



Transient Accommodation Uses in the City of St. Petersburg

The internet has increasingly influenced, shaped and responded to every aspect of modern life, including the market place. The relationship between commerce and the internet has been both profitable and turbulent, causing market disruption in the entertainment (e.g., Napster vs record labels) and retail industries (e.g., Amazon vs brick and mortar retailers), to name a few.

The term “peer-to-peer” first appeared in 1999 with the file sharing platform Napster, which allowed users to access media files such as books, music, movies, and games using a peer-to-peer software program that searched for other connected computers on a network to locate desired content. The term peer-to-peer evolved to the more encompassing term “sharing economy” in the mid-2000s. The term refers to business models that enable providers and consumers to share resources and services using innovative software and technology platforms. The sharing economy includes a variety of services, one of the most common being home sharing.

Home sharing is recognized as an organized agreement between two parties, in which one party rents out all or part of his or her home to another party on a temporary, one-time basis. The length of a stay can vary greatly from nightly to weekly. Popular websites for home sharing services include Airbnb, established in 2008, HomeAway and FlipKey, both established in 2006 and VRBO (Vacation Rental By Owner) established in 1995.

As a land use, home sharing is often referred to as a “short-term rental.” Short-term rentals differ from other lodging uses by providing complete, independent living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation. Although bed and breakfasts often are similar in appearance and location to many short-term rentals, they are distinguishable by the presence of the owner/operator onsite. Boarding houses differ from short-term rentals by having multiple rooms or units for rent and common kitchen and dining facilities that are shared by the occupants. Boarding houses also tend to be less transient than short-term rentals. Similarly, hotels and motels are distinguishable from short-term rentals by having separate entrances and an on-site management office. In brief, short-term rentals take on the appearance of a residential use, but are a transient accommodation use.

Short-term rentals have become increasingly popular as an alternative to staying in hotels or motels largely due to competitive pricing, but also due to factors like the desire of travelers to obtain an “authentic” lodging experience and excess housing capacity, which varies from a second home to a garage apartment to an extra bedroom.

For properties within the City of St. Petersburg, short-term rentals are only allowed up to three times within any consecutive 365-day period, unless the property is within a zoning district that allows the hotel or motel use or a special “overlay” approval has been obtained.

Do the City’s Land Development Regulations (“LDRs”) accommodate a short-term rental use, such as those commonly associated with internet reservation websites, including AirBnB, FlipKey, HomeAway and VRBO?

The LDRs allow a property to be offered for an occupancy of up to three times in any consecutive 365-day period without it being considered a transient accommodation use. The City does not have a specific “short-term rental” use. The LDRs refer to *transient accommodation uses* which is an umbrella term that includes the *hotel* use and *motel* use as defined in the Use Matrix. The term *transient accommodation uses* is not listed as a line item in the Use Matrix, but is used in the definitions of *hotel* and *motel* in the Use Matrix.

What is the Resort Facilities Overlay (RFO)?

The Resort Facilities Overlay or RFO is an overlay listed as a land use plan category under the “special designation” section in the City’s **Comprehensive Plan** as follows:

Policy LU3.1(E)(5): Resort Facilities Overlay (RFO) - Overlaying the future land use designations for areas suitable for the combination of residential and transient accommodation uses. Transient accommodation and residential uses shall be as defined in the Zoning Ordinance. Transient accommodations shall be allowed within areas designated RFO not to exceed the maximum density in the underlying future land use plan category and zoning district. When located within an RFO area, individual transient accommodation units shall comply with the definition of dwelling unit as found in the Zoning Ordinance. Uses which are nonconforming or grandfathered uses shall not be eligible for the RFO designation.

If approved, a property owner that applies for this special overlay can use their property for transient accommodations. The application process is the same as the City’s regular Future Land Use Map amendment process and summary points are outlined below.

- Application approval requires four to five public hearings, two to three of which are at the City level and two of which are at the County level
 - Application process can take about five to six months from time of application submittal
 - Applications are accepted on a quarterly basis (the last business day of March, June, September and December each year)
 - Application fee is \$2,400
 - Application is available [here](#)
 - Application is handled through the City’s Urban Planning Division Office (Municipal Services Center, 8th Floor)
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Does City Administration have any current plans to adopt a short-term rental use in the LDRs that does not require utilization of the RFO?

