

ORDINANCE NO. 2011-5

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING SECTION 7-1 “VACATION RENTALS” OF THE CODE OF ORDINANCES; PROVIDING FOR VACATION RENTAL BUSINESS REGULATIONS; PROVIDING FOR AMORTIZATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has adopted House Bill 883/ Senate Bill 476 allowing vacation rental businesses to operate within the state and preempting local governments from regulating such businesses; and

WHEREAS, House Bill 883/Senate Bill 476 does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011; and

WHEREAS, the Village Council desires to adopt an ordinance regulating vacation rental businesses in order to mitigate the impacts of such businesses within the Village; and

WHEREAS, the Village Council further finds that the adoption of this Ordinance is in the best interest and welfare of the residents of the Village.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. The preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Creating Section 7-1 of the Village Code. The Village Council hereby creates Section 7-1 “Vacation Rentals” of the Village Code as follows:

Sec. 7-1. -Vacation Rentals.

Vacation Rentals. If permitted by state law, a vacation rental, as defined by Section

509.242(1)(c), F.S., may operate within the Village. The owner of a vacation rental shall obtain a Business Tax Receipt in accordance with Article II, Chapter 25 of the Village Code. In addition, in the IR Island Residential, VE Village Estate, VR Village Residential and PS Parkside Residential zoning districts, a vacation rental business may operate subject to the following restrictions:¹

- (1) The minimum rental period shall be 15 continuous days; and
- (2) All leases or occupancy agreements must incorporate a copy of these restrictions, must be in writing and a copy must be delivered to the Village or available on site at all times for inspection by the Village; and
- (3) All use, occupancy and other activities must comply with the Village's land development regulations and other health, safety and welfare regulations within the applicable zoning district including but not limited to all noise, nuisance and special event regulations as they are now in effect or may be amended from time to time.

Section 3. Amortization and Effect on Private Restrictions. A property owner operating a vacation rental business on the effective date of this ordinance shall have a period of one year to comply with the provisions of this Ordinance. Within 90 days of the effective date of this Ordinance, the property owner shall provide written documentation to the Village Building, Zoning and Planning Director demonstrating that such a business was operating prior to the effective date of this Ordinance. Furthermore, nothing in this Ordinance is intended in any manner to abridge or prohibit or supersede any private land use or other rental restrictions on multifamily dwellings within the Village which shall govern the rental of such properties.

Section 4. Severability. The provisions of this Ordinance are declared to be

¹ These restrictions do not apply to any multi-family uses established within the PS Parkside Residential Zoning District on the Effective Date of this Ordinance

severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. **Effective Date.** This Ordinance shall become effective immediately upon House Bill 883 and Senate Bill 476 (engrossed) becoming effective law.

PASSED AND ADOPTED on first reading this 26th day of April, 2011.

PASSED AND ADOPTED on second reading this 24th day of May, 2011.

MAYOR FRANKLIN H. CAPLAN _____

ATTEST:

CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY