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**AGENDA ITEM  
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS**

*Deadline for Submission - Wednesday 9 a.m. – Thirteen Days Prior to BCC Meeting*

**12/1/2020**

**BCC MEETING DATE**

**TO:** Hunter S. Conrad, County Administrator **DATE:** October 29, 2020

**FROM:** Joseph Cearley, Special Projects Manager **PHONE:** 904 209-0590

**SUBJECT OR TITLE:** LDC Amendment - Short Term Vacation Rentals

**AGENDA TYPE:** Business Item, Ordinance, Public Hearing, Report

**BACKGROUND INFORMATION:**

Proposed Land Development Code Amendments – Amending Articles II and XII of the St. Johns County Land Development Code for Short Term Vacation Rentals

**1. IS FUNDING REQUIRED?**   No   **2. IF YES, INDICATE IF BUDGETED.**   No    
**IF FUNDING IS REQUIRED, MANDATORY OMB REVIEW IS REQUIRED:**  
**INDICATE FUNDING SOURCE:**

**SUGGESTED MOTION/RECOMMENDATION/ACTION:**

Motion to announce public hearings before the Planning and Zoning Agency on January 21, 2021, and the Board of County Commissioners on February 16, 2021.

**For Administration Use Only:**  
**Legal:** BB 11/13/2020 **OMB:** DC 11/16/2020 **Admin:** Joy Andrews 11/23/2020



# **GROWTH MANAGEMENT DEPARTMENT REPORT**

## **LDC Amendments – Short Term Vacation Rentals**

**To:** Board of County Commissioners (BOCC)

**From:** Joseph C. Cearley, Special Projects Manager  
Bradley Bulthuis, Senior Assistant County Attorney

**Date:** October 29, 2020

**Subject:** Land Development Code Amendments – Amending Articles II and XII of the St. Johns County Land Development Code for Short Term Vacation Rentals

**Workshop Dates:** October 9, 2018  
May 1, 2019  
January 29, 2020

**Hearing Dates:** Board of County Commissioners – December 01, 2020  
Planning and Zoning Agency – January 21, 2021  
Board of County Commissioners - February 16, 2021

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### **Proposed Modifications to the Land Development Code Board of County Commissioners Meeting of December 01, 2020**

#### **A. BACKGROUND**

##### Timeline of Events:

- October 9, 2018 – Community Workshop
- November 1, 2018 – Community Survey ended
- February 5, 2019 – BOCC Discussion
- May 1, 2019 – Neighborhood Workshop (Anastasia Hills and Biera Mar Subdivisions)
- January 29, 2020 – Community Workshop II
- March 17, 2020 – BOCC Discussion

On March 17<sup>th</sup>, 2020, staff returned to present the BCC with feedback received from calls, correspondence, surveys and community workshops held subsequent to the February 5, 2019 BCC discussion of Short Term Vacation Rentals. Two (2) options of draft ordinances were provided at this meeting. . The draft ordinances were very similar in nature though in the second draft ordinance included provisions requiring additional application submittal requirements and more stringent provisions regulating occupancy, parking,

solid waste pick-up, and annual inspections. Both ordinances provide exemptions to these proposed regulations for all properties west of the Intracoastal Waterway, Multifamily buildings with a Property Owners Association, and owner occupied units and Duplexes. The table below outlines the differences between the draft ordinances in red:

Option #1	Option #2
Application Requirements	Application Requirements – requires copies of the lease agreement
Exemptions	Exemptions
Registration	Registration
Occupancy Standards (no maximum)	Occupancy Standards (maximum 16 people)
Parking = 1 space per 4 persons	Parking = 1 space per 3 persons
Solid Waste – 24 hour time frame	Solid Waste – 24 hour time frame and requires 1 can per four persons
Noise	Noise
Violations	Violations
Initial Inspection	Annual Inspections
	Reinspection if Violation Occurs

After this discussion at the March 17, 2020 meeting, Board members elected to move forward with option #2 (**Attachment 1 - Ordinance**) and directed staff to bring forth an ordinance governing Short Term Vacation Rentals and providing for a registration and annual inspection procedure.