No. The City Attorney's Office has stated concerns involving state preemption of local regulations if the City were to adopt a short-term rental use in the LDRs. The City's current transient accommodation use regulations are grandfathered. Section 509.032(7), F.S. states, in part:

A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

Additionally, the Budget, Finance and Taxation Committee (which consists of four City Council members) discussed the issues of short-term rentals and tax collection at its July 16, 2015 meeting. At that meeting, no committee member expressed a desire to change current City regulations regarding transient accommodations.

What transient accommodation uses are listed and defined in the LDRs?

Transient accommodation uses are defined in LDR Section 16.90.020.3 Definitions as follows:

- *Transient accommodation uses means a building containing one or more transient accommodation units, one or more of which is occupied by one or more persons, or offered or advertised as being available for such occupancy, when the right of occupancy is for a term less than monthly, such right of occupancy being available more than three times in any consecutive 365-day period. The determination that a property is being used as a transient accommodation use is made without regard to the form of ownership of the property or unit, or whether the occupant has a direct or an indirect ownership interest in the property or unit; and without regard to whether the right of occupancy arises from a rental agreement, other agreement, or the payment of consideration. The term "transient accommodation uses" includes but is not limited to hotels, motels, recreational vehicle parks, tourist lodging facilities, resort condominiums, resort dwellings, vacation resorts, and dwelling units occupied or available for occupancy on an interval ownership or "time share" basis, when any of the above are made available for occupancy more than three times in any consecutive 365-day period and the right of occupancy is for a term less than monthly.*

The term "transient accommodation uses" does not include any of the following uses if such use otherwise complies with the applicable requirements of the City and is licensed by the State of Florida, if such licensing is required by law: bed and breakfast homes, community residential homes, nursing homes, rehabilitation facilities for persons with drug, alcohol, or physical impairments, respite care facilities for persons with terminal illnesses and their families, short-term/emergency housing or long term housing where allowed by this chapter, and child foster homes. The term "transient accommodation uses" does not include a guest house dwelling, when one or both of the sleeping rooms are located as a permitted accessory use within and incidental to the primary residential structure and the primary residential structure is owned by a natural person and occupied by the owner. A use which is otherwise a residential use is not considered a "transient accommodations use" solely because it is occupied by members of the owner's family, a housekeeper or caretaker, or guests who reside on the premises without paying rent or other consideration for such occupancy.

The term "transient accommodation uses" does not prohibit the owner of a residential dwelling unit from occupying the dwelling unit as infrequently as the owner may desire.

Hotels are defined in [LDR Section 16.10.020.1 Use Matrix](#) as follows:

- *Establishments providing transient accommodation units available for the accommodation of persons more than three times in any consecutive 365-day period, each for a term less than monthly, in which meals may or may not be provided, and in which principal access to all transient accommodation units is through an inside lobby or office supervised by a person in charge at all hours. The term includes, but is not limited to, transient accommodation units, without regard to whether such units are available on a rental basis or by other forms of agreement or property ownership. Hotels may include internal restaurant and accessory commercial uses for guests, fitness facilities, swimming pools, or shuttle services between hotels, airports, or other destination points.*

Motels are defined in [LDR Section 16.10.020.1 Use Matrix](#) as follows:

- *Establishments providing transient accommodation units are available for the accommodation of persons more than three times in any consecutive 365-day period, each for a term less than monthly, in which a majority of the units have direct entrances from the outside, and in which parking spaces are oriented to the units in such a manner as to facilitate direct access from such units to the automobiles of the occupants. The term includes, but is not limited to, transient accommodation units, without regard to whether such units are available on a rental basis or by other forms of agreement or property ownership.*

Why aren't bed and breakfasts considered a transient accommodation use?

Bed and breakfasts have generally been viewed as fitting in with the character of more traditional neighborhoods in the City and are allowed in the NT-1, NT-2 and NT-3 zoning districts if approved through the Special Exception review process. The bed and breakfast use also has a list of use specific criteria that must be followed and are contained in [LDR Section 16.50.040](#). One of the requirements is that an owner or manager must reside on the premises.

Additionally, the Pinellas Planning Council's (PPC) [Countywide Rules](#), which the City must comply with, includes the bed and breakfast use in the definition of "Residential Equivalent Use" as such:

A residential-like accommodation other than a dwelling unit, including bed and breakfast, group home, congregate care, nursing home and comparable assisted living facilities.

Where can I learn more about the research the City has done on short-term rentals?

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