

DIVISION 6. - VACATION RENTALS

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Sec. 30-1291. - Intent and purpose.

The intent and purpose of this division is to protect single family homes and residential neighborhoods from the adverse impacts of vacation rental uses; to limit new vacation rental properties to residential conservation, residential low, residential high, mixed use and airport future land use map category areas where vacation rental uses are compatible; and to provide a reasonable period of time for the amortization of existing vacation rental uses within residential areas where the continuation of such uses are not compatible with the character of the neighborhoods and the quiet enjoyment of residential properties therein.

(Ord. No. 01-12, § (1), 7-24-2001; Ord. No. 06-03, § 1, 2-23-2006)

Sec. 30-1292. - Definitions.

The words and phrases used in this division shall have the meanings prescribed in this chapter, except as otherwise defined below:

Occupant means any lessee, tenant or other person who, for consideration, occupies a residential dwelling unit pursuant to a vacation rental agreement.

Owner means the fee simple owner of any residential dwelling unit as reflected by the public records of Monroe County, Florida.

Property manager means any person other than an owner who resides in the village and is responsible for the leasing or day-to-day maintenance and operation of a residential dwelling unit used as a vacation rental use.

Vacation rental unit means a single-family or multi-family residential

dwelling unit or mobile home that operates for vacation rental use.

Vacation rental use means a use of a single family or multi-family residential dwelling unit or mobile home that is rented, leased or exchanged for a period of 28 days or less, also referred to as transient rental use pursuant to the village comprehensive plan.

Vessel means any boat or watercraft, including personal watercraft, as defined in F.S. ch. 327.

(Ord. No. 01-12, § 1(2), 7-24-2001; Ord. No. 06-03, § 1, 2-23-2006)

Sec. 30-1293. - Vacation rental use of residential properties.

The vacation rental use of single-family and multifamily residential properties within the village shall be allowed, including properties located within the residential conservation (RC), residential low (RL), residential medium (RM), residential high (RH), mixed use (MU) and airport (A) future land use map categories. Vacation rental use allowed under this policy shall not be considered as part of the cap on transient units contained in policy 1-2.1.10 of the comprehensive plan.

(Ord. No. 01-12, § 1(3), 7-24-2001; Ord. No. 06-03, § 1, 2-23-2006)

Sec. 30-1294. - Registration of existing vacation rental units.

(a)

The owner of a property located in the RC, RL, RM, RH, MU, and A future land use map categories may continue vacation rental use provided that the owner's use of the unit meets all of the following conditions:

(1)

Since December 6, 2001, the owner has continuously either paid or filed for all county tourist development taxes due and paid local impact fees for the unit it wishes to register as a vacation rental use;

(2)

The owner has applied for and received the appropriate state licensure to conduct vacation rental use for the unit;

(3)

The property is not registered for a homestead tax exemption pursuant to Article VII, [Section 6](#) of the Constitution of the State of Florida;

(4)

The unit is not a deed restricted affordable housing unit; and

(5)

The property otherwise meets all requirements of the village land development regulations.

(b) Notwithstanding the provisions of (a)(2) if the owner has not received the appropriate state licensure to conduct vacation rental at the property, a provisional registration certificate shall be issued effective for only six months. Within six months from the date of application the owner must submit a copy of the appropriate state licensure to the village or the provisional registration certificate shall become null and void.

(c) An application fee shall be established by resolution of the village council. The application fee shall be paid upon application for an initial vacation rental license and all subsequent annual licenses. Funds collected by the application fee shall be used for code compliance related to vacation rental uses, with any excess funds to be used to further affordable housing programs. For purposes of this section code compliance shall also include all activities required to process the applications, inspections, and prosecutions.

(Ord. No. 01-12, § 1(4), 7-24-2001; Ord. No. 06-03, § 1, 2-23-2006)

Sec. 30-1295. - Annual registration of vacation rental uses.

(a) Every owner operating a vacation rental use within the village shall register the use with the village during the initial annual registration period which shall be determined by the director of planning and development services. At the time of initial registration, each owner shall demonstrate to the satisfaction of the planning and development services director that all necessary state tax, Monroe County tourist development taxes, state licenses and Monroe County occupational licenses have been paid for the year. No vacation rental use may continue unless it has been registered according to this section.

(b) For each annual registration period after the initial registration period, the following conditions shall additionally apply:

(1) No new vacation rental unit shall be allowed in any residential medium (RM) future land use map category, in mobile home parks or in the settler's residential zoning district.

(2) No new vacation rental unit in the RH and MU future land use map categories may be registered unless it is assessed by the Monroe County Property Appraiser at a value in excess of 600 percent of the median adjusted gross annual income for households within Monroe County.

