

Introduced by: \_\_\_\_\_  
1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_

**ORDINANCE NO. 2019-8118**

**AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING CHAPTER 34. LAND DEVELOPMENT CODE, ARTICLE VIII. SITE DEVELOPMENT STANDARDS, DIVISION 2. SUPPLEMENTAL STANDARDS, CREATING A NEW SECTION 34-411 SHORT TERM VACATION RENTALS, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES; PROVIDING DEFINITIONS FOR “SHORT TERM VACATION RENTAL,” “TRANSIENT OCCUPANCY,” AND “TRANSIENT PUBLIC LODGING ESTABLISHMENT” TO CHAPTER 34. LAND DEVELOPMENT CODE, ARTICLE IV. DEFINITIONS; AMENDING CHAPTER 34. LAND DEVELOPMENT CODE, ARTICLE VII. ZONING DISTRICTS, DIVISION 2. ZONING DISTRICTS, SECTION 34-336. RESIDENTIAL, SINGLE-FAMILY: RS-1, SECTION 34-337. RESIDENTIAL SINGLE-FAMILY: RS-2, SECTION 34-338. RESIDENTIAL, SINGLE-FAMILY: RS-3, SECTION 34-339. RESIDENTIAL MULTIPLE-FAMILY: RM-1, SECTION 34-340. RESIDENTIAL, MULTIPLE-FAMILY: RM-2, SECTION 34-341. COMMERCIAL PROFESSIONAL OFFICE: CPO, SECTION 34-342. COMMERCIAL LIMITED: C-1, SECTION 34-343. COMMERCIAL GENERAL: C-2, SECTION 34-345. CENTRAL BUSINESS DISTRICT: CBD; PROVIDING THAT SHORT TERM VACATION RENTALS ARE A PERMITTED USE; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE:**

**WHEREAS**, the City of Jacksonville Beach has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapters 163 & 166, Florida Statutes; and

**WHEREAS**, prior to 2011 Florida’s cities and counties regulated local land use issues and decisions under the Home Rule authority granted them by the Florida Constitution; and

**WHEREAS**, in 2011 the Florida Legislature enacted House Bill 883 (Chapter 2011-119, Laws of Florida) which preempted the local regulation, restriction or prohibition of vacation rentals based solely on their classification, use or occupancy; and

**WHEREAS**, the preemption to the state provided little oversight of vacation rentals such as staffing for mandatory or randomized inspections of vacation rentals and applied relaxed standards for vacation rentals when compared to hotels, motels, and bed and breakfast establishments; and

**WHEREAS**, the preemption prohibited local governments from enacting new regulations necessary to address any negative impacts caused by short-term vacation rentals; and

**WHEREAS**, Chapter 720 Florida Statutes provides for the formation and operation of homeowners' associations, independent of government authority; and

**WHEREAS**, such homeowners' associations may or may not exist in all single- and two-family residential neighborhoods; and

**WHEREAS**, such homeowners' associations typically employ property managers and employees or contracted vendors to monitor maintenance, upkeep, security and/or operation of the property on a frequent basis; and

**WHEREAS**, homeowners' associations are governed by covenants, restrictions and bylaws of the governing associations; and

**WHEREAS**, such homeowners' associations which allow short term vacation rentals are not regulated locally at this time, but may be in the future if deemed necessary in the interest of the public health, safety, and welfare; and

**WHEREAS**, in 2014 the Florida Legislature enacted Senate Bill 356 (Chapter 2014-71, Laws of Florida) which rescinded portions of the previous preemption but provided that local governments may not prohibit or regulate the frequency or duration of short term vacation rentals; and

**WHEREAS**, Chapter 2014-71, Laws of Florida returned some local control back to communities to mitigate the effects of short term vacation rentals to make them safer, more compatible with existing neighborhood uses, and accountable for proper operation; and

**WHEREAS**, short term vacation rentals cannot be prohibited and are therefore a permitted use in all zoning districts; and

**WHEREAS**, single-family, two-family, and townhouse neighborhoods and their required infrastructure are generally designed to accommodate typical residential homes; and

**WHEREAS**, local governments apply design standards tailored for residential neighborhoods for their roads, driveways, emergency services planning, public shelters, emergency evacuation plans, solid waste collection, utilities, buffers, other infrastructure impacts along with the corresponding fair and proportionate impact/connection fees; and

**WHEREAS**, permanent single-family, two-family, and townhouse residents inherently understand and know their physical surroundings, to include any safety gaps and potential risks to life and safety due to daily familiarity; and

**WHEREAS**, due to the transient nature of the occupancy short term rental vacation occupants are unfamiliar with local hurricane evacuation plans, the location of fire extinguishers, residence exit routes, pool and home safety features and similar life safety measures as would readily be provided to guests in traditional lodging establishments; and

