

ORDINANCE NO. 2018-3

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
2 **ORLANDO, FLORIDA, RELATING TO OWNER-OCCUPIED**
3 **HOME SHARING; AMENDING CHAPTER 58, PART 5B,**
4 **LAND DEVELOPMENT CODE, MODIFYING THE BED AND**
5 **BREAKFAST STANDARDS AND PROVIDING**
6 **REGULATIONS FOR OWNER-OCCUPIED HOME**
7 **SHARING; AMENDING CHAPTER 66, PART 2, LAND**
8 **DEVELOPMENT CODE, TO PROVIDE A DEFINITION OF**
9 **OWNER-OCCUPIED HOME SHARING; AMENDING**
10 **CHAPTER 5, ORLANDO CITY CODE, TO PROVIDE FOR**
11 **CIVIL PENALTIES; PROVIDING LEGISLATIVE FINDINGS,**
12 **AND FOR SEVERABILITY, CODIFICATION, CORRECTION**
13 **OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

14
15 **WHEREAS**, the City of Orlando ("City"), regulates short-term rentals as
16 Commercial Dwelling Units, which are currently prohibited in residential zoning districts;
17 and

18
19 **WHEREAS**, in order to be more responsive to providing an avenue for residents
20 and visitors to participate in home-sharing platforms, the City desires to allow for short-
21 term rentals on a limited basis within all residential zoning districts; and

22
23 **WHEREAS**, at its regularly scheduled meeting of November 21, 2017, the
24 Municipal Planning Board recommended to the City Council of the City of Orlando,
25 Florida (the "Orlando City Council"), that the provisions of this ordinance are consistent
26 with the applicable provisions of the City's adopted Growth Management Plan, are in the
27 best interest of the public health, safety, and welfare, are in harmony with the purpose
28 and intent of the Land Development Code of the City of Orlando, Florida (the "Land
29 Development Code"), will not result in disorderly and illogical development patterns, and
30 will not result in incompatible land uses; and

31
32 **WHEREAS**, the Orlando City Council hereby finds and determines that this
33 ordinance is consistent with the applicable provisions of the City's adopted Growth
34 Management Plan, is in the best interest of the public health, safety, and welfare, is in
35 harmony with the purpose and intent of the City's Land Development Code, will not
36 result in disorderly and illogical development patterns, and will not result in incompatible
37 land uses.

38
39 **NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
40 **OF ORLANDO, FLORIDA, AS FOLLOWS:**

SECTION 1. CHAPTER 58, PART 5B, AMENDED. Chapter 58, Part 5B, Land Development Code, is hereby amended as follows:

5B. - SPECIFIC ACCESSORY USES AND STRUCTURES

5B(2). – BED AND BREAKFAST FACILITIES

Sec. 58.918. - Owner-Occupancy Required. No Bed and Breakfast Facility shall be permitted except where the owner or proprietor of the Bed and Breakfast Facility resides on the building site.

5B(19). - OWNER-OCCUPIED HOME SHARING

Sec. 58.988. General Requirements. Owner-occupied home sharing is an allowable accessory use to the following lawfully existing residential uses:

- (a) Attached dwelling;
- (b) Mobile home dwelling;
- (c) Multifamily dwelling;
- (d) Multiplex dwelling;
- (e) One family dwelling;
- (f) Residential-office mixed development; and
- (g) Two family dwelling.

The owner-occupied home sharing use must be incidental and subordinate in purpose, area and extent to the principal use, and located on the same property as the principal residential use.

Owner-occupied home sharing is permitted for hosted visits only, where the property owner or tenant lives on-site and is present on the property for the hosted visit, and provided there is a single booking at a time. Leasing out an entire dwelling unit for short term, transient use is not allowed, unless the use is allowed as a Commercial Dwelling Unit under this Code, or within a hotel/motel use.

Sec. 58.989. Procedural Requirements.