(3)

No new vacation rental unit in the RC, RL, or A future land use map categories may be registered unless it is assessed by the Monroe County Property Appraiser at a value in excess of 900 percent of the median adjusted gross annual income for households within Monroe County.

(c)

The annual registration shall allow up to a total of 331 single-family and multifamily vacation rental units. The priority of registration for vacation rental units for all registration periods, for the purpose of setting the order of priority for issuance of licenses for the 331 unit cap, shall be based upon the total number of months that the unit owner has paid the Monroe County tourist development tax, with units registered in ascending order (i.e., those licenses demonstrating the most months of payment shall be the last retired). Notwithstanding the provisions of subsection 30-1294(a), if the 331 unit cap is not reached in any year by those units that have paid the Monroe County tourist development tax, new units may be given priority by registration date.

(Ord. No. 01-12, § 1(5), 7-24-2001; Ord. No. 06-03, § 1, 2-23-2006)

Sec. 30-1296. - Vacation rental license regulations.

(a)

Generally. Every owner operating a vacation rental use within the village must initially obtain an active village vacation rental license for each vacation rental unit subsequent to approved registration and maintain the license during all terms of rental.

(b)

Application. The application for vacation rental license shall be in the form required by the village planning and development services director and shall contain:

(1)

A signed and notarized acknowledgment that the property owner has read and fully understands the village's vacation rental use regulations.

(2)

A copy of all necessary county occupational licenses.

(3)

A copy of all necessary state licenses, including but not limited to all licenses from the Division of Hotel and Restaurants, Florida Department of Business and Professional Regulation as required by Chapter 509, Florida Statutes, for a public lodging facility, if the property shall so qualify.

(4)

A copy of any deed, subdivision, or condominium restriction applicable to the proposed vacation rental unit.

- (5) The number and location of approved parking spaces on the property;
 - (6) The name, address and 24-hour telephone number(s) of the owner, the property manager, and of a secondary contact person residing in Monroe County north of the Seven Mile Bridge in case the property manager or owner is not available; and
 - (7) Mailing labels with the current names and addresses of adjacent property owners.
- (c) *Name.* Each vacation rental unit requires a village vacation rental license in the name of the owner.
- (d) *Term of license.* Each vacation rental license shall have a term of one year, and must be renewed by the owner or the owner's authorized agent prior to expiration in order to avoid interruption of permitted vacation rental activity. All new and renewal applications shall be accompanied by an inspection report by the village fire chief that the vacation rental unit meets the applicable provisions of Rule 69A-43, Florida Administrative Code and the Florida Fire Prevention Code (as may be amended).
- (e) *Delinquent license.* Those licenses not renewed when due and payable are delinquent and subject to a delinquency penalty of ten percent for the first month of delinquency, plus a five percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the license fee for the unit. The renewal of any license shall require a new license fee. During the period of delinquency, the vacation rental license is deemed inactive and no rental activity may occur. A vacation rental unit that does not have its license renewed within a year of its term will be ineligible for renewal and must re-register.
- (f) *Transferability.* Property owners permitted vacation rental use of a unit pursuant to this section shall lose their privileges and retire their licenses when ownership (in whole or in part) of the unit is transferred, through an arm's length sale of the property or the asset. If the unit is owned by a natural person, the transfer of the fee simple ownership of the unit to the owner's spouse or children shall not result in termination of the license.

(Ord. No. 01-12, § 1(6), 7-24-2001; Ord. No. 06-03, § 1, 2-23-2006)

Sec. 30-1297. - Vacation rental use and occupancy

restrictions.

All use and occupancy of vacation rental units shall be in accordance with the following:

- (1)** No vacation rental use in a residential subdivision shall be for less than seven days, unless otherwise permitted in a tourist commercial zoning district.
- (2)** Motor vehicles and vessel trailers shall only be parked in driveways or other areas designed and designated for parking on the vacation rental unit property, and not on the street or extending over the right-of-way or sidewalk. The number of motor vehicles and vessel trailers parked on a vacation rental use unit property shall not exceed the maximum number of permitted parking spaces identified in the application. Only motor vehicles of registered occupants may be parked overnight. No recreational vehicle, sport utility vehicle or any other motor vehicle or vessel parked or moored at the vacation rental unit property shall be used for sleeping, liveaboard use or other overnight accommodations.
- (3)** For vacation rental units that contain dock area, the total length of moored vessels shall not exceed the length of the shoreline and no vessel shall be moored against another vessel or create a navigational obstruction or hazard.
- (4)** All trash and debris shall be kept in covered trash containers. Each vacation rental unit shall be equipped with adequate covered trash containers for such purposes. Occupants shall comply with all trash provisions and recycling provisions that are applicable to the vacation rental unit. Schedules of garbage pick-up and recycling pickup shall be posted with the rental agreement.
- (5)** The maximum occupancy load of any vacation rental unit shall not exceed two adults per bedroom (children over six shall be considered adults for purposes of this section), or the lesser of such other maximum occupancy load level as may be set by either the Florida Fire Prevention Code for the particular residential dwelling unit pursuant to its administration rule making authority or the village building official.
- (6)**

All vacation rental units shall comply with all building and fire safety codes for public lodging establishments as required by state law or this Code.