**WHEREAS**, short term vacation rental owners may live outside the jurisdiction and not experience the quality of life problems and negative impacts associated with larger, unregulated short term vacation rental units on the surrounding residential neighborhood; and

**WHEREAS**, short term vacation rentals located in residential neighborhoods without regulation or standards for mitigation can create disproportional impacts related to their size, excessive occupancy, and lack of proper facilities; and

**WHEREAS**, short term vacation rentals are more likely to be created in single-family, two-family, or townhouses built prior to current building codes that require minimum life safety improvements, such as smoke detectors, carbon monoxide detectors, pool alarms, pool safety drains, and other such life safety equipment; and

**WHEREAS**, some short term vacation rental owners will not make such investments to upgrade the life safety equipment and requirements without local requirements, inspections, and enforcement programs; and

**WHEREAS**, short term vacation rentals located within established neighborhoods disturb the quiet enjoyment of the neighborhood, lower property values, and burden the design layout of typical residential neighborhoods; and

**WHEREAS**, short term vacation rentals located within established single-family, two-family, and townhouse neighborhoods create negative compatibility impacts, including but not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety; and

**WHEREAS**, traditional lodging establishments (hotels, motels, and bed & breakfast inns) are restricted to commercial and other non-residential zoning districts where the intensity of use is separated from the quiet residential uses; and

**WHEREAS**, traditional lodging establishments must meet stricter development standards, undergo annual or bi-annual inspections, and meet more stringent operational and business requirements; and

**WHEREAS**, traditionally lodging establishments typically must make roadway improvements and/or pay higher transportation, water, sewer, and other impact fees to offset the infrastructure demands created by their use; and

**WHEREAS**, multi-unit condominium buildings which allow short term vacation rental units are subject to Florida Statutes Chapter 718 and typically to covenants, restrictions, and bylaws thereof; and

**WHEREAS**, multi-unit condominium buildings are typically constructed to more stringent building code, fire code, and other life safety code standards including sprinkler systems, interconnected fire alarm systems, fire alarm panels, emergency lighting, exit signs, fire extinguishers, and fire wall separation between occupancies; and

**WHEREAS**, multi-unit condominium buildings are routinely inspected for fire and life safety code compliance including fire sprinkler systems, interconnected fire alarm systems, fire alarm panels, fire pumps, emergency lighting, exit signs, backflow prevention, elevator operation, and communications; and

**WHEREAS**, many multi-unit condominium buildings have on-site property managers and employees or contracted vendors to provide maintenance, upkeep, security and/or operation of the property on a frequent basis; and

**WHEREAS**, multi-unit condominium buildings which allow short term vacation rentals are not regulated locally at this time, but may be in the future if deemed necessary in the interest of the public health, safety, and welfare; and

**WHEREAS**, whenever one (1) or more property owner permanently resides at the short term vacation rental located within the same structure the number of renters is minimized and the owner is present to directly manage the property; and

**WHEREAS**, an on-site owner permanently residing in a short term vacation rental is likely to manage the short term vacation rental more restrictively because there is a direct, vested interest in its use and maintenance; and

**WHEREAS**, owner-occupied short term vacation rentals are not regulated locally at this time, but may be in the future if deemed necessary in the interest of the public health, safety, and welfare; and

**WHEREAS**, permanent residents within residential neighborhoods often establish long-term friendships, social norms, and a sense of community which often leads to mutual respect among property owners; and

**WHEREAS**, a permanent residence is typically the largest investment a family will make in their lifetime, with the homestead held sacred in popular culture as the heart and center of the family unit; and

**WHEREAS**, permanent residents within established residential neighborhoods deserve the right to tranquility and peaceful enjoyment of their home without intrusion by an excessive number of transient occupants; and

**WHEREAS**, the City of Jacksonville Beach promotes tourism, including appreciation and enjoyment of its pristine beaches, fishing pier, boardwalk, historic sites, and entertainment options; and

**WHEREAS**, many local governments in the State of Florida, and across the nation, have instituted standards to minimize the negative impacts of short term vacation rentals on the permanent residents; and

**WHEREAS**, the City of Jacksonville Beach has experienced a significant increase in the construction of new, oversized structures and the repurposing of existing residential homes for the primary purpose of serving as mini-hotels for short term vacation rentals for up to as many as seventeen (17) individuals; and

**WHEREAS**, although family size per residence varies, the most recent data from the 2010 U.S. Census indicates the City of Jacksonville Beach average family size is 2.74 persons; and

**WHEREAS**, the 2010 U.S. Census data further indicates the average household size in the City of Jacksonville Beach is 2.11 persons; and

**WHEREAS**, the operation of short term vacation rentals in established neighborhoods in the City of Jacksonville Beach creates a large disparity in short term vacation rental impacts with more than six (6)

times the average occupancy of established owner-occupied residences making the higher occupancy of the short term vacation rental homes incompatible with established neighborhood; and

