

AN ACT TO BE ENTITLED

AN ORDINANCE AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE, ORDINANCE NO. 89-21, AS AMENDED, TO CREATE A NEW SECTION REGULATING SHORT-TERM RENTALS; PROVIDING DEFINITIONS; LIMITING THE LOCATION OF SHORT-TERM RENTALS; PROVIDING FOR NOTIFICATION; REQUIRING LICENSING AND REGISTRATION; PROVIDING REQUIREMENTS FOR OPERATION; PROVIDING FOR GRANDFATHERING; PROVIDING FOR PENALTIES; PROVIDING FOR SHORT-TERM RENTALS AS A CONDITIONAL USE; ESTABLISHING APPLICABILITY; PROVIDING SEVERABILITY; INCLUSION IN CODE, AND AN EFFECTIVE DATE.

WHEREAS, the growing Tampa Bay tourism industry has led to an increase in the demand for lodging accommodations in Pasco County; and

WHEREAS, a significant part of this demand is for the rental of single-family dwelling units in traditional residential neighborhoods; and

WHEREAS, the use by tourists of single-family dwelling units in residential neighborhoods has, in some cases, led to conflict, due in part to the fact that vacationing tourists and permanent residents keep different hours and desire different levels of quiet and solitude; and

WHEREAS, conflict also occurs as a result of the lack of property maintenance by absentee property owners, who delegate the responsibility for maintaining their property to others; and

WHEREAS, Pasco County's neighborhoods are a valuable resource which must be protected for the benefit of the health, safety and welfare of the residents of Pasco County; and

WHEREAS, the tourism industry is also a valuable resource to Pasco County, providing jobs and income for its residents; and

WHEREAS, the short-term rental of residential property has become an important part of the tourism industry in Pasco County, attracting tourists to the area who might otherwise stay in neighboring counties; and

WHEREAS, the current provisions of Pasco County Zoning Ordinance are inadequate to properly balance and protect the competing interests of Pasco County's permanent residents and the short-term rental tourist industry; and

WHEREAS, in order to minimize the conflicts that occur between short-term renters and permanent residents, it is appropriate, consistent with vested rights, to require explicit zoning approval and notification for developments which intend to allow

short-term rentals; and

WHEREAS, absent explicit zoning approval, it is appropriate in existing developments containing a mixture of short-term rentals and permanent residences to require the registration and monitoring of such units; and

WHEREAS, because both those that own and those that manage short-term rentals benefit economically therefrom and possess the authority to remedy problems that arise as a result of short-term rentals, it is appropriate to hold both such parties accountable for compliance with the provisions of this Ordinance; and

WHEREAS, the Board of County Commissioners finds that the regulations contained in this Ordinance are necessary in order to protect the public health, safety and welfare of those residing in Pasco County, those owning property in the County and those visiting the County.

BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, as follows:

SECTION 1. Article 530 of the Pasco County Land Development Code is amended to create a new Section 530.21 as follows:

A. DEFINITIONS:

Bed and Breakfast: a dwelling unit occupied by its owner or the owner's agent which is made available for lodging of the public and which customarily offers lodging and a meal for one price. A dwelling unit shall not be considered a bed and breakfast if its owner or the owner's agent does not live on the premises during a majority of the time guests are occupying the unit. A bed and breakfast must be a legally permitted use approved through the zoning process.

Management Company: any person, firm, partnership, corporation or other entity which manages or is otherwise responsible for the local operation and maintenance of a short-term rental. This definition shall include the owner of a short-term rental if the owner does not contract with another for the operation and maintenance of his or her rental.

Short-Term Rental: a dwelling unit which is made available more than three (3) times per year for periods of fewer than thirty (30) days or one (1) calendar month, whichever is less, at a time for use, occupancy, or possession by the public, regardless of the form of ownership of the unit. Dwelling units commonly referred to as "timeshares," "vacation rentals," and "holiday rentals" which possess the above characteristics are included within this definition. Bed and Breakfast establishments are

excluded from the definition. Also excluded from the definition are multiple family dwellings, the individual units of which are offered exclusively for rent. The exemption of multiple family dwellings from the definition of "short term rental" shall not be construed as authorizing multiple family dwellings to be operated as hotels, motels, or other transient lodging establishments. A short term rental shall not be made available for periods of less than six (6) days at a time.