(7)

Prior to occupancy of a vacation rental unit, the occupants of each unit shall be provided with a written copy of the use and occupancy restrictions contained herein in the form of a copy of these regulations and a written rental agreement. Each owner or property manager shall have a written agreement requiring an occupant who agrees to be responsible for all occupants during the rental term to comply with such restrictions as a condition of the agreement, signed by such occupant prior to occupancy. A copy of these use and occupancy restrictions shall also be prominently displayed in each vacation rental unit in no less than 16-point type, along with a warning in bold type, that any violation thereof shall constitute grounds for immediate termination of the rental agreement, eviction from the vacation rental unit by the owner or property manager and appropriate fines levied.

(8)

All lease and rental agreements shall contain in bold type, the following:

a.

Each occupant's (by family) home address and phone number;

b.

Property manager's address and 24-hour phone number(s); and

c.

The phone number at the vacation rental unit.

(9)

A copy of the rental agreement must be maintained on the property at all times and made available for review at the request of any village code compliance officer, fire safety inspector, law enforcement officer or other designated village representative. Failure to maintain a copy of the rental agreement and to make it available upon request shall constitute a violation of these regulations.

(10)

A sign no smaller than 12 inches by 12 inches and measuring between two and four feet in height shall be prominently displayed, as determined by the planning and development services director, on each property indicating an effective annual permit and permit number.

(11)

Lease agreements shall disclose village regulatory requirements regarding vacation rental use, noise ordinances and parking regulations. Lease agreements shall also include a provision that authorizes access by code enforcement personnel for purposes of determining compliance with the village Code.

(12)

In addition to complying with these regulations, the owner and property manager of a vacation rental unit shall comply with the provisions of all applicable statutes, administrative rules and this Code, including but not limited to Chapter 509 and Chapter 212, Florida Statutes. A violation of any such statute, rule, or this Code shall also constitute a violation of these regulations. To the extent that a conflict exists between the provisions of these regulations and any statute, rule, or this Code, the more restrictive regulations shall prevail.

(13)

All vacation rental units shall be immediately evacuated upon the posting of a hurricane warning by the National Weather Service or the National Hurricane Center for any portion of the Florida Keys or upon posting of a non-resident evacuation order issued by the village, county or state.

(14)

All advertising of vacation rental units shall require identification of state and village license numbers. Any advertising of vacation rental units that are not lawfully licensed by the village shall constitute a violation of these regulations.

(Ord. No. 01-12, § 1(7), 7-24-2001; Ord. No. 06-03, § 1, 2-23-2006)

Sec. 30-1298. - Enforcement of vacation rental regulations.

(a)

Operation of any vacation rental unit without a license or in violation of these regulations shall be punishable as to the owner, occupant, and/or property manager in accordance with the village code enforcement procedures, or as authorized by state law, or by a fine established by separate resolution.

(b)

An accumulation of a second violation of these regulations within any 12-month period for the same property shall be punishable by a fine in accordance with this Code and as may be established by separate resolution, and the revocation of the vacation rental license for that property. Vacation rental unit owners shall lose their

privileges and their license shall be revoked for a vacation rental property if the property has been found by non-appealable final order on two occasions to have violated the Village Code regarding vacation rental units. The owner may apply for a new license after one year from the date of revocation, but shall have no priority based on past use for purposes of the 331 unit cap, and an additional vacation rental license fee shall be paid to reinstate such license after revocation.

- (c)** Occupant violations of these regulations may result in immediate eviction of the occupant by the owner or property manager pursuant to state law, in addition to any other remedies available at law.
- (d)** Alleged violations of these regulations may be reported to the village or such other official as designated by the village manager. Any person who reports an alleged violation of these regulations shall identify the location of the violation, the property manager and owner, if known, the date and time of the incident, and the name and address and telephone number of the complainant.
- (e)** Non-payment of any assessed fines may result in a lien being placed on the property that is the subject of the violation, and the lien may be foreclosed upon pursuant to this Code or state law.
- (f)** Nothing contained in these regulations shall prohibit the village from enforcing these regulations by any other means including, but not limited to issuance of a warning, a notice of violation, a civil citation, a summons, a notice to appear in the county court, an arrest, or a civil action for injunctive relief. The enforcement procedures outlined herein are cumulative to all others and shall not be deemed prerequisites to filing suit for the enforcement of these regulations or any section of this Code.

(Ord. No. 06-03, § 1, 2-23-2006)