**WHEREAS**, utility usage by short term vacation rentals may exceed the usage levels anticipated at the time of initial permitting as a single-family, two-family, or townhouse residence, creating a disparity between the impact and connection fees paid and the system impacts caused by their increased demand; and

**WHEREAS**, the State of Florida through its existing regulatory framework provides for licensing, maintenance, and inspection of hotels and motels; however no similar regulatory framework exists for short term vacation rentals; and

**WHEREAS**, current vacation rental industry practice is to set maximum limits upon the number of transient occupants within a short term vacation rental unit, but lack provisions for verification and enforcement; and

**WHEREAS**, current vacation rental industry practice is to charge a flat rental fee for the term of the lease, regardless of transient occupancy count, which incentivizes lessees of oversized structures used as short term vacation rentals to increase the transient occupant count to spread out the cost burden for the rental term among as many payers as possible; and

**WHEREAS**, the City of Jacksonville Beach desires to encourage short term vacation rentals that are safe, compatible with the character of the neighborhood, provide positive impacts for tourism, increase property values, and achieve greater neighborhood compatibility; and

**WHEREAS**, the City of Jacksonville Beach seeks to balance respect for private property rights and incompatibility concerns between the investors in short term vacation rentals and the families investment in permanent single-family, two-family, or townhouse residences in established residential neighborhoods through the use of reasonable rules, regulations, and development standards; and

**WHEREAS**, these regulations are deemed necessary to preserve property values and to protect the health, safety, and general welfare of permanent residents, property owners, investors, transient occupants, and visitors alike; and

**WHEREAS**, these regulations are being promulgated to supplement, but not replace, any existing federal or state law, regulation, or other controls within established residential neighborhoods served by a homeowners' association; and

**WHEREAS**, the City of Jacksonville Beach seeks to regulate commercial use of single-family, two-family, and townhouse subject to initial inspection requirements, ongoing compliance with these regulations, issuance of and annual renewal of local business tax receipt for short term rental use; and

**WHEREAS**, these regulations do not regulate duration or frequency of vacation rentals, but are intended to address the frequent change of transient occupants housed within single-family, two-family, and townhouse dwellings within established residential neighborhoods; and

**WHEREAS**, the application of minimum life safety requirements to short term vacation rentals, along with other minimum standards, ensures that transient occupants are provided the same minimum level of protection as is required by current statutes, regulations, and codes for single-family, two-family, and townhouse dwellings as utilized for hotels, motels, and dormitories; and

**WHEREAS**, a maximum occupancy of sixteen (16) persons within any short term vacation rental in any zoning district is appropriate because any occupancy of greater than sixteen (16) persons falls within a commercial classification of hotel or dormitory for the purposes of the National Fire Protection Association (NFPA) 101 Life Safety Code; and

**WHEREAS**, for purposes of compliance with the National Fire Protection Association (NFPA) 101 Life Safety Code, occupancies of sixteen (16) or fewer persons may be provided in single-family, two-family, or townhouse short term vacation rentals without consideration as a hotel or dormitory and provisions of related life safety requirements; and

**WHEREAS**, the minimum residential safety standards, as adopted by the Florida Legislature as the Residential Swimming Pool Safety Act include provision of swimming pool, spa, and hot tub barriers or alarms so as to reduce the likelihood of child and elder drowning; and

**WHEREAS**, sleeping rooms as so designated within short term vacation rentals shall be considered the equivalent of bedrooms within single-family, two-family, and townhouse residential homes, with the same requirements as are currently provided within local, state, and federal regulations, as applicable; and

**WHEREAS**, because of the high occupancy and transient nature of occupants within many short term vacation rentals, fire safety becomes important; and

**WHEREAS**, where interconnected, hard-wired smoke and carbon monoxide alarm systems are not in place, then at a minimum, these systems will be installed to provide for sufficient warning for evacuation so as to minimize loss of life within an occupied short term vacation rental unit; and

**WHEREAS**, Section 509.215(6), Florida Statutes, requires that specialized smoke detectors for the deaf and hearing impaired are required to be available in all public lodging establishments upon the request of guests; and

**WHEREAS**, where a fire sprinkler system is not in place, then at a minimum, the placement of a multi-purpose dry chemical fire extinguisher on each floor of a short term vacation rental will provide a basic level of fire protection based on the class of fire and fire loading anticipated to be encountered in an occupied short term vacation rental until; and

**WHEREAS**, in the event of an emergency, the presence of posted building exit routes can reduce the risk to transient occupants who are unfamiliar with the short term vacation rental unit; and

**WHEREAS**, site specific short term vacation rental standards, such as, minimum parking standards, solid waste handling and containment, and the establishment of quiet hours, serve to maintain the decorum that exists among owners in established residential neighborhoods and are better assured by having these same standards conveyed to transient occupants through the duration of their rental; and