Subdivision: a platted subdivision.

B. AUTHORIZATION AND LOCATION.

Upon the effective date of this Ordinance, except as grandfathered under Section 1.F. below, individual dwelling units within subdivisions may not be utilized for short term rental purposes unless the entire subdivision, or distinct section, unit, or increment thereof in which the dwelling unit is located, has been specifically authorized by the County for short term rentals pursuant to the provisions below. Individual dwelling units outside of subdivisions may not be utilized for short term rental purposes unless specific authorization has been obtained from the County through the conditional use process for the individual dwelling unit to be utilized as a short term rental. Authorization shall be as follows:

1. For dwelling units outside of subdivisions:

a. Authorization shall be obtained through the County's conditional use permit process on a dwelling by dwelling basis.

b. Short term rentals may be located in all zoning districts with an approved conditional use.

2. For dwelling units within an MPUD approved by County prior to the effective date of this ordinance:

a. A developer may seek approval from the County for short term rentals in a distinct parcel, increment, phase, or bubble identified in the approved master plan through the substantial amendment process provided that no lots have been sold in said distinct parcel, increment, phase, or bubble. Otherwise, authorization must be obtained pursuant to B.3. Section 1.

3. For dwelling units within existing subdivisions:

a. Except as grandfathered under Section 1.F. below, individual dwelling units within an existing subdivision may not be utilized for short term rental purposes unless the entire subdivision, or the distinct section, unit, or increment thereof in which the dwelling unit is located, has received approval by the County

pursuant to the provisions set forth below for short term rentals.

b. Any lot owner within an existing subdivision may apply on behalf of the entire subdivision for a conditional use permit allowing short term rentals in the entire subdivision. The application shall include a petition of fifty-one (51%) percent of the lot owners in the subdivision for which application is being made in favor of allowing short term rentals in the entire subdivision. Upon receipt of a complete and sufficient application, a public hearing shall be scheduled directly before the Board of County Commissioners. In addition to any other required notice, notice of such hearing shall be given by the lot owner by certified mail, return receipt requested, at least twenty (20) days prior to the public hearing to each lot owner within the subdivision for which application is being made, and to each lot owner within any subdivision the boundaries of which are within two hundred fifty (250') feet of the subdivision for which application is being made. The lot owner shall use the best available information in notifying the other lot owners and shall furnish proof of notification in compliance with this section to the County prior to the public hearing.

c. In determining whether or not to allow short term rentals within an existing subdivision, the following factors shall be taken into consideration in conjunction with the factors enumerated in the Land Development Code for conditional uses:

1. The ratio of short term rentals to total lots within the subdivision;

2. The required set backs between dwelling units within the subdivision;

3. The steps that were taken to advise buyers that short term rentals were either allowed or disallowed in the subdivision; and

4. Any other factor affecting the compatibility of short term rentals with dwelling units not being utilized as short term rentals.

d. The Board of County Commissioners may only authorize (1) the entire subdivision for short term rentals, or (2) short term rentals in less than the entire subdivision only if limited to a distinct section, unit, or increment of the subdivision.

4. For dwelling units within new subdivisions approved by the County after the effective date of this ordinance:

a. Authorization shall be obtained through the County's MPUD, PUD, or Development Review Process, as applicable.

b. The County may only authorize (1) the entire subdivision for short term rentals, or (2) short term rentals in less than the entire subdivision only if limited to a distinct section, unit, or increment of the subdivision.

c. Individual dwelling units within new subdivisions may not be authorized or utilized for short term rental purposes unless the entire subdivision, or the distinct section, unit, or increment thereof in which the dwelling unit is located, has received approval by the County for short term rentals.