ORDINANCE NO. 2018-3

84 (a) Registration. Any person offering property within the City of Orlando for
85 owner-occupied home sharing must register that property with the City by
86 completing an application form as provided by the planning official and paying
87 an annual fee in an amount to be set from time to time by resolution of the
88 City Council. The planning official is authorized to promulgate reasonable
89 rules and regulations regarding the application and registration of owner-
90 occupied home sharing. A complete application must include or be
91 accompanied by:

- 92 1. Verification that the applicant is the property owner or has notarized
93 permission from the property owner in a form acceptable to the
94 planning official.
- 95 2. Two proofs of residency to show that the applicant resides on the
96 property being registered.
- 97 3. The total number of bedrooms on the property and how many will be
98 devoted to hosted visits.
- 99 4. Any other information required by the planning official.

100 (b) Registration approval. Applications for owner-occupied home sharing must be
101 reviewed and approved, approved with conditions, or denied, by planning
102 official determination. In reviewing an application, the planning official shall
103 apply the standards of review provided for review of conditional use permits
104 as provided at section 65.285 of this code. If the planning official approves the
105 registration, he or she may impose appropriate conditions and safeguards in
106 conformity with the intent and provisions of this code. Conditions of
107 development must be reasonably calculated to mitigate identifiable land use
108 impacts of the owner-occupied home sharing use.

109 (c) On-line posting. Any property that receives approval from the City must
110 include the approval with any on-line listing offering the property for home
111 sharing.

112 (d) Taxes. All sales and tourist development taxes for the home sharing use must
113 be appropriately remitted.

114 (e) Advertising. The advertising or advertisement for the leasing, renting, or
115 letting, for whatever length of time and without regard for frequency of
116 turnover, of a room, rooms, or any other part or parts of a residential use is
117 admissible in any enforcement proceeding and raises a rebuttable
118 presumption that the residential property is being used as a home sharing
119 use.

120 (f) Revocation. A violation of any standards or requirements contained herein, or
121 of any development conditions, or any other law or code applicable to the
122 property will result in the revocation of registration approval for home sharing.
123

ORDINANCE NO. 2018-3

Secs. ~~59.988—59.999~~58.990—58.999. - Reserved.

SECTION 2. CHAPTER 66, PART 2, AMENDED. Chapter 66, Part 2, Land Development Code, is hereby amended as follows:

PART 2. - DEFINITIONS

Sec. 66.200. Definitions.

Owner: Any person or legal entity having sufficient proprietary interest to undertake development pursuant to Chapters 58 through 66.

Owner-occupied home sharing: The leasing, renting, or letting, for whatever length of time and without regard for frequency of turnover, of a room, rooms, or any other part or parts of a residential use also occupied by the property owner or tenant. For the purposes of this Code, owner-occupied home sharing is an accessory residential use and is not a transient establishment or vacation rental under Chapter 509, Florida Statutes, nor is the use a business, profession, or occupation for purposes of Chapter 36, Orlando City Code.

SECTION 3. SECTION 5.19, CHAPTER 5, AMENDED. Section 5.19, Chapter 5, Orlando City Code, is hereby amended as follows:

Sec. 5.19. - Classes of Violations and Reduced Civil Penalties.

(2) Violations of City codes and ordinances which constitute civil infractions for which citations may be issued are as follows:

Code/Ordinance Chapter or Section	Description	Class
****	****	****
CH. 58, ZONING DISTRICTS AND USES	****	****

<u>Part 5B(19) (Sec. 58.988 through and including 58.989)</u>		
	<u>Owner-occupied home sharing</u>	<u>II</u>

ORDINANCE NO. 2018-3

SECTION 4. CODIFICATION. The city clerk and the city attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 5. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 6. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. In the event the provisions of this ordinance are deemed to be preempted by Chapter 509, Florida Statutes, this ordinance is automatically repealed and any provisions of ordinances amended or superseded by this ordinance, including any ordinance adopted on or before June 1, 2011 relating to transient establishments or vacation rentals, shall be revived and be in full force and effect.

SECTION 7. EFFECTIVE DATE. This ordinance is effective upon adoption, except for the amendments adopted by sections one through three, which will take effect July 1, 2018.

DONE, THE FIRST PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day of _____, 2018.

DONE, THE FIRST READING AND HEARING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2018.

DONE, THE SECOND PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day of _____, 2018.

DONE, THE SECOND READING AND HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2018.

ORDINANCE NO. 2018-3

BY THE MAYOR OF THE CITY OF ORLANDO,
FLORIDA:

Mayor

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

City Clerk

Print Name

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

Assistant City Attorney

Print Name

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