**WHEREAS**, short term vacation rentals operate as commercial enterprises, subject to additional regulatory requirements beyond those normally required of single-family, two-family, and townhouse residences, including business licensing by the State of Florida Department of Business and Professional Regulation's Division of Hotels and Restaurants, obtaining county and local business tax receipts, and collecting and remitting various sales taxes to state and local government; and

**WHEREAS**, a short term vacation rental is a commercial lodging activity; and

**WHEREAS**, some short term vacation rentals are being used exclusively as rentals by investors and/or home owners; and

**WHEREAS**, the establishment of minimum business practices, such as the provision of both lease-specific and property-specific information to lessees, and the designation of a local short term vacation rental responsible party, ensures that the private property rights of the short term vacation rental owner are balanced with the needs of the City of Jacksonville Beach to protect visitors and tourists and to preserve the general welfare through its limited regulatory power; and

**WHEREAS**, the City of Jacksonville Beach, through its existing regulatory framework, will issue certificates to short term vacation rentals conforming to those standards, which will in turn provide a level playing field amongst all providers of short term vacation rental units; and

**WHEREAS**, it is the intent of the City of Jacksonville Beach to provide for the establishment of an enforcement mechanism for those short term vacation rentals which do not adhere to the standards on an initial or continuing basis, with the overall goal of the short term vacation rental program being compliance with established standards and not punitive in scope; and

**WHEREAS**, the City of Jacksonville Beach Planning Commission held a duly noticed public hearing on **May 6, 2019** and recommended approval of this ordinance; and

**WHEREAS**, the City Council of the City of Jacksonville Beach held a duly noticed public hearing on **May 20, 2019** and approved this ordinance on first reading; and

**WHEREAS**, the City Council of the City of Jacksonville Beach finds the proposed amendment will serve to protect the health and safety of residents, adjacent residential uses, and the general neighborhood.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:**

**SECTION 1. Recitals.** The above recitals are ratified and confirmed as being true and correct and are made a part of this Ordinance and adopted as legislative findings.

**SECTION 2. Amendment of City Code.** That Chapter 34, Article IV. Definitions is hereby amended to add definitions, in proper alphabetical order, new definitions for *Short Term Vacation Rental*, *Transient Occupancy*, and *Transient Public Lodging Establishment* as follows<sup>1</sup>:

**Section 34-41. General**

*Short term vacation rental means any individually or collectively owned single-family, two-family, or townhouse dwelling unit that is also a transient public lodging establishment but that is not a timeshare project.*

---

<sup>1</sup> (~~strikethrough~~ text indicates deletions, underline text indicates additions).

Transient occupancy means occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient.

Transient public lodging establishment means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests, as defined in Florida Statutes 509.013(4)(a), as may be amended.

**SECTION 3.** That Chapter 34, Article VIII, Division 2 of the City of Jacksonville Beach Code of Ordinances and Land Development Code is hereby amended by adding new Section 34-411 to read as follows:

**Section 34-411 – Short Term Vacation Rentals.**

- (a) Applicability. This section shall apply to short term vacation rentals as defined in section 34-41.
- (b) Short term vacation rental minimum requirements. Short term vacation rentals shall be permitted in all zoning districts where residential use is permitted 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 as defined in section 34-41 without initially and on a continuing basis:
- (1) Obtaining a short term vacation rental certificate from the City of Jacksonville Beach pursuant to this section;
  - (2) Obtaining a county business tax receipt from the Consolidated City of Jacksonville pursuant to its ordinances, as may be amended;
  - (3) Obtaining a local business tax receipt from the City of Jacksonville Beach pursuant to Chapter 15 of the Code of Ordinances, as may be amended;
  - (4) Obtaining a Florida Department of Revenue certificate of registration for purposes of collecting and remitting tourist development taxes, sales surtaxes, and transient rental taxes;
  - (5) Obtaining a Florida Department of Business and Professional Regulation license as a transient public lodging establishment; and
  - (6) As demonstrated through an affidavit, maintaining initial and ongoing compliance with Short Term Vacation Rental Standards contained herein, as well as any local, state, and federal laws, regulations, and standards to include,



but not limited to, Chapter 509, Florida Statutes, and Florida Administrative Code Chapters 61C and 69A, as may be amended.

(c) Short Term Vacation Rental Standards. The following Standards shall govern the use of any short term vacation rental as a permitted use:

(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, as may be amended.

b. Sleeping Rooms. All sleeping rooms shall meet the single-family, and two-family dwelling minimum requirements of the Florida Building Code, as may be amended.

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 509.215, Florida Statutes, as may be amended, and Carbon Monoxide (CO), of the Florida Building Code – Residential, as may be amended.

d. Specialized smoke detectors for the deaf and hearing impaired shall be available upon request by guests as required by Section 509.215(6), Florida Statutes, as may be amended.

e. 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.

f. Automatic sprinkler system. Any transient public lodging establishment which is of three stories or more shall be equipped with an automatic sprinkler system in compliance with Section 461.1, Florida Building Code.