## B. PROPOSED AMENDMENTS

Staff’s research into other jurisdictions that regulate Short Term Vacation Rentals indicates that they typically do so in a very similar manner as provided for in both options above, with the provisions focused on the accountability of the owners/property managers of Short Term Vacation Rentals (**See Attachment 2**). The proposed regulations presented here appear to be a common approach taken by many local governments to mitigate the negative impacts that Short Term Vacation Rentals may have on neighboring properties and neighborhoods as a whole.

The proposed amendments to Articles II and XII would include the following provisions and create a process for registering all Short Term Vacation Rentals within St. Johns County that are east of the Intercoastal waterway as well as provide for other exemptions. After registration, applicants would receive a certificate of approval and would be subject to supplemental regulatory provisions to mitigate potential impacts on neighboring properties. If those properties were found to be noncompliant, potential fines and/or citations would be issued to the owners of the property.

The main provisions of the ordinance are listed immediately below and discussed in more detail thereafter: governing short term rentals are further defined and outlined below:

1. Annual registration – including certificate of registration and annual inspection.
2. Exemptions – All properties west of the Intercoastal waterway; owner occupied units; duplexes with at least one unit occupied by the owner; and multifamily with Homeowners Association.
3. Occupancy limitations – two (2) persons per bedroom plus two (2) persons per common room, maximum of sixteen (16) persons.
4. Parking – minimum of one onsite parking space per three (3) transient occupants.
5. Solid Waste – Garbage cans may be out only on day of pickup; minimum of 1 garbage can per four (4) persons.
6. Noise – Compliance with Noise Ordinance must be disclosed.
7. Violations – Warning for first violation; citations and increased fines for repeat violations.
8. Contract Vesting – Existing rental agreements that do not meet some or all of these provisions may be honored.

**Annual Registration:** A registration process through the county provides accountability to property managers/owners of Short Term Vacation Rentals accountable for ensuring tenants follow the regulations on noise, occupancy, trash removal, and parking. Registration would require that a property owner or designee of a short term rental be able to provide a 24 hour point of contact available to exercise the rights of someone managing the property. Registration would be annual and those properties that failed to register the following year may be subject to fines or citations.

- **Application Requirements:** Applications would require very basic information keeping review time for staff down to a minimum. This version requires that an applicant provide a rough sketch of the property layout (parking, number of rooms, trash location), a business tax receipt, a certificate of payment of their tourist development taxes, and a Department of Business and Professional Regulation license to operate as a public lodging establishment. Additionally, applicants would be required to provide a draft copy of the lease agreement to staff indicating the proposed provisions on the lease for the tenants would be adhered to by the tenants who would agree to and sign. This would provide additional assurance that the tenants would comply and reduce the possibility of impacting neighboring properties.
- **Certificate:** An Applicant would then be provided with a certificate sticker containing general information about property owner/management company and the Vacation Rental permit information. There was general concern about requiring identification of Vacation Rentals by signage at the community meeting therefore staff amended the previous verbiage to require the posting of a sticker in plain view from the front façade so that County officials or County Law Enforcement could identify the permit number and contact information of the property owner/property management company in regards to any complaints received.
- **Additional Inspections:** Upon approval of the application, there would

be an initial inspection of the property to ensure compliance with the provisions within the ordinance. If an applicant failed the inspection, they would be given time to correct the issue and pay for a re-inspection.

Additionally, this option would require an annual re-inspection at the time of the certificate renewal. This would ensure compliance with the provisions of the ordinance on an ongoing basis.

**Occupancy Limits:** Occupancy limits reduce the occurrence of overcrowding a single-family home, which in turn have the potential to reduce life and public safety issues if a fire or natural disaster were to occur and furthermore limit the number of vehicles parking on and off site. Staff has recommended an occupancy limit of two (2) persons per bedroom plus an additional two (2) occupants per common room and a maximum occupancy of sixteen (16) persons. Setting a maximum occupancy regardless of the number of rooms would reduce large congregations of people within a single home. Providing a maximum occupancy per Vacation Rental also reduces the amount of overflow parking along the roadways, which sometimes result in roadway congestion and further making it difficult for emergency apparatus to navigate the roadways.

