2-3. The duties of the short-term vacation rental responsible party whether the property owner or an agent are to:

a. Be available by landline or mobile telephone answered by the rental agent at the listed phone number twenty-four (24) hours a day, seven (7) days a week to handle and capable of handling any problems issues arising from the short-term vacation rental use; and

b. Belf necessary, be willing and able to come to the short-term vacation rental unit within two (2) hours following notification from an occupant, the owner, or Flagler County e to address issues related to the short-term vacation rental; and

1 c. ReceiveAuthorized to receive service of any legal notice on behalf  
2 of violationthe owner for violations of this section; and

3  
4 d. MonitorOtherwise monitor the short-term vacation rental unit at  
5 least once weekly to assure continued compliance with the  
6 requirements of this section.

7  
8 34. A property owner may change his or her designation of a short-term  
9 vacation rental agentresponsible party temporarily or permanently;  
10 however, there shall only be one (1) short-term vacation rental  
11 agentresponsible party for each short-term vacation rental at any given  
12 time. To change the designated agentresponsible party, the property  
13 owner shall notify Flagler County in writing of the name, contact  
14 information and certifications required in subsection 3.06.14.G. above  
15 for the new short term vacation rental agent. Any notice of violation or  
16 legal process which has been delivered or served upon the previous  
17 short term vacation rental agent, prior to the County's receipt of notice  
18 of change of the short term vacation rental agent, shall be deemed  
19 effective service via a completed form provided by the County.

20  
21 4. It shall be the sole responsibility of the property owner to appoint a  
22 reliable short term vacation rental agent and for the owner to inform  
23 the agent of his or her correct mailing address. Failure to do so shall  
24 not be a defense to a violation of this section. No property owner shall  
25 designate as a short term vacation rental agent any person who does  
26 not expressly comply with the provisions of this section. The property  
27 owner or the short term vacation rental agent shall be deemed to be  
28 the "violation" of this section as the term is used in § 162.06, Florida  
29 Statutes. Service of notice on the short term vacation rental agent shall  
30 be deemed service of notice on the property owner, tenant and  
31 violation.

32  
33 5. A person may serve as a short term vacation rental agent for one or  
34 more short term vacation rental property owners if:

35  
36 a. The agent provides Flagler County with written authorization from  
37 each property owner represented; and

38  
39 b. Each authorization must state that the property owner has received  
40 a copy of, has reviewed and understands this section; and

41  
42 c. Each property owner must sign the authorization and acknowledge  
43 the requirements of this section.

1 H. Short-term vacation rental/lease agreements agreement minimum  
2 provisions. The rental/lease agreement must contain the following  
3 information at a minimum:

4  
5 1. Maximum occupancy of the short-term vacation rental unit, as  
6 permitted on the Short-Term Vacation Rental Certificate for the  
7 property;

8  
9  
10 2. The name and ages of all persons who will be occupying the unit;

11  
12 3. The license tag numbers for all vehicles that the occupant(s) will be  
13 parking at the unit, with a total number not to exceed the number of off-  
14 street parking spaces at the unit as designated on the Short-Term  
15 Vacation Rental Certificate; and

16  
17 4. The transient occupant(s)' agreement to abide by all the requirements  
18 of this section, and acknowledgement that his or her rights under the  
19 agreement may not be transferred or assigned in whole or in part to  
20 anyone else without a new agreement being entered into between the  
21 new transient occupant(s) and the owner; and

22  
23 5. The transient occupant(s)' acknowledgement and agreement that  
24 violation of the agreement or this section may result in immediate  
25 termination of the agreement and eviction from the short-term vacation  
26 rental unit by the property owner or resident agent, and potential  
27 liability for payment of fines levied by the County;

28  
29 6. The permitted off street parking locations where transient occupants  
30 may legally park according to the Short-Term Vacation Rental  
31 Certificate sketch;

32  
33 7. A statement that all transient occupants must evacuate from the short-  
34 term vacation rental upon posting of any nonresident evacuation order  
35 issued by local, state, or local federal authorities.

36  
37 8. The right of reasonable entry by Flagler County enforcement officers  
38 into the unit.

39  
40 9. Paper copies of the written agreement of subsection 3.06.14.H.4 and 5  
41 above, a paper copy of this section and Flagler County's pet, noise,  
42 and trash regulations, including regulations related to sea turtle lighting  
43 and manatee protection, if applicable, as lease addendums.