(2) Maximum Occupancy. Maximum occupancy will be limited to four (3) persons per air-conditioned full bathroom or one (1) per one hundred fifty (150) square

feet, whichever is less, except that under no condition shall maximum occupancy exceed sixteen (16) occupants per short term vacation rental unit.

- (3) Parking Standards. 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 based on total maximum occupancy. Garage spaces shall count if the space is open and available and the transient occupants are given vehicular access to the garage. On-street or grass parking shall not be permitted.
  - (4) Solid Waste handling and containment. Based on the maximum transient occupancy permitted, one (1) trash storage container shall be provided for every four (4) transient occupants or fraction thereof. Appropriate screening and storage requirements for trash storage containers shall apply per any development approval or local neighborhood standard, whichever is more restrictive. For purposes of this section, a trash storage container shall be a commercially available thirty-five (35) gallon or greater capacity container with a lid that securely fastens to the container so as to prevent spills and animal access. The container shall be placed at curbside on the day of solid waste pickup and removed from curbside no later than sunrise the following day.
  - (5) Minimum short term vacation rental lease agreement wording. The short term vacation rental lease agreement shall contain the minimum information as provided for in subsection 34-411(h).
  - (6) Minimum short term vacation rental information required postings. The short term vacation rental shall be provided with posted material as required pursuant to subsection 34-411(i).
  - (7) Minimum short term vacation rental lessee information. The short term vacation rental lessee shall be provided with posted material as required pursuant to subsection 34-411(h).
  - (8) Designation of a short term vacation rental responsible party capable of meeting the duties required pursuant to subsection 34-411(g) shall be required.
  - (9) Advertising. Any advertising of the short term vacation rental unit shall conform to information included in the Short Term Vacation Rental Certificate and property's approval, particularly as it pertains to maximum occupancy.
  - (10) Other standards. Any other standards contained within the City of Jacksonville Beach Land Development Code to include, but not limited to, noise limits, setbacks, stormwater, and similar provision shall be applicable.
- (d) Short Term Vacation Rental Certificate. To verify compliance with these Short Term Vacation Rental Standards, any property owner who wishes to use his or her dwelling

unit as a short term vacation rental must first apply for and receive a Short Term Vacation Rental Certificate from the City of Jacksonville Beach. The following requirements further apply:

- (1) The Short Term Vacation Rental Certificate shall be renewed annually for as long as the unit is used as a short term vacation rental.
  - (2) Each dwelling unit used as a short term vacation rental requires a separate Short Term Vacation Rental Certificate.
  - (3) An annual Certificate fee shall be paid for each dwelling unit certified as a short term vacation rental in an amount to be determined by Resolution of the City Council of the City of Jacksonville Beach.
  - (4) Certificate fees shall be implemented to cover the costs of administration of the Short Term Vacation Rental Certificate and Inspection program.
  - (5) Failure to comply with any of the requirements of this section shall be grounds for revocation or suspension of the Certificate in accordance with the requirements contained herein.
- (e) Application for a Short Term Vacation Rental Certificate. Each property owner seeking initial issuance, renewal, transfer, or modification of a Short Term Vacation Rental Certificate shall submit a City of Jacksonville Beach Short Term Vacation Rental Application in a form specified by the City, along with an application fee in an amount to be determined by Resolution of the City Council of the City of Jacksonville Beach.
- (1) A complete application for initial or modification of a Short Term Vacation Rental Certificate shall demonstrate compliance with the Short Term Vacation Rental Standards above through the following submittals:
    - a. A completed application and all applicable fees.
    - b. An exterior site sketch of the short term vacation rental dwelling unit(s) demonstrating compliance with the Short Term Vacation Rental Standards contained herein. The sketch shall be drawn to scale and show all structures, pools, fencing, and uses including areas provided for off-street parking and solid waste collection. For purposes of the sketch, off-street parking spaces shall be delineated so as to enable a fixed count of the number of spaces provided. No parking shall be permitted within a public right-of-way or private roadway.
    - c. An interior building sketch by floor shall be provided showing floor layout and demonstrating compliance with the Short Term Vacation Rental Standards contained herein. The sketch shall be drawn to scale,

showing all bedrooms, sleeping areas, exits, smoke/carbon monoxide detectors, and fire extinguishers, etc.

d. Copies of the required short term rental postings shall be provided.

e. A blank sample of the required short term vacation rental lease agreement and lessee information demonstrating compliance with all required lease terms shall be provided.

f. Any other required information necessary to demonstrate compliance with the Short Term Vacation Rental Standards contained herein or as may be amended.