**Off-street Parking:** Many short term rentals are located in single-family neighborhoods which typically require parking for two (2) vehicles. Short term rentals tend to create additional parking which leads to cars parking on the street, making it difficult for emergency vehicles to respond to emergencies and causes increased response times in these situations. The parking requirement would mandate at least 1 parking space per three (3) transient occupants to further limit the amount of overflow parking along roadways and provide increased mitigation from on-street parking within residential neighborhoods.

**Solid Waste:** Most transient occupants leasing a Vacation Rental are unaware of trash pick-up dates which may result in trash receptacles being brought out too early or remaining out in front of the home for many days until they are removed from the curbside, which can in turn create a negative aesthetic condition and an increase in litter and nuisance pests and vermin.

The proposed amendments would require trash to only be placed outside for pickup at specified times by tenants and would establish a twenty-four (24) hour time frame when garbage cans are to be brought to the curbside for pickup and when they would be required to be brought back in. The property owner/manager would inform guests of the garbage and recycling schedule. This would reduce the amount of time that receptacles may sit outside of the property in cases where the owner/manager is located elsewhere and cannot return the trash receptacles to a properly screened area within a timely manner. The other component of this provision would set a minimum of one trash can per four (4) transient occupants. This would ensure that there are an adequate number of trash cans onsite and would prevent an overflow of trash onto the sidewalk or Right-of-Way.

**Noise:** Among other things, the St. Johns County Noise Ordinance, Ordinance No. 2015-19, prohibits use of sound equipment from 10:00 P.M. to 7:00 A.M. Sunday through Thursday and 11:00 P.M. to 7:00 A.M. Friday and Saturday, which are plainly audible or plainly discernable inside a complainant's dwelling

unit or for a distance of 100 feet or more from the property line.

The proposed amendments would require all Short Term Vacation Rental lease agreements to disclose compliance with the Noise Ordinance and to authorize access to the property by code enforcement personnel.

**Violations:** While, per F.S. 509.032(7)(b), the County may not prohibit Short Term Vacation Rentals entirely or regulate the duration or frequency of stay of Short Term Vacation Rentals, the County may regulate their negative secondary effects. Typically, violations of short term rental regulations result in a civil penalty. A jurisdiction can increase the penalties for repeat offenders, if so desired.

The Board would set by separate resolution the fine amounts for the first, second, third violations and further repeat violations.

**Additional Inspections:** Upon approval of the application, there would be an initial inspection of the property to ensure compliance with the provisions within the ordinance. If an applicant failed the inspection, they would be given time to correct the issue and pay for a reinspection. Additionally, this option would require an annual reinspection at the time of the certificate renewal. This would ensure compliance with the provisions of the ordinance on an ongoing basis.

**Vesting:** In order not to unlawfully impair existing contracts, rental agreements existing prior to the effective date of the ordinance would be honored. If rental agreements that were not in compliance with the ordinance prior to the passage of regulations the owner/property manager would be able to continue with the agreement.

Staff has researched other various jurisdictions regulating Vacation Rentals in a very similar manner as provided for in both options above, where the provisions are to simply ensure accountability of all owners/property managers of Vacation Rentals (**See Attachment 2**). The regulations staff has drafted within each ordinance is a very common approach among many municipalities to mitigate the negative impacts that Vacation Rentals may have on neighboring properties and neighborhoods as a whole.

## **Conclusion**

The results of the survey (**Attachment 3**), several community meetings, and general correspondence has indicated that it is in the interest of the general public to regulate short term vacation rentals to the extent provided under Florida Statute.

**Fees:** Staff anticipates receiving a large volume of applications upon enactment of the proposed amendments, which might be relieved by providing a longer grace period by which applicants could submit their initial applications. It should be noted that additional review time may be required for those applications with vested lease agreements, which may impact whether the revenue generated by any application fee would cover the associated costs. Application review time and cost might be reduced by hiring an outside vendor for the intake of applications. The initial and annual inspection requirements would still be required to be performed by code enforcement

staff, however, which may impair other enforcement activities, if a high volume of applications were to be submitted. Staff suggests an initial application fee of \$100 to cover the cost of the application and site plan review by staff and an additional inspection fee of \$50 to cover the costs incurred by Code Enforcement. Based on jurisdictional research provided in Attachment 2, the overall fee of \$150 is comparatively low and may cover any unforeseen costs associated with review and inspections. Fees may be adjusted over time through amendment to the fee schedule through a resolution.