44  
45 I. Required posting of the following short-term vacation rental unit  
46 information.

1  
2 1. On the back of or next to the main entrance door or on the refrigerator  
3 there shall be provided as a single page the following information:

4  
5 a. The name, address and phone number of the short-term vacation  
6 rental agent/responsible party;

7  
8 b. The maximum occupancy of the unit;

9  
10 c. Notice that quiet hours are to be observed between 10:00 p.m. and  
11 8:00 a.m. daily and that between these hours no excessive or  
12 boisterous noise or amplified sound extending beyond the lot or  
13 parcel line is permitted daily or as superseded by any County noise  
14 regulation;

15  
16 d. The maximum number of vehicles that can be parked at the unit,  
17 along with a sketch of the location of the off-street parking spaces;

18  
19 e. The days of trash pickup and recycling, and a notice that trash shall  
20 not be left or stored outside the unit except after 6:00 pm on the  
21 day prior to pickup, and the trash container(s) shall be removed  
22 from the curb no later than 6:00 pm on the day of pickup;

23  
24 f. If the short-term vacation rental unit is located on the barrier island,  
25 notice of sea turtle nesting season restrictions and sea turtle  
26 lighting usage; and

27  
28 g. The location of the nearest hospital.

29  
30 2. There2. If the short-term vacation rental unit includes three (3) or  
31 more occupied floors, on the third floor above ground level and higher  
32 floors there shall be posted, next to the interior door of each bedroom a  
33 legible copy of the building evacuation map – Minimum 8-1/2" by 11"-  
34 in size.

35  
36 J. Offenses/violations.

37  
38 1. Non-compliance with any provisions of this section shall constitute a  
39 violation of this section, which shall include, but shall not be limited to,  
40 the specific paragraphs within subsection 3.06.14.B—"Short Term  
41 Vacation Rentals Minimum Requirements".

42  
43 2. Separate violations— Each day a violation exists shall constitute a  
44 separate and distinct violation, except that occupancy violations shall  
45 be governed by subsection 3.06.14.L.3.  
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K. Remedies/enforcement. Violations of this section shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal actions. To accomplish a safe and effective vacation rental program it is key that rental agents, whether they are the owner or a third party vendor, short-term vacation rental responsible parties are responsive and responsible in the management of the property for compliance with this section. Code Enforcement enforcement activities will be in accordance with Florida Statutes Chapter 162 and the Flagler County Code of Ordinances.

1. Warnings— Warnings shall be issued for all first-time violations of this section except for minimum life/safety requirements. Warnings for violations other than minimum life/safety requirements may or may not and have a correction/compliance period associated with it. Such warnings may include notice to other agencies for follow-up by such agencies, such as the Department of Business and Professional Regulation, the Department of Revenue, the Flagler County Tax Collector and the Flagler County Property Appraiser, as applicable. Non-compliance with a correction compliance period shall result in the issuance of a citation.

2. Fines per violation violation shall be set by resolution by the Board of County Commissioners of Flagler County for first, (1st), second, (2nd), third (3rd) and further repeat violations. The County may utilize Part 1 of Florida Chapter 162 to prosecute a code violation and in such case a special magistrate shall be authorized to hold hearings, assess fines and order other relief in lieu of any code enforcement board. Alternatively, the County may utilize Part 2 of Florida Chapter 162 and pursue violations by way of a civil citation system as provided in its Code of Ordinances. The County may also rely on an appropriate enforcing agency at the state or local level.

3. Additional remedies— Nothing contained herein shall prevent Flagler County from seeking all other available remedies which may include, but not be limited to, suspension or revocation of a Short-Term Vacation Rental Certificate, injunctive relief, liens, and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

L. Suspension of Short-Term Vacation Rental Certificate. In addition to any fines and any other remedies described herein or provided for by law, the County may suspend a Short-Term Vacation Rental Certificate for multiple violations which are admitted or adjudicated of the maximum occupancy in any continuous thirty-six (36) month period, in accordance with the following:

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1. Suspension timeframes.

a. Upon a fourth (4th) violation of this section the vacation rental certificate maximum occupancy the Short-Term Vacation Rental Certificate shall be suspended for a period of seven (7) calendar days.