(2) Certificate renewals or transfers. The application for renewal or transfer of a Short Term Vacation Rental Certificate shall demonstrate compliance with the following:

a. If no changes have occurred since the issuance of the most recent Short Term Vacation Rental Certificate, no additional submittals are required to accompany the renewal or transfer of a Short Term Vacation Rental Certificate Application except as required by subsection 34-411(e)(2)b below.

b. If minor changes not involving the specific modifications described in subsection 34-411(e)(3) have occurred since the issuance of the most recent Short Term Vacation Rental Certificate, additional submittals specific to the minor changes shall be required to accompany the application as necessary to demonstrate compliance with the Short Term Vacation Rental Standards.

c. A Short Term Vacation Rental Certificate holder must apply annually for a renewal of the Certificate by October 1 of each year.

(3) Modification of Short Term Vacation Rental Certificate. An application for modification of a Short Term Vacation Rental Certificate is necessary where any of the following apply:

a. The gross square footage of the Short Term Vacation Rental unit has increased; or

b. The number of sleeping areas or bedrooms is proposed to increase; or

c. The occupancy is otherwise proposed to increase.

-If an inspection of a modification to a Short Term Vacation Rental Certificate is required, the modification in usage or occupancy may not occur until after successful inspection; however, pending such successful inspection the current Certificate shall remain valid.

(f) *Initial and routine compliance inspections of Short Term Vacation Rentals.*

- (1) An inspection of the Short Term Vacation Rental unit for compliance with this section is required prior to issuance of an initial Short Term Vacation Rental Certificate.
  - a. The local fire official or designee shall be allowed entry and perform all inspections as permitted or required under this section or by Section 10-3.04 and Section 10-3.05, City of Jacksonville Beach Code of Ordinances.
  - b. If violations are found, all violations must be corrected and the Short Term Vacation Rental unit must be re-inspected prior to issuance of the initial Short Term Vacation Rental Certificate.
  - c. An exception to the correction of violations as required in this subsection is made for any Short Term Vacation Rental seeking vested rights pursuant to subsection 34-411(m) to the extent that a vesting determination specifically provides such exemption.
- (2) Once issued, a Short Term Vacation Rental unit must be properly maintained in accordance with the Short Term Vacation Rental Standards as defined in the section and may be re-inspected annually or, in the event of a transfer or modification, may be re-inspected at the time of transfer or modification application. Re-inspection of a Short Term Vacation Rental unit shall occur at a minimum every three (3) years.
  - a. For an inspection, all violations must be corrected and re-inspected within thirty (30) calendar days.
  - b. Failure to correct inspection deficiencies in the timeframe provided shall result in the suspension of the Short Term Vacation Rental Certificate until such time as the violation(s) is/are corrected and re-inspected.
- (3) The inspections shall be made by appointment with the Short Term Vacation Rental responsible party.
  - a. If the inspector(s) has made an appointment with the responsible party to complete an inspection and the responsible party fails to admit the inspector(s) at the scheduled time, the owner shall be charged a “no

show” fee in an amount to be determined by Resolution of the City Council of the City of Jacksonville Beach to cover the inspection expense incurred.

(4) If the inspector(s) is denied admittance by the Short Term Vacation Rental responsible party or if the Short Term Vacation Rental unit is not passed in at least three (3) attempts to complete an initial or subsequent inspection, the inspector(s) shall provide notice of failure of inspection to the owner address as listed on the most recent Short Term Vacation Rental Certificate or the application for Short Term Vacation Rental Certificate.

a. For an initial inspection, the notice of failure of inspection results in the Certificate not being issued; the Short Term Vacation Rental is not permitted to operate without a valid Certificate.

b. For a subsequent inspection, the notice of failure of inspection is considered a violation pursuant to subsection 34-411(f)(2) above and is subject to enforcement as provided herein.

(g) Short Term Vacation Rental Responsible Party.

(1) The purpose of the responsible party is to respond to routine inspections, non-routine complaints, and any other more immediate problems related to the Short Term Vacation Rental of the property.

(2) The property owner may serve in this capacity or shall otherwise designate a Short Term Vacation Rental responsible party to act on their behalf.

(3) Any person eighteen (18) years of age or older may be designated by the owner provided they can perform the duties listed in subsection 34-411(g)(4) below.

(4) The duties of the Short Term Vacation Rental responsible party, whether the property owner or agent, are as follows:

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 an official of the City of Jacksonville Beach to address issues related to the Short Term Vacation Rental.

c. Be authorized to receive service of any legal notice on behalf of the owner for violations of this section;

d. Be able to produce copies of the executed rental or lease agreement for current transient occupants, as needed by local authorities; and

e. Otherwise monitor the Short Term Vacation Rental unit at least once weekly to assure continued compliance with the requirements of this section.

(5) A property owner may change his or her designation of a Short Term Vacation Rental responsible party temporarily or permanently. However, there shall be only one (1) Short Term Vacation Rental responsible party for each Short Term Vacation Rental at any given time. To change the designated responsible party, the property owner shall notify the City of Jacksonville Beach in writing on a form provided by the City for that purpose before any change in the designated responsible party.