Staff further provides a list of all noise, trash, and parking complaints received by the Code Enforcement Division over the last three (3) years in areas that have a high volume of Short Term Vacation Rentals (**Attachment 4**). It should be noted that, due to limited information, staff was unable to specifically identify violations as being related to Short Term Vacation Rentals and, instead, identifies violations that occurred in high-volume Short Term Vacation Rental areas along the coast for the three aforementioned categories.

**THINGS TO CONSIDER:**

- Application fee amount
- Third Party application review

**BOARD OF COUNTY COMMISSIONERS ACTION**

Motion to announce public hearings before the Planning and Zoning Agency on January 21, 2021, and the Board of County Commissioners on February 16, 2021.

**ATTACHMENT**

Attachment 1 – Ordinance

-Exhibit A – Article II

-Exhibit B – Article XII

Attachment 2 – Jurisdictional Research

Attachment 3 – Survey

Attachment 4 – Code Enforcement Complaints

**Recorded Documents  
Section**



**ATTACHMENT 1**  
**Ordinance and**  
**Exhibits**

**ORDINANCE NO. 2020-**

**AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, ORDINANCE 99-51, AS AMENDED, TO ADD SHORT-TERM VACATION RENTALS AS AN ALLOWABLE ACCESSORY USE IN ALL ZONING DISTRICTS; PROVIDE FOR THE ESTABLISHMENT OF PROVISIONS REGULATING SHORT-TERM VACATION RENTALS; PROVIDING FOR REGISTRATION; PROVIDING FOR INSPECTION OF SHORT-TERM VACATION RENTALS; PROVIDING FOR VIOLATIONS AND FINES; PROVIDING FOR VESTING; PROVIDING FOR EXCLUSIONS; AMENDING ARTICLE II, PART 2.02.00 “USES ALLOWED WITHIN ZONING DISTRICTS”, AMENDING SECTION 2.02.04 “ACCESSORY USES”, CREATING SECTION 2.02.04.B.19, “SHORT-TERM VACATION RENTALS”; AMENDING ARTICLE XII “DEFINITIONS”; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR MODIFICATION DURING PUBLIC HEARING; PROVIDING FOR INCLUSION AND MODIFICATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CORRECTION AND SCRIVERNERS ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, St. Johns County finds and determines that local land development regulations require evaluation and revision to address public health, safety, and welfare issues that may occur during implementation; and

**WHEREAS**, St. Johns County desires to amend certain provisions of the Land Development Code to provide definitions and amend certain provisions of the Code to provide for the regulation of brewpubs and microbreweries; and

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

**WHEREAS**, the 2011 Florida Legislature enacted House Bill 883 (Florida Chapter 2011-19, Laws of Florida) which preempted the local regulation of a specific land use commonly called short-term vacation rentals; and

**WHEREAS**, the 2014 Florida Legislature enacted Senate Bill 356 (Florida Chapter 2014-71, Laws of Florida) which revised the preemption on local regulation of short term vacation rentals to return some local control back to municipalities to mitigate the effects of short term vacation rentals in an attempt to make them safer, more compatible with existing neighborhood regulations, and accountable for their proper operation; and

**WHEREAS**, short-term vacation rentals with no application of mitigating standards when located in residential neighborhoods can create disproportionate impacts related to excessive occupancy, noise, trash, and parking; and

**WHEREAS**, the presence of short-term vacation rentals in established residential neighborhoods can create negative compatibility impacts, among which include, but are not limited to on-street parking and diminished public safety; and

**WHEREAS**, these regulations are deemed necessary by the Board of County Commissioners to preserve the County's aesthetic and property values while also protecting the health, safety and general welfare transient occupants and visitors alike; and

**WHEREAS**, these regulations do not regulate duration or frequency of rentals, but are intended to address the frequent change of many transient occupants housed within a dwelling within an established residential neighborhood; and

**WHEREAS**, the application of minimum life/safety requirements to short-term vacation rentals, along with other minimum standards and requirements concerning issues such as the designation of responsible parties ensures that transient occupants are provided with a similar level of protection as is required by the current statutes and codes for residences utilized as hotels, motels and other similar lodging establishments ; and

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY:**

**Section 1.** Legislative Findings of Fact. The above Recitals and WHEREAS clauses are hereby adopted as legislative findings by the St. Johns County Board of County Commissioners and incorporated and made a part of this Ordinance.