b. Upon a fifth (5th) violation of this section the vacation rental certificate the maximum occupancy the Short-Term Vacation Rental Certificate shall be suspended for a period of thirty (30) calendar days.

c. For each additional violation of this section the vacation rental certificate the maximum occupancy the Short-Term Vacation Rental Certificate shall be suspended for an additional thirty (30) calendar days up to a maximum period of twelve (12) months. For example the sixth (6th) violation shall be for sixty (60) calendar days; the seventh (7th) violation shall be for ninety (90) calendar days, and so on.

d. For violations of any of the minimum life safety standards, suspension shall start immediately after three working days following admission or adjudication of the violation if it is not corrected and re-inspected. Such suspension shall remain in place until corrected.

2. Suspension restrictions. A short-term vacation rental may not provide transient occupancy or advertise for transient occupancy during any period of suspension of a Short-Term Vacation Rental Certificate.

a. The suspension shall begin immediately following notice, commencing either:

1. at the end of the current vacation rental lease period; or

2. within thirty (30) calendar days, whichever is less date commences earlier, or as otherwise determined by the County.

3. Number of violations -

b. Operation during any period of suspension shall be deemed a violation pursuant to subsection 3.06.14.K.2 and shall be subject to daily fine, up to five hundred dollars (\$500) or to the maximum amount as otherwise provided in Florida Statutes for repeat violations, for each day that the short-term vacation rental operates during a period of violation.

3. Number of violations. For purposes of this section only, violations shall be considered per the rental period or per every seven (7) days, whichever is less and for only those situations violations in which a code enforcement citation or criminal charge was issued.

~~M. Ongoing inspections and right of entry. In order to ensure ongoing compliance with the provisions of this section, it may be necessary to inspect short term vacation rental properties more frequently than the more routine initial and subsequent inspections previously described. Although random inspections are not anticipated, inspections related to complaints/observations of non-compliance are expected to be necessary from time to time:~~

~~1. In the application for a Short-Term Vacation Rental Certificate the owner is required to grant Flagler County Violations could potentially occur over multiple times over the right of reasonable entry into the premises for compliance inspection purposes. In addition, such issuance of the vacation rental certificate shall be conditioned upon and subject to the County's right of reasonable entry into the premises for inspection purposes.~~

~~2. Whenever possible, the County shall provide a short-term vacationsame rental agent two hours advance notice of a pending inspection, except when the inspection is requested by the owner or agent period.~~

~~3. The failure of a short term vacation rental owner, agent, or tenant to provide access to an employee of Flagler County attempting to complete an inspection as provided for in this section shall be considered a violation and subject to the penalties as provided herein.~~

~~N. Vesting. Legally Existing, legally-established short-term vacation rentals located in zoning districts and developments described in subsection 3.06.14.C.3.b.A as of January 1, 2015 shall be may become vested from in the cumulative impact location standard at subsection 3.06.14.C.4, but shallways described below, provided they are otherwise meet their compliance with all other requirements contained herein.~~

~~O. Registration. Existing To qualify for any vesting existing short-term vacation rentals at the time of notice shall have until March 1 April 15, 2015 to make a full and complete application for a vacation rental certificate Short-Term Vacation Rental Certificate and until June July 1, 2015 to receive a certificate Short-Term Vacation Rental Certificate to come into compliance with the County's County's requirements.~~



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~~2. Amendment to Section 3.03.02.1. Rental agreement vesting. It is recognized that likely there are existing rental/lease agreements for short-term vacation rentals in existence at the time of passage of the ordinance enacting this section which may not be in compliance with the terms of this section. Rental agreements that were entered into prior to February 19, 2015, for the period to up to February 28, 2016 shall be considered vested. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the normal Short-Term Vacation Rental Certificate process. Such rental/lease agreement(s) shall not be required to be submitted to the County to retain this vesting.~~

Any rental/lease agreement(s) entered into prior to February 19, 2015, for the period after March 1, 2016 shall be required to be submitted to the County for verification and go through a vesting hearing process for a final determination. All rental agreements entered into after February 19, 2015 and for any rental period beyond January 1, 2017 shall comply with the provisions of the ordinance enacting this section.