(h) Short Term Vacation Rental Lease Agreement minimum provisions. The rental or lease agreement must contain the following minimum information:

(1) Maximum occupancy of the Short Term Vacation Rental unit as permitted on the Short Term Vacation Rental Certificate;

(2) The names and ages of all persons who will be occupying the unit;

(3) The license tag numbers for all vehicles that the occupant(s) will be parking at the unit, with the total number of vehicles not to exceed the number of off-street parking spaces available as designated on the Short Term Vacation Rental Certificate; and

(4) A statement that all transient occupants must evacuate from the Short Term Vacation Rental upon posting of any evacuation order issued by local, state, or federal authorities.

(5) An executed copy of each lease agreement shall be maintained by the designated responsible party and made available for review by City fire, police, building or code enforcement officials upon request.

(i) Required Short Term Vacation Rental Postings:

(1) On the back of or next to the main entrance door or on the refrigerator there shall be provided as a single page document 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 reserved between 10:00 p.m. and 7:00 a.m. daily or in compliance with any and all City regulations;
- 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 solid waste pick-up and recycling;
- f. Notice of sea turtle nesting season restrictions and sea turtle lighting usage as applicable;
- g. The emergency numbers for local police and fire; and
- h. The location of the nearest hospital.

- (2) If the Short Term Vacation Rental is composed of 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 or sleeping area a legible copy of the building evacuation map.

(j) Offenses and Violations.

- (1) Non-compliance with any provision of this section or its subsections shall constitute a violation of the City of Jacksonville Beach Code of Ordinances.
- (2) Separate Violations. Each day a violation exists shall constitute a separate and distinct violation, except that occupancy violations shall be governed by subsection 34-411(1)(3).

(k) Remedies/enforcement. Violations of this section shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal actions. To accomplish a safe and effective vacation rental program it is vital that short term vacation rental responsible party is responsive and responsible in the management of the property for compliance with this section. Code enforcement activities will be in accordance with Florida Statutes Chapter 162 and the City of Jacksonville Beach Code of Ordinances.

- (1) Warnings. Warnings shall be issued for first time violations and a reasonable time to correct the violation will be given. Such warnings may include notice to other agencies for follow up by such agencies, such as the Department of Business and Professional Regulation, the Department of Revenue, the Duval County Tax Collector, and the Duval County Property Appraiser, as applicable. Non-compliance with a correction compliance period shall result in the issuance of notice of violation.



- (2) Fines. Fines per violation shall be set by Resolution of the City Council of the City of Jacksonville Beach for first (1st), second (2nd), third (3rd) and further repeat violations.
  - (3) Enforcement Proceedings. Prosecution of code violations shall utilize Part 1 of Florida Statutes Chapter 162. The City Code Enforcement Special Magistrate shall be authorized to hold hearings, assess fines, and order other relief as provided in City of Jacksonville Beach Code of Ordinances, Chapter 2, Article VI.
  - (4) Additional Remedies. Nothing contained herein shall prevent the City of Jacksonville Beach from seeking all other available remedies which may include, but is not limited to, suspension or revocation of a Short Term Vacation Rental Certificate, injunctive relief, liens, and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.
- (1) Suspension of Short Term Vacation Rental Certificate. In addition to any fines and other remedies described herein or provided for by law, the City may suspend a Short Term Vacation Rental Certificate for multiple violations of the maximum occupancy limits in any continuous thirty-six (36) month period, in accordance with the following:
- (1) Suspension timeframes.
    - a. Upon a fourth (4th) violation of the maximum occupancy limits the Short Term Vacation Rental Certificate shall be suspended for a period of seven (7) calendar days.
    - b. Upon a fifth (5th) violation of the maximum occupancy limits the Short Term Vacation Rental Certificate shall be suspended for a period of thirty (30) calendar days.
    - c. For each additional violation of the maximum occupancy limits the Short Term Vacation Rental Certificate shall be suspended for an additional thirty (30) calendar days up to a maximum period of twelve (12) months. For example the sixth (6th) violation shall be for sixty (60) calendar days; the seventh (7th) violation shall be for ninety (90) calendar days, etc.
  - (2) Suspension restrictions. A short term vacation rental may not provide transient occupancy during any period of suspension of a Short Term Vacation Rental Certificate.
    - a. The suspension shall begin immediately following notice, commencing either:

1. At the end of the current vacation rental lease period; or
2. Within thirty (30) calendar days, whichever date commences earlier, or as otherwise determined by the Code Enforcement Special Magistrate.

b. Operation during any period of suspension shall be deemed a repeat violation pursuant to subsection 34-411(k)(2) and shall be subject to daily fines up to five hundred dollars (\$500) or to the maximum amount as otherwise provided in Florida Statutes for repeat violations for each day that the short term vacation rental operates during a period of violation.