**Section 2.** Zoning Districts and Special Uses. Article II of the Land Development Code, Ordinance No. 99-51, as previously amended, is hereby amended by amending Parts 2.02.04 of the Land Development Code as depicted in the attached **EXHIBIT A**, incorporated herein and made a part of this Ordinance.

**Section 3.** Definitions. Article XII, Definitions of the Land Development Code, Ordinance No. 99-51, is hereby amended to read as follows in the attached **EXHIBIT B**, incorporated herein and made a part of this Ordinance.

**Section 4.** The remaining portions of the St. Johns County Land Development Code, Ordinance 99-51, as amended, which are not in conflict with the provisions of this ordinance, shall remain in full force and effect.

**Section 5.** Modification. It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed with the Clerk to the Board.

**Section 6.** Inclusion and Codification into the Land Development Code. It is the intent of the St. Johns County Board of County Commissioners that the provisions of this Ordinance shall be codified and made part of the St. Johns County Land Development Code, Ordinance No. 99-51, as previously amended, and that the parts, sections, and attachments of this ordinance may be renumbered, reorganized, relettered, and appropriately incorporated into the Land Development Code in order to accomplish such intentions. It is the intent of the St. Johns County Board of County Commissioners that scrivener's and typographic errors which do not change the tone or tenor of this Ordinance may be corrected during codification and may be

authorized by the County Administrator or designee, without public hearing, by filing a corrected or recodified copy of the same with the Clerk of the Board.

**Section 7.** Ordinance to be Liberally Construed. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

**Section 8.** Severance Clause. It is the intent of the Board of County Commissioners of St. Johns County, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions or sections of this Ordinance.

**Section 9.** Effective Date. This Ordinance shall take effect upon its being filed with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: \_\_\_\_\_  
Jeremiah R. Blocker, Chair

ATTEST: Brandon J. Patty, Clerk of the Circuit Court and Comptroller By:

\_\_\_\_\_  
Deputy Clerk

Effective Date: \_\_\_\_\_

## **Exhibit A - Article II**

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4 **Section 2.02.04.B.19**  
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6 19. Short Term Vacation Rentals shall be considered an allowable Accessory Use in all  
7 residential zoning districts, subject to continuing compliance with the following provisions.  
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9 a. Applicability

10 All Short Term Vacation Rentals in St. Johns County shall be subject to the  
11 regulations set forth herein, with the exception of those located:  
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- 13
- 14 (1) In the unincorporated areas of St. Johns County located west of the  
15 Intracoastal Waterway;
  - 16
  - 17 (2) In a Single Family Dwelling occupied on a full-time basis by the owner as  
18 an on-premises, permanent resident and that has been declared and  
19 continues to be declared as homestead by the Property Appraiser;
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  - 21 (3) In a Two Family Dwelling, where both Dwellings are under common  
22 ownership and one of the Dwellings (a) is occupied on a full-time basis by  
23 the owner of the Dwellings as an on-premises, permanent resident and (b)  
24 has been declared and continues to be declared as homestead by the  
25 Property Appraiser; or
  - 26
  - 27 (4) In a Multi-Family Dwelling governed by or subject to a property owners  
28 association, condominium owners association, or homeowners  
29 association.  
30

31 b. Minimum Application Requirements

32 Unless otherwise exempt under subsection a., above, no person shall rent or lease  
33 a Dwelling Unit, or any portion thereof, as a Short Term Vacation Rentals unless  
34 and until a Short Term Vacation Rental certificate is obtained from, and the  
35 appropriate fee paid to, the County. Each Dwelling Unit, or portion thereof, used  
36 as a Short Term Vacation Rental unit shall require a separate certificate.  
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39 The Applicant for a Short Term Vacation Rental certificate shall, at a minimum,  
40 provide the following information for review by the County Administrator:  
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- 42 (1) A Complete Application for Short Term Vacation Rental Certificate.
- 43
- 44 (2) An exterior sketch of the property demonstrating compliance with the  
45 standards contained herein and showing all structures, pools, fencing,  
46 uses, off-street parking and the location of trash receptacles. Off-street  
47 parking spaces shall be delineated so as to enable a fixed count of the  
48 number of spaces provided outside of any street, alley, or public or private  
49 Right-of-Way.
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- 51 (3) An interior sketch of the property showing the layout of each floor and

