

530.21 Short-term rentals (created by Ordinance No. 99-21, adopted 9/28/99).

A. Definitions:

1. *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.
2. *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 rental.
3. *Short-term rental:* A dwelling unit which is made available more than three times per year for periods of fewer than 30 days or one 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 days at a time.
4. *Subdivision:* a platted subdivision.

B. Authorization and location: Upon the effective date of this section, except as grandfathered under section 530.21.F of this Code, 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 a master planned unit development 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 the said distinct parcel, increment, phase, or bubble. Otherwise, authorization must be obtained pursuant to section 530.20.B.3.b of this Code.
3. For dwelling units within existing subdivisions:
 - a. Except as grandfathered under section 530.20.F of this Code, 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 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 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 in which the boundaries are within 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 setbacks 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 section:

a. Authorization shall be obtained through the county's master planned unit development, planned unit development, 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 planned unit development or master planned unit development 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 county growth management/zoning department within ten 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 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/Zoning Department at (727)847-8193.

2. For subdivisions existing on the effective date of this section 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 county growth management/zoning department within 60 days of the effective date of this section. 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 530.20.B of this Code, 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 months of the effective date of this section 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 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 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 F.S. ch. 509. Only one occupational license need be obtained for each management company on an annual basis regardless of the number of properties managed under the 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 six months or less are subject to the county's tourist development tax and collections, chapter 106 of the 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 section.

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 section, shall comply with the following requirements:

a. Except where the requirements of this section are more stringent, short-term rentals shall comply with all requirements for public lodging establishments under F.S. ch. 509, and any other applicable local, state, and federal regulations.

b. A copy of the F.S. ch. 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 telephone 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 9-1-1" 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 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 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 the 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 12-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 pickup. 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 state 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 section or which were so within one year preceding the effective date of this section; 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 months preceding the effective date of this section, whether or not short-term rental activity had begun on such property as of the effective date of this section.
2. Grandfather rights may be obtained as follows:
 - a. Within six months from the effective date of this section, the dwelling unit owner must apply to the county's growth management/zoning department. After the six-month period if application has not been made, dwelling units set forth in section 530.20.F.1 of this Code shall no longer be eligible for grandfather rights and the said units shall not be utilized as short-term rentals unless approval pursuant to section 530.20.B of this Code is obtained.
 - b. Applications for grandfather rights shall include:
 - (1) Proof of registration and licensing in compliance with section 530.20.D of this Code.
 - (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/code compliance 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 30 days of the date of the determination as provided for in section 317 of this 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 section, except section 530.20.B.

G. Applicability:

1. This section shall apply in the unincorporated areas of the 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, or master planned unit development.

H. Penalties: Pursuant to F.S. § 125.69, every person convicted of a violation of any provision of this section shall be punished by a fine not exceeding \$500.00, imprisonment in the county jail for a term not exceeding 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