C. NOTIFICATION.

1. For subdivisions receiving short-term rental approval by the County, whether part of a PUD or MPUD or not, notice that short-term rentals will be allowed within the subdivision shall be provided as follows:

a. The deed restrictions for the subdivision or instruments similar in function to deed restrictions shall indicate that short term rentals are allowed within the subdivision and shall set forth the definition of "short term rental" contained herein. If the definition of "short term rental" contained herein is more permissive than what is allowed in the subdivision, a more restrictive definition of "short term rental" may be set forth. If short term rentals are allowed in less than the entire subdivision, the deed restrictions shall identify the distinct section, unit, or increment in which short term rentals are allowed.

b. A document to be entitled "Notice of Short-Term Rentals", which document shall boldly note that short-term rentals are allowed within the subdivision, shall be recorded by the developer or unit owner in the Public Records, separate from the deed restrictions or instruments similar in function for the subdivision. A copy of the recorded Notice must be provided by the developer or unit owner to the Pasco County Growth Management/Zoning Department within ten (10) days of approval of the subdivision for short term rentals, or prior to the sale of any lots within the subdivision, whichever occurs first. In addition, the Notice must be posted in a conspicuous place in the sales office or model center for the subdivision, if any, and be included in any sales literature for the subdivision. If the definition of "short term rental" contained herein is more permissive than what is allowed in the subdivision, a more restrictive definition may be included in the Notice. In addition, if short term rentals are allowed in less than the entire subdivision, the Notice may so indicate provided the Notice specifies the a distinct section, unit, or increment in which short term rentals are allowed. The Notice shall be in no less than bold 14 point font and shall contain substantially the

following language:

NOTICE OF SHORT TERM RENTALS

(Name of Subdivision)
(Name of Developer/Owner)

IMPORTANT NOTICE TO PROSPECTIVE PURCHASERS:

Short-term rentals are allowed within [Name of Subdivision]. A short-term rental is defined by Pasco County ordinances as a dwelling unit which is made available for more than three (3) times per year, for periods of fewer than thirty (30) days, or one (1) calendar month at a time, whichever is less, for use, occupancy, or possession by the public. Timeshares, vacation rentals, and holiday rentals meeting this definition are examples of short term rentals.

If you have any questions regarding short-term rentals, you may call the Pasco County Growth Management and Zoning Department at (813) 847-8193.

2. For subdivisions existing on the effective date of this Ordinance in which short-term rentals are grandfathered as provided herein, the Developer or unit owner shall record a Notice of Short-Term Rentals as provided above. A copy of the recorded notice shall be provided to the Pasco County Growth Management/Zoning Department within sixty (60) days of the effective date of this Ordinance. In addition, the Notice must be posted in a conspicuous place in the sales office or model center for the subdivision, if any, and be included in any sales literature for the subdivision.

3. In addition to the notice required above, prior to the execution of a contract for sale and purchase of a lot within a subdivision in which short term rentals have been authorized as provided in Section 1.B. above, the seller of such lot, whether the developer or a subsequent owner, and whether the lot is improved or unimproved, shall provide written notice to any prospective purchaser that short term rentals are allowed within the subdivision. The notice shall be in substantial conformance with the Notice of Short Term Rentals set forth above and must contain a sworn statement signed and dated by the seller indicating that the seller has advised the prospective purchaser of the presence of short term rentals in the subdivision along with a sworn statement signed and dated by the prospective purchaser indicating that the purchaser

has been advised by the seller of the presence of short term rentals in the subdivision. Both the seller and the prospective purchaser shall be given a signed copy of the notice.

D. LICENSING AND REGISTRATION.

1. The property owner and management company, if applicable, shall, within three (3) months of the effective date of this ordinance and on an annual basis thereafter for each dwelling unit that is to be operated as a short term rental, register each unit with the Pasco County Growth Management/Zoning Department, pay a registration fee as established and amended from time to time by resolution of the Board of County Commissioners, and obtain an occupational license from the Tax Collector. The application for such registration shall include (1) the name, telephone number, and mailing address of the management company managing the short-term rental, (2) the name, telephone number, and mailing address of the owner of such unit, (3) the street address of the unit, (4) a telephone number, pager number, or any combination thereof, at which a representative of the management company can be reached twenty-four (24) hours per day. The number(s) submitted must be either a published local number or a toll free number, and (5) a copy of the license required under Chapter 509, Florida Statutes. Only one (1) occupational license need be obtained for each management company on an annual basis, regardless of the number of properties managed under said license. Finally, all short-term rentals, transient lodging, and bed and breakfasts on which payment is made to rent, lease, let, or use for a period of 6 months or less are subject to the County's Tourist Development Tax and Collections, Chapter 106 of the Pasco County Code. Any dwelling unit which does not comply with this provision shall no longer be utilized as a short term rental.