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- indicating all Sleeping Rooms and Common Areas, exits, smoke and carbon monoxide detectors, and fire extinguishers.
- (4) A copy of any deed and Covenants and Restrictions applicable to the proposed Short-Term Vacation Rental unit.
  - (5) A sample rental/lease agreement to be used for the Short Term Vacation Rental unit, which such agreement shall include the following minimum terms and disclosures:
    - (a) The maximum occupancy of the Short Term Vacation Rental unit, which shall not exceed the limits set forth in subsection f(2), below.
    - (b) The maximum number of vehicles allowed for the Short Term Vacation Rental unit, which shall not exceed the number of off-street parking spaces provided at the unit.
    - (c) The name, address, and 24-hour telephone number(s) of the owner, the property manager, and a secondary contact person residing in St. Johns County, in the event the owner and property manager are not available.
    - (d) An acknowledgment and agreement by the tenant/lessee/guest of the right of the County to reasonably inspect the premises to assurance compliance.
    - (e) An acknowledgement and agreement by the tenant/lessee/guest of the obligation to comply with the provisions of this Section, St. Johns County Noise Ordinance (Ord. 2015-19), and all other applicable federal, state, and local laws and ordinances.
    - (f) A copy of the sticker required by subsection g(2), below.
  - (6) A business tax receipt from the St. Johns County Tax Collector;
  - (7) A copy of the Florida Department of Revenue certificate of registration for payment of tourist development taxes;
  - (8) A copy of the Florida Department of Business and Professional Regulation license as a transient public lodging establishment;
  - (9) The required application fee, in an amount established by the Board of County Commissioners by resolution; and
  - (10) An executed affidavit which certifies that the Applicant:
    - (a) Has received a copy of, and understands and will comply with the requirements for Short Term Vacation Rentals set forth herein;
    - (b) Acknowledges and agrees that the County shall have the right to reasonably inspect the premises to assure compliance; and

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(c) Acknowledges and agrees to comply with the Short Term Vacation Rental standards contained herein and all other applicable state and federal laws, regulations, or standards governing Short Term Vacation Rental, including but not limited to Chapter 509, Florida Statutes, and Rule Chapter 61C and 69A, Florida Administrative Code, as they may be amended from time to time, and that failure to comply may result in enforcement as provided in subsection (h), below.

c. Inspection

- (1) An initial inspection of the Dwelling Unit, or part thereof, proposed to be used as a Short Term Vacation Rental for compliance with this Section 2.02.04.B.19 shall be required prior to the issuance of a Short-Term Vacation Rental certificate. Any and all areas of noncompliance identified by the Code Enforcement Officer during the initial inspection must be corrected within thirty (30) days of the inspection violations and shall be re-inspected prior to the issuance of a Short Term Vacation Rental certificate. Failure to timely correct any area of noncompliance shall result in enforcement as provided in subsection (h), below, until such time as the noncompliance has been corrected and re-inspected.
- (2) Each Short Term Vacation rental shall be inspected annually upon receipt of the renewal Application required by subsection d., below.
- (3) It shall be the duty of the Applicant to notify the Code Enforcement Official when a Dwelling Unit is ready for inspection and to provide access to and means for inspection. Inspections shall be made by appointment with the Code Enforcement Officer. If inspection appointment has been made, and the Applicant fails to be present at the scheduled time, or fails to provide access to and a means for inspection, the Applicant shall be assessed a fee, in an amount established by the Board of County Commissioners by resolution, and the Application for Short Term Vacation Rental certificate shall be automatically denied.

d. Certificate Renewal

Short Term Vacation Rental certificates are valid for twelve (12) months from the date of initial issuance by the County. Renewal Applications and renewal fees are due on or before the expiration of the previous certificate.