~~2. Temporary vesting of certain safety requirements. Some existing short-term vacation rentals may not meet the minimum life/safety standards (subsection 3.06.14.C.1) required herein. Correcting these measures may take some time to secure a licensed contractor, obtain the necessary permits, and complete the work. All short-term vacation rentals shall have six (6) months from the effective date of the ordinance enacting this section to come into compliance with these standards. A provisional Short-Term Vacation Rental Certificate may be issued for up to a maximum of six (6) months past the adoption of the ordinance enacting this section granting this time for the facility to comply with the physical changes required. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the normal Short-Term Vacation Rental Certificate process.~~

~~3. Maximum occupancy vesting. In applying the standards of subsection 3.06.14.C to the short-term vacation rentals lawfully in existence prior to February 19, 2015, it is understood that there are properties that may otherwise physically qualify for larger occupancies if the maximum occupancy were set higher. In an effort to recognize investment backed expectations and yet balance and protect the interest of other single-family and two-family properties who are not rental properties, there shall be a phasing-in of maximum occupancy.~~

1     The maximum occupancy for these properties may be temporarily  
 2     allowed to be capped at no more than fourteen (14) transient  
 3     occupants providing all other requirements of subsection 3.06.14.C  
 4     can be met. This maximum density may be retained through February  
 5     28, 2020 in which case it shall be reduced by two (2) thereafter. The  
 6     maximum density of twelve (12) transient occupants shall then be  
 7     retained through February 28, 2025 and then shall be reduced by two  
 8     (2) to reach the maximum occupancy herein. No special vesting  
 9     process or fee shall be required to obtain this vesting benefit other than  
 10    demonstrating eligibility through the normal Short-Term Vacation  
 11    Rental Certificate process.

12  
 13    4. For those owners that desire a higher vesting occupancy and/or  
 14    different vesting schedule, the owner of the property may make  
 15    application for consideration of an alternative vesting benefit. The  
 16    alternative vesting process shall require the following information at a  
 17    minimum, although the actual application and review process may  
 18    request additional information:

19  
 20    a. Submittal of a complete vesting application to include applicable  
 21    fee;

22  
 23    b. Issuance of Short-term Vacation Rental Certificate on the property  
 24    otherwise meeting all other requirements herein;

25  
 26    c. A written narrative and any tabulation/evidence showing what  
 27    potential financial impacts the reduction in occupancy will create;

28  
 29    d. Any prospectus, financial pro forma, or other information relied  
 30    upon to make the investment into the property;

31  
 32    e. Actual short-term vacation rental/lease agreements on the property  
 33    for the last three (3) years showing the number of occupants for the  
 34    short-term vacation rental unit per rental;

35  
 36    f. Profit and loss statement for the property certified accurate by a  
 37    Certified Public Accountant for the last three (3) years;

38  
 39    g. Detailed gross and net revenues/expenses for the property to  
 40    include but not be limited to: management fees, maintenance fees,  
 41    utility costs, and similar expenses;

42  
 43    h. Purchase price for the property and/or structure – If constructed by  
 44    the owner, the construction costs of the facility;  
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- i. Any mortgage or debt on the property along with any monthly debt service payments; and
- j. All other information the applicant believes is relevant in establishing any vested rights claim and to demonstrate an extraordinary consideration that should be considered by the County.

The review process for an application for a higher vesting occupancy and/or different vesting schedule under this subsection will, at a minimum, provide for public notice to abutting property owners, including those directly across any public right-of-way or private roadway tract.

5. In the consideration of applications for vested rights under this subsection, such determinations shall be made by the County Administrator or a special master appointed by the Board. Such appointment of a special master shall be made by Resolution.

a. The determination of the County Administrator or the special master shall be deemed final action. In considering an application for vested rights, the burden of demonstrating entitlement to a vested right from the provisions of the ordinance enacting this section shall be on the owner or applicant seeking to establish vested rights.

b. Owners, seeking to establish vested rights, must demonstrate that the application of the ordinance enacting this section would inordinately burden an existing use of their real property or a vested right to a specific use of their real property.

6. A vested use shall transfer to a subsequent owner, provided that all the applicable Short-Term Vacation Rental Standards continue to be met in addition to any specific vesting conditions. A vested use is not transferrable to another short-term vacation rental.