2. Registration fees and fines collected for violation of the provisions of this ordinance are to be deposited in a separate county account to be used to provide funds for additional code compliance officers to ensure compliance with the terms of this ordinance.

3. It shall be the responsibility of both the owner of the unit and the management company for the unit to ensure that the information on file with the Growth Management/Zoning Department is both current and accurate.

E. REQUIREMENTS FOR OPERATION.

1. In addition to any other requirements contained herein, all short-term rentals, including those considered grandfathered as described herein on the effective date of this Ordinance, shall comply with the following requirements:

a. Except where the requirements of this Ordinance are more stringent, short-term rentals shall comply with all requirements for public lodging establishments under Chapter 509, Florida Statutes, and any other applicable local, State, and Federal regulations.

b. A copy of the Chapter 509 license and the County occupational license for both the short-term rental and the management company for the unit shall be displayed on the back of the main entrance/exit door to the unit. The management company's phone number shall be listed on its license.

c. Each short-term rental must have an operable telephone with the words "In Case of Emergency Dial 911" or similar words displayed in a prominent position on or by each telephone in the unit.

d. Each party occupying a short-term rental and each person or entity responsible for the housekeeping of the unit must be notified of all rules for trash collection and their required adherence with same. This notice must include information on the days of trash collection for the unit, the required use of trash containers and applicable limitations on how trash may be stored.

e. The maximum occupancy limits for short-term rentals shall be two (2) persons per separate enclosed bedroom per unit. Persons who stay overnight in a unit shall be considered occupants of the unit irrespective of whether or not they are listed as occupants on the rental contract for the unit.

f. Loading and unloading of tour/charter buses shall not be allowed within the residential areas of a subdivision. For the purposes of this provision, any vehicle seating more than fifteen (15) adults shall be considered a bus. School buses and public buses are exempt from the provisions of this paragraph.

g. A written log recording the names and addresses of all renters, and the length and dates of each rental shall be kept for each rental unit and shall be made available in Pasco County for inspection by the County upon reasonable request.

h. A notice in substantial conformance with the following shall be posted on the back of the main entrance/exit door to each short-term rental in no less than twelve-point font:

NOTICE TO OCCUPANT

**This unit is located within a residential community.
Please be considerate of your neighbors. The
following are some of the local laws and community**

restrictions that you should be aware of during your stay:

1. **Trash** - All trash must be placed in a covered, watertight trash container. Trash may not be stored in such a manner that it may become deposited on public property or the property of another or in a manner that it otherwise becomes a nuisance. Trash must be disposed of at least twice a week. Garbage collectors will pick up your trash on (management company shall verify days of collection and insert here). To ensure that your trash is picked up, please place your trash containers by the road after 5:00 p.m. the day before pick-up. Trash cans must be removed from the roadside the same day trash is picked up.
2. **Noise** - It is unlawful in Pasco County to create noise at such a level or for such a duration that the noise unreasonably interferes with your neighbors' comfortable enjoyment of their property.
3. **Animals** - Dogs, cats, or other pets may not roam free outside of your unit. When outside, your dog must either be leashed or under your direct control, and pet owners must clean up after their pet(s).
4. **Clothing** - You must wear clothes while in public or any other place where you are readily visible to the public or your neighbors. Females must wear both a top and a bottom, while males must wear a bottom. G-strings and similar articles of clothing are insufficient for this purpose.

The above notice may be modified when homeowners' association restrictions or restrictions imposed by the unit owner are more stringent than the listed regulations. In addition, restrictions may be added to the Notice. Any restrictions varying from or added to the Notice shall not infringe upon any civil rights guaranteed by the United States or Florida Constitutions.

