

Short-Term Rental Restrictions – Volusia County

Findings:

- **Volusia County**
 - **Sec. 72-283. - Home-based businesses**
 - Volusia County regulates "short term" or "vacation" rentals through the definition of a hotel/motel in the County of Volusia, Code of Ordinances (Code). The Code permits hotels/motels in the B-6 (Highway Interchange Commercial) Classification, B-7 (Commercial Marina) Classification, B-8 (Tourist) Classification, Airport Property (AP) Classification, Osteen Commercial Village (OCV)
- **Municipalities**
 - **Daytona Beach**
 - Short Term Rentals are only allowed in the “Tourist Zoning Districts” and owners must obtain a rental license.
 - **General Purposes of Tourist Base Zoning Districts.** The Tourist (T) base zoning districts are established for the general purpose of providing quality tourist destinations and enhancing the experience of tourists to Daytona Beach, and more specifically to:
 - Promote the development of quality hotels, attractions, convention centers, and meeting spaces;
 - Facilitate the development of family-friendly establishments and entertainment centers;
 - Promote the development of motor sports and car-related events such as antique auto shows, boat shows, and related events;
 - Enhance the quality of life for City residents by promoting development of quality sports, entertainment, and recreational facilities;
 - Encourage the clustering of heritage and cultural resources relating to history, culture, food, and music; and

Ensure property owners' investment by strengthening standards relating to the appearance and signage along major corridors.

- It shall be unlawful to rent or lease, or offer to rent or lease, any residential rental unit without a current residential rental license for the unit, a copy of which shall be posted or available at the residential rental property.
- **Daytona Beach Shores**
 - Short Term Rentals are only allowed in the “Tourist Zoning Districts” and owners must obtain a rental license.
- **DeBary**
 - No municipal ordinance found. County ordinance followed.
- **DeLand**
 - No municipal ordinance found. County ordinance followed.
- **Deltona**
 - No municipal ordinance found. County ordinance followed.
- **Edgewater**
 - No municipal ordinance found. County ordinance followed.
- **Holly Hill**
 - No municipal ordinance found. County ordinance followed.
- **Lake Helen**
 - **4.02.01 Short-term Vacation Rentals.**
 - This section shall apply to short-term vacation rental as a commercial business of a single-family dwelling and a two-family dwelling for fewer than 30 consecutive days. This section shall not apply to short-term vacation rentals within a multi-family residential building, or a group of multi-family residential buildings, which includes three (3) or more individual dwelling units within such building or group of buildings.

Short-term vacation rental minimum requirements. Short-term vacation rentals shall be permitted in all residential zoning districts provided they are in compliance with this section. No person shall rent or lease all or any portion of a dwelling unit as a short-term vacation rental without initially and then on a continuing basis:

1. Obtaining a short-term vacation rental Local Business Tax Receipt from the City of Lake Helen;
2. Obtaining a Florida Department of Revenue certificate of registration for purposes of collecting and remitting tourist development taxes, sales surtaxes, and transient rental taxes;
3. Obtaining a Florida Department of Business and Professional Regulation license as a transient public lodging establishment; and
4. As demonstrated through an affidavit, maintaining initial and ongoing compliance with the Short-term Vacation Rental Standards contained herein, plus any other applicable local, state, and federal laws, regulations, and standards to include, but not be limited to, Chapter 509, Florida Statutes, and Rule Chapters 61C and 69A, Florida Administrative Code or such successor statutes or Rules as may be applicable.

Short-Term Vacation Rental Standards. The following Standards shall govern the use of any short-term vacation rental as a permitted use. An inspection will be held prior to issuance of the Local Business Tax Receipt and annual inspections shall be required.

1. *Minimum life/safety requirements:*

- a. *Swimming pool, spa and hot tub safety.* A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.
- b. *Sleeping rooms.* All sleeping rooms shall meet the single- and two-family dwelling minimum requirements of the Florida Building Code.
- c. *Smoke and carbon monoxide (CO) detection and notification system.* If an interconnected and hard-wired smoke and carbon monoxide (CO) detection and notification system is not in place within the short-term vacation rental unit, then an interconnected, hard-wired smoke alarm and carbon monoxide (CO) alarm system shall be required to be installed and maintained on a

continuing basis consistent with the requirements of Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code — Residential.

d. *Fire extinguisher.* A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor/level of the unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.

e. *Battery powered emergency lighting of primary exit.* Battery powered emergency lighting which provides illumination automatically in the event of any interruption of normal lighting shall be provided for a period of not less than one (1) hour to illuminate the primary exit.

2. *Maximum occupancy.* The following specific site considerations in subsections a., b., and c. shall limit any short-term vacation rental occupancy to whichever is less, but not to exceed the permitted maximums provided in subsections d. or e., as applicable, below:

- a. One (1) person per one hundred fifty (150) gross square feet of permitted, conditioned living space;
- b. The maximum number of occupants allowed shall be restricted in accordance with any septic tank permit and the assumed occupancy/conditions the permit was issued under by the Volusia County Health Department;
- c. Two (2) persons per sleeping room, meeting the requirements for a sleeping room, plus two (2) additional persons that may sleep in a common area; or
- d. The maximum occupancy shall be limited to ten (10) occupants per short-term vacation rental unit.

3. *Parking standard.* Based on the maximum short-term transient occupancy permitted, minimum off-street parking shall be provided as one (1) space per three (3) transient occupants. Garage spaces shall count if the space is open and available and the transient occupants

are given vehicular access to the garage. On-street parking shall not be permitted.

4. *Minimum short-term vacation rental information required postings.* The short-term vacation rental shall be provided with posted material as required by the City of Lake Helen.

On the back of or next to the main entrance door or on the refrigerator there shall be provided as a single page the following information:

- a. The name, address and phone number of the short-term vacation rental responsible party;
- b. The maximum occupancy of the unit;
- c. Notice that quiet hours are to be observed between 10:00 p.m. and 8:00 a.m. daily or as superseded by any City noise regulation;
- d. The maximum number of vehicles that can be parked at the unit, along with a sketch of the location of the off-street parking spaces;
- e. The days of trash pickup and recycling;
- f. The location of the nearest hospital.

If the short-term vacation rental unit includes three (3) or more occupied floors, on the third floor above ground level and higher floors there shall be posted, next to the interior door of each bedroom a legible copy of the building evacuation map — Minimum 8½" by 11" in size.

5. *Septic tank wastewater disposal.* If wastewater service is provided through a private home septic system, then the owner shall provide Volusia County a valid Health Department septic permit and the application it is based upon for the property, demonstrating the capacity for the short-term vacation rental occupancy requested.
6. *Other standards.* Any other standards contained within the City of Lake Helen Land Development Code to include but not be limited to: noise, setbacks, stormwater, and similar provisions.

7. *Duties of the Owner/Agent.* The duties of the short-term vacation rental responsible party whether the property owner or an agent are to:

- a. Be available by landline or mobile telephone at the listed phone number twenty-four (24) hours a day, seven (7) days a week and capable of handling any issues arising from the short-term vacation rental use;
- b. If necessary, be willing and able to come to the short-term vacation rental unit within two (2) hours following notification from an occupant, the owner, or City of Lake Helen to address issues related to the short-term vacation rental;
- c. Authorized to receive service of any legal notice on behalf of the owner for violations of this section; and
- d. Otherwise monitor the short-term vacation rental unit at least once weekly to assure continued compliance with the requirements of this section.

- **New Smyrna Beach**

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- **Oak Hill**

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- **Orange City**

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- **Ormond Beach**

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- **Pierson**

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- **Ponce Inlet**

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- **Port Orange**

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- **South Daytona**

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