7. If a vested use ceases for a period of one (1) year, then the vesting shall be considered to have lapsed and the short-term vacation rental will be subject to all Short-Term Vacation Rental Standards as if a new application.

\*\*\*\*

2. Amendment to section 3.03.02, AC-Agriculture district, subsection B., Permitted principal uses and structures, to read as follows:

\*\*\*\*

1 | 18. ~~Vacation~~ Short-term vacation rentals.

2 | \*\*\*\*

- 3 | 3. Amendment to ~~Section~~section 3.03.03~~-1~~, *AC-2-Agriculture/forestry district*,  
4 | subsection B., *Permitted principal uses and structures*, to read as follows:

5 |  
6 | \*\*\*\*

7 | 7. ~~Vacation~~ Short-term vacation rentals.

8 | \*\*\*\*

- 9 | 4. Amendment to ~~Section~~section 3.03.04~~-1~~, *R-1-Rural residential district*, subsection  
10 | B., *Permitted principal uses and structures*, to read as follows:

11 |  
12 | \*\*\*\*

13 | 6. ~~Vacation~~ Short-term vacation rentals.

14 | \*\*\*\*

- 15 | 5. Amendment to ~~Section~~section 3.03.05~~-1~~, *R-1b-Urban single-family residential*  
16 | *district*, subsection B., *Permitted principal uses and structures*, to read as follows:

17 |  
18 | \*\*\*\*

19 | 4. ~~Vacation~~ Short-term vacation rentals.

20 | \*\*\*\*

- 21 | 6. Amendment to ~~Section~~section 3.03.06~~-1~~, *R-1c-Urban single-family residential*  
22 | *district*, subsection B., *Permitted principal uses and structures*, to read as follows:

23 |  
24 | \*\*\*\*

25 | 4. ~~Vacation~~ Short-term vacation rentals.

26 | \*\*\*\*

- 27 | 7. Amendment to ~~Section~~section 3.03.07~~-1~~, *R-1d-Urban single-family residential*  
28 | *district*, subsection B., *Permitted principal uses and structures*, to read as follows:

29 |  
30 | \*\*\*\*

31 | 4. ~~Vacation~~ Short-term vacation rentals.

32 | \*\*\*\*

- 33 | 8. Amendment to ~~Section~~section 3.03.08~~-1~~, *R-2-Two-family residential district*,  
34 | subsection B., *Permitted principal uses and structures*, to read as follows:

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36 | \*\*\*\*

37 | 5. ~~Vacation~~ Short-term vacation rentals.

38 | \*\*\*\*

- 39 | 9. Amendment to ~~Section~~section 3.03.09.01~~-1~~, *R-3-Multifamily residential district*,  
40 | subsection B., *Permitted principal uses and structures*, to read as follows:

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42 | \*\*\*\*

43 | 5. ~~Vacation~~ Short-term vacation rentals.

44 | \*\*\*\*

- 45 | 10. Amendment to ~~Section~~section 3.03.09.02~~-1~~, *R-3b-Multifamily residential district*,  
46 | subsection B., *Permitted principal uses and structures*, to read as follows:

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5. ~~Vacation~~ Short-term vacation rentals.

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11. Amendment to ~~Section~~section 3.03.10~~-1~~<sub>-1</sub> *MH-1-Rural mobile home district*, subsection B., *Permitted principal uses and structures*, to read as follows:

\*\*\*\*

6. ~~Vacation~~ Short-term vacation rentals.

\*\*\*\*

12. Amendment to ~~Section~~section 3.03.11~~-1~~<sub>-1</sub> *MH-2-Urban mobile home district*, subsection B., *Permitted principal uses and structures*, to read as follows:

\*\*\*\*

3. ~~Vacation~~ Short-term vacation rentals.

\*\*\*\*

13. Amendment to ~~Section~~section 3.03.13~~-1~~<sub>-1</sub> *Residential/limited commercial use district*, subsection B., *Permitted principal uses and structures*, to read as follows:

\*\*\*\*

4. ~~Vacation~~ Short-term vacation rentals.

\*\*\*\*

14. Amendment to ~~Section~~section 3.03.20~~-1~~<sub>-1</sub> *PUD-Planned unit development*, subsection B., *Permitted principal uses and structures*, to read as follows:

\*\*\*\*

19. ~~Vacation~~ Short-term vacation rentals.