- (3) Number of violations. For purposes of this section only, violations shall be considered per the rental period or per every seven (7) days, whichever is less, and for only those violations in which a code enforcement notice of violation was issued. Violations could potentially occur multiple times over the same rental period.

(m) Vesting. Existing, legally-established short term vacation rentals as defined in 34-411(a) as of January 1, 2019 may become vested in the ways described below, provided they are otherwise in compliance with all other requirements contained herein.

To qualify for vesting, an existing short term vacation rental shall have until July 1, 2019 to make full and complete application for a Short Term Vacation Rental Certificate and until October 1, 2019 to receive a Short Term Vacation Rental Certificate in compliance with this Section of the Code of Ordinances of the City of Jacksonville Beach.

- (1) Rental agreement vesting. It is recognized that there may exist rental or lease agreement(s) for short term vacation rentals upon the effective date of this ordinance which may not be in compliance with the terms of this Section. Rental agreements entered into prior to the effective date of this ordinance for the twelve (12) month period following shall be considered vested. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the Short Term Vacation Rental Certificate application process and providing copies of such rental or lease agreement(s).
- (2) Temporary vesting of certain safety requirements. Some existing short term vacation rentals may not meet the minimum life safety requirements as required in subsection 34-411(c)(1). Correcting these measures may take some time to secure a licensed contractor, obtain the necessary permits, and complete the work. All short term vacation rentals shall have six (6) months from the effective date of this ordinance to comply with the physical changes required. No special vesting process or fee shall be required to obtain this vesting benefit

other than demonstrating eligibility through the Short Term Vacation Rental Certificate application process.

- (3) All vesting determinations and appeals.
  - a. All vesting determinations shall be made administratively by the Planning and Development Director.
  - b. An applicant may appeal an administrative determination by filing a petition with the City Manager within ten (10) business days of such determination.
  - c. The City Manager shall address the appeal within thirty (30) calendar days of receipt of a petition and consider only the Short Term Vacation Rental Application, the documents provided in support of vesting, the written petition of the applicant, and determination of staff.
  - d. The City Manager shall reverse the decision of the Planning and Development Director only if there is substantial competent evidence to support reversal.
  - e. The decision of the City Manager shall constitute final administrative action.
- (4) A vested use shall not transfer to a subsequent owner. A vested use is not transferrable to another short term vacation rental.
- (5) If a vested use ceases for a period of six (6) months, then the vesting shall be considered to have lapsed and the short term vacation rental will be subject to all Short Term Vacation Rental Requirements as if a new application.

**SECTION 4.** Amending Section 34-336. – Residential, single-family: RS-1, subsection (b) *Permitted uses* to read as follows:

- ...
- (3) Short term vacation rentals.
- ...

**SECTION 5.** Amending Section 34-337. – Residential, single-family: RS-2, subsection (b) *Permitted uses* to read as follows:

- ...
- (3) Short term vacation rentals.
- ...

**SECTION 6.** Amending Section 34-338. – Residential, single-family: RS-3, subsection (b) *Permitted uses* to read as follows:

...

(5) Short term vacation rentals.

...

**SECTION 7.** Amending Section 34-339. – Residential, multiple-family: RM-1, subsection (b) *Permitted uses* to read as follows:

...

(7) Short term vacation rentals.

...

**SECTION 8.** Amending Section 34-340. – Residential, multiple-family: RM-2, subsection (b) *Permitted uses* to read as follows:

...

(7) Short term vacation rentals.

...

**SECTION 9.** Amending Section 34-341. – Commercial professional office: CPO, subsection (b) *Permitted uses* to read as follows:

...

(10) Short term vacation rentals.

...

**SECTION 10.** Amending Section 34-342. – Commercial limited: C-1, subsection (b) *Permitted uses* to read as follows:

...

(27) Short term vacation rentals.

...

**SECTION 11.** Amending Section 34-343. – Commercial general: C-2, subsection (b) *Permitted uses* to read as follows:

...

(33) Short term vacation rentals.

...

**SECTION 12.** Amending Section 34-345. – Central business district: CBD, subsection (b) *Permitted uses* to read as follows:

...

(26) Short term vacation rentals.

...

**SECTION 13. SEVERABILITY.** It is hereby declared to be the intention of the City Council for the City of Jacksonville Beach that the sections, paragraphs, sentences, clauses, and phrases of this Code are severable. If any phrase, clause, sentence, paragraph or section of this Code shall be declared to be unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

**SECTION 14. CONFLICTING ORDINANCES.** All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent of conflict or inconsistency herewith.

**SECTION 15. EFFECTIVE DATE.** This ordinance shall take effect upon its adoption in accordance with applicable law.

**AUTHENTICATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2019.**

\_\_\_\_\_  
William C. Latham, Mayor

\_\_\_\_\_  
Laurie Scott, City Clerk