

BCC Meeting
January 11, 2016
Agenda Item #21

FIRST READING AND ADOPTION OF
AN ORDINANCE AMENDING
ORDINANCE NOS. 2015-02 AND
2015-05 RELATED TO
SHORT-TERM VACATION RENTALS

LEGISLATIVE

TIMELINE

- **July 6, 2011 – Ch. 2011-119, Laws of Florida, takes effect**
- **October 1, 2012 – Ch. 2012-165, Laws of Florida, takes effect**
- **April 16, 2014 – Eleven Ocean Oaks LLC files suit against Ocean Hammock Property Owners Association, Inc. (2014-CA-000260)**
- **July 1, 2014 – Ch. 2014-71 and Ch. 2014-133, Laws of Florida, take effect**
- **August 11, 2014 – 30 Cinnamon Beach Way LLC et al files suit against Dunes CDD (2014-CA-000555)**
- **October 29, 2014 – Planning and Development Board meeting on draft ordinance**
- **November 3, 2014 – BCC first reading on draft ordinance**

TIMELINE (continued)

- **February 19, 2015 – adoption of Ordinance No. 2015-02**
- **March 2, 2015 – adoption of Resolution No. 2015-15**
- **March 5, 2015 – 30 Cinnamon Beach Way LLC et al files suit against Flagler County (2015-CA-000167)**
- **April 6, 2015 – adoption of Ordinance No. 2015-05**
- **July 29, 2015 – Appeal filed by 30 Cinnamon Beach Way LLC et al with 5th DCA (5D15-2296) for Case No. 2015-CA-000167**
- **October 8, 2015 – Flagler County receives 35 Bert Harris Act claims related to the adoption of Ordinance No. 2015-02**

STVR PROGRAM SUMMARY

- **91 applications for STVR Certificates have been filed**
- **72 STVR Certificates have been issued, including 22 provisional certificates**
- **Inspections have been conducted on weekdays and Saturdays to accommodate guest arrivals and departures**

PROPOSED ORDINANCE CHANGES

- **Adds emergency lighting of primary exit**
- **Provides for retention of rental agreements by responsible parties**
- **Eliminates provisions related to suspension and revocation of STVR Certificates**
- **Allows transfer of vesting to subsequent owners**
- **Increases time period for vesting when use ceases from six months to one year consistent with Land Development Code regulation for discontinuance of nonconforming uses (see LDC Section 3.02.04.F)**

HIGHLIGHTS

- **STVR regulations within zoning districts are unchanged by law**
- **Changes are prompted by:**
 - **Continuous review by staff**
 - **Public comments**
 - **Staff experience implementing the regulations**
 - **Coordination with other jurisdictions**
 - **Pending legal environment**
- **History proves that each Legislative session produces laws potentially impacting STVRs**
- **Future changes will likely be necessary because of operational experience and legal precedent**

Questions