\*\*\*\*

15. Amendment to ~~Section~~section 3.03.20.2~~-1~~<sub>-1</sub> *MUL-PUD-Mixed use, low intensity-planned unit development*, subsection B., *Permitted principal uses and structures*, to read as follows:

\*\*\*\*

16. ~~Vacation~~ Short-term vacation rentals.

\*\*\*\*

16. Amendment to ~~Section~~section 3.03.20.3~~-1~~<sub>-1</sub> *MUH-PUD-Mixed use, high intensity-planned unit development*, subsection B., *Permitted principal uses and structures*, to read as follows:

\*\*\*\*

17. ~~Vacation~~ Short-term vacation rentals.

\*\*\*\*

17. Amendment to ~~Section~~section 3.03.21~~-1~~<sub>-1</sub> *FDD-Future development district*, subsection B., *Permitted principal uses and structures*, to read as follows:

\*\*\*\*

1 | 16. ~~Vacation~~ Short-term vacation rentals.

2 | \*\*\*\*

3 |  
4 | 18. Amendment to ~~Section~~section 3.08.02, *Specific definitions of certain terms used*  
5 | *in this article*, to include the following definitions:

6 | \*\*\*\*

7 |  
8 | *Bedroom:* The term "bedroom" shall have the same meaning as in §  
9 | 381.0065(2)(b), Florida Statutes. The term "sleeping room" is the same as a  
10 | bedroom.

11 |  
12 | *Short-term vacation rental:* Any unit or group of units in a condominium,  
13 | cooperative, or timeshare plan or any individually or collectively owned single-  
14 | family, two-family, three-family, or four-family house or dwelling unit which is also  
15 | a "transient public lodging establishment." As used in Section 3.06.14,  
16 | the term "vacation rental" is the same as a short-term vacation rental.

17 |  
18 | *Transient public lodging establishment:* Any unit, group of units, dwelling,  
19 | building, or group of buildings within a single complex of buildings which is rented  
20 | to guests more than three (3) times in a calendar year for periods of less than  
21 | thirty (30) days or one (1) calendar month, whichever is less, or which is  
22 | advertised or held out to the public as a place regularly rented to guests. A  
23 | "transient public lodging establishment" shall be a considered as a non-  
24 | residential, commercial business, whether operated for profit or as a not-for-  
25 | profit, and be subject to the additional requirements of section 3.06.14 if the  
26 | transient public lodging establishment is additionally considered to operate as a  
27 | short-term vacation rental as defined herein.

28 | \*\*\*\*

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30 |  
31 | **SECTION 3. CODIFICATION AND SCRIVENER'S ERRORS**

- 32 |  
33 |  
34 | A. The provisions of this Ordinance shall be included and incorporated into the Code of  
35 | Ordinances of Flagler County, Florida, as additions and amendments thereto, and  
36 | shall be appropriately renumbered or relettered to conform to the uniform numbering  
37 | system of the Code. Scrivener's errors may be corrected as deemed necessary.  
38 |  
39 | B. Only Section 2 herein shall be codified within the Flagler County Code of  
40 | Ordinances. Sections not specifically amended herein shall remain unchanged by  
41 | this Ordinance.

42 |  
43 | **SECTION 4. SEVERABILITY**

1 If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or  
2 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way  
3 affect the validity of the remaining portions of this Ordinance.

4  
5 **SECTION 5. EFFECTIVE DATE**

6  
7 This ordinance shall take effect upon filing with the Secretary of State as provided in  
8 Section 125.66, Florida Statutes.

9  
10 **PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS**  
11 **OF FLAGLER COUNTY, FLORIDA THIS 19TH DAY OF**  
12 **2014FEBRUARY, 2015.**

13  
14 **FLAGLER COUNTY BOARD OF**  
15 **COUNTY COMMISSIONERS**

16  
17 \_\_\_\_\_  
18 George Hanns

19  
20 \_\_\_\_\_  
21 Frank J. Meeker, Chairman

22 **ATTEST:**

23 **- APPROVED AS TO FORM:**

24 \_\_\_\_\_  
25 \_\_\_\_\_  
26 Gail Wadsworth, Clerk of the  
27 Circuit Court and Comptroller

28 \_\_\_\_\_  
29 - Al Hadeed, County Attorney