2. Both the management company and the owner of a short-term rental shall be responsible for compliance with and shall be held jointly and severally responsible for violations of this section.

F. GRANDFATHERING.

1. The following dwelling units are eligible for grandfather rights:
 - a. Dwelling units which were being utilized as short term rentals on the effective date of this ordinance or which were so within one (1) year preceding the effective date of this ordinance; and

b. Dwelling units for which a building permit was issued or lots, whether improved or unimproved, for which a contract for sale and purchase was entered into, or for which a closing was consummated within the nine (9) months preceding the effective date of this ordinance, whether or not short term rental activity had begun on such property as of the effective date of this ordinance.

2. Grandfather rights may be obtained as follows:

a. Within six (6) months from the effective date of this ordinance, the dwelling unit owner must apply to the County's Growth Management/Zoning Department. After the six (6) month period if application has not been made, dwelling units set forth in Section 1.F.1. shall no longer be eligible for grandfather rights and said units shall not be utilized as short term rentals unless approval pursuant to Section 1.B. is obtained.

b. Applications for grandfather rights shall include:

(1) proof of registration and licensing in compliance with Section 1.D. above.

(2) Documentation demonstrating eligibility including but not limited to:

(a) Copies of sales receipts reflecting use of the unit for short-term rental purposes during the applicable time period;

(b) Copies of all licenses required for legal operation of the unit during the applicable time period; and

(c) Proof that all required taxes have been paid for the applicable time period.

3. The Zoning Administrator's determination of grandfather rights pursuant to this subsection shall be provided to the applicant and if grandfather rights are granted a public notice sign shall be posted on the dwelling unit property. Any aggrieved person has the right to appeal the administration in writing within thirty (30) days of the date of the determination as provided for in Section 317 of the Land Development Code.

4. Any grandfather rights granted pursuant to this subsection shall be revoked upon submission of competent substantial evidence that false information was submitted in connection with the application for such grandfather rights.

5. The sale of a dwelling unit entitled to grandfather rights under this subsection shall extinguish such dwelling unit's grandfather rights.

6. Dwelling units granted grandfather rights under this subsection must nonetheless comply with all requirements of this Ordinance, except Section 1B.

G. APPLICABILITY.

1. This Ordinance shall apply in the unincorporated areas of Pasco County.

2. Nothing herein shall be construed to affect the validity or to otherwise prevent the enforcement of deed restrictions or other similar instruments which either explicitly or implicitly prohibit short-term rentals within a subdivision, Planned Unit Development (PUD), or Master Planned Unit Development (MPUD).

H. PENALTIES.

Pursuant to Section 125.69, Florida Statutes, every person convicted of a violation of any provision of this Ordinance shall be punished by a fine not exceeding Five Hundred and 00/100 Dollars (\$500.00), imprisonment in the County Jail for a term not exceeding sixty (60) days, or both such fine and imprisonment. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the Board of County Commissioners may pursue other remedies such as abatement and nuisances, injunctive relief, and revocation of licenses or permits.

SECTION 2. SEVERABILITY.

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

SECTION 3. INCLUSION IN CODE.

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pasco County Land Development Code, and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. EFFECTIVE DATE.

A certified copy of this Ordinance shall be filed with the Department of State by the Clerk to the Board within ten (10) days after adoption of this ordinance, and this

ordinance shall take effect upon filing with the Department of State.

DONE AND ADOPTED by the Board of County Commissioners of Pasco County, Florida, on this 28th day of September, 1999.



BY: Donald Lee Schmidt BY: JED PITTMAN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

Ann Hildebrand
ANN HILDEBRAND, CHAIRMAN

APPROVED AS TO LEGAL FORM AND CONTENT
OFFICE OF THE COUNTY ATTORNEY

APPROVED
SEP 28 1999

By: _____
County Attorney



STATE OF FLORIDA
COUNTY OF PASCO

THIS IS TO CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL OF REC-
ORD IN MY OFFICE. WITNESS MY HAND THE COUN-
TY'S OFFICIAL SEAL THIS 29th day of Sept 1999

JED PITTMAN, CLERK TO THE BOARD

BY: Donald Lee Schmidt