

THE GABLE LAW FIRM, P.A.

140 S. Beach St., Suite 310
Daytona Beach, Florida 32114
PHONE (386) 299-9778
Email: matt@gablelawfirm.com
Attorney Matthew Gable
www.gablelawfirm.com

Starboard Light Condominium Association (“Association”)
Via Email

June 24, 2021

Re: Zoning and Rental Limitations

Dear Board:

This office has undertaken a comprehensive review of the governing documentation as well as the local zoning codes.

Currently, the condominium is defined to be within the R-8 zoning classification of the Volusia County code. R-8, is defined as Urban Multifamily Residential per Section 72-241. This zoning designation does not permit rentals that are for less than 30 days. This ruling applies to both condominiums and single-family residential properties, as it applies to all dwellings. The definition of a dwelling is defined in Chapter 72 of the Land Development Code as: “Any building or portion thereof designed, occupied or intended for occupancy as a complete, independent living facility...” Section 10.1 of the Declaration of Condominium states (“Declaration”), “Each of the Units shall be occupied only as a *residential* dwelling.” All of the rules of the Comprehensive Land Development Code can be found at www.municode.com.

The authority of the County to make such decisions is also provided by Florida Law. Florida Statutes chapter 163 requires counties and provides the authority for them to regulate unincorporated areas. Furthermore, there are administrative rules such as Chapter 9J-5 which permits and allows for governmental zoning controls and policies. The county has authority to regulate short-term rentals, and there have been multiple legal challenges within Volusia County, which as of now have all been won by the County

Since the County has the legal authority to regulate short-term rentals, Section 10.5 of the Declaration 10.5 reiterates that the units may only be used for lawful purposes, and all zoning ordinances must be observed. Section 10.6 states as well that “Units shall not be leased for a period of less than seven days.” Therefore, any rentals that are not meeting the county rules of the 30-day minimum are in violation.

It is imperative that the unit owners follow the law within the County as it is set forth and only renting for a minimum of 30 days. If the county becomes aware of short-term rentals, the

unit owners may face the possibility of fine and attorney fees. The Association is in no way associated with any rentals within the community and is notifying the community that any short-term rentals are a violation. Therefore, any liability or claims made by the County, or any third party shall be solely the responsibility of the Unit owner.

Sincerely,
The Gable Law Firm, P.A.

_____/s/_____
Matthew Gable, Esq.