If, at any time prior to the expiration of a Short Term Vacation Rental certificate, (1) the gross square feet of the Dwelling Unit, (2) the number of Sleeping Rooms, or (3) the maximum occupancy of any Short Term Vacation Rental is proposed to be increased, a new Application, including the information required to be provided under subsection b(1) through (10), above, shall be submitted to the County Administrator.

e. Registry



154 The County is authorized to establish and maintain a registry cataloging each Short  
155 Term Vacation Rental within the County and containing the information required  
156 by this section. The registry may be web-based, and the County may contract with  
157 an entity to develop, operate, and maintain the registry and collect applicable fees,  
158 and, if so, any reference to the Enforcement Officer herein shall include the entity  
159 the County may contract with for such purposes.  
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161 f. Use and Occupancy Standards  
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163 All Short Term Vacation Rentals shall adhere to the following use and occupancy  
164 standards:  
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166 (1) Minimum Life/Safety Requirements  
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168 A portable, multi-purpose fire extinguisher shall be installed, inspected and  
169 maintained in accordance with NFPA 1 on each floor/level of the Short  
170 Term Vacation Rental. The extinguishers shall be installed on the wall in  
171 an open common area or in an enclosed space with appropriate markings  
172 visibly showing location.  
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174 (2) Maximum Occupancy  
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176 Occupancy shall be limited to two (2) transient occupants per Sleeping  
177 Room plus two (2) additional transient occupants that may sleep in a  
178 Common Area, with a maximum limit of sixteen (16) transient occupants  
179 per Short Term Vacation Rental.  
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181 (3) Parking  
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183 (a) A minimum off-street parking of one (1) space per three (3) transient  
184 occupants shall be provided, which may include garage spaces, if  
185 the garage space is open and available for parking of motor  
186 vehicles.  
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188 (b) The total number of motor vehicles, boats, Recreational Vehicles,  
189 and trailers on the property shall not exceed the number of off-street  
190 parking spaces identified in the Application for Short Term Vacation  
191 Rental.  
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193 (c) Only motor vehicles of registered transient occupants may be  
194 parked on the property overnight.  
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196 (d) Boats, Recreational Vehicles, and trailers shall be parked only in  
197 driveways or other areas on the property designated for parking,  
198 and not on any street, alley, sidewalk, or public or private Right-of-  
199 Way, or part thereof.  
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201 (4) Solid Waste  
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203 (1) All trash and debris shall be kept in covered trash containers.  
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- 206 (2) Each Short-term Vacation Rental unit shall be equipped with a  
207 minimum of one (1) trash storage container per four (4) transient  
208 occupants or fraction thereof.  
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- 210 (3) Schedules of garbage pickup and recycling pickup shall be posted  
211 within the rental agreement.  
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- 213 (4) The containers shall be placed at the curbside for pickup on the day  
214 of pickup and shall be removed from curbside no later than sunrise  
215 the following day.  
216
- 217 (5) Noise  
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219 Compliance with St. Johns County Noise Ordinance 2015-19 shall be  
220 disclosed within the lease agreement and a copy of the ordinance provided  
221 to all transient occupants.  
222
- 223 (6) Evacuation  
224  
225 All Short-term vacation rentals shall be immediately evacuated upon the  
226 posting of a hurricane warning by the National Weather Service or the  
227 National Hurricane Center.  
228
- 229 g. Required Postings; Recordkeeping  
230
- 231 (1) Inside the Short Term Vacation Rental, on the back of, or next to, the main  
232 entrance door, in plain view, there shall be provided, as a single page, the  
233 following information:  
234
- 235 (a) The name, address and phone number of the Short Term Vacation  
236 Rental responsible party;  
237
- 238 (b) The maximum occupancy of the unit;  
239
- 240 (c) Notice that the hours outlined within the St. Johns County Noise  
241 Ordinance (Ord. 2015-19) shall be adhered to;  
242
- 243 (d) The maximum number of vehicles that can be parked at the unit,  
244 along with a sketch of the location of the off-street parking spaces;  
245
- 246 (e) The days of trash and recycling pickup;  
247
- 248 (f) The location of an evacuation route map located within the property;  
249
- 250 (g) The location of the nearest hospital; and  
251
- 252 (h) Marine Turtles regulatory policies as outline in Sections 4.01.08 and  
253 4.01.09 of this Code.  
254
- 255 (2) A sticker shall be posted on the front of the property in an area visible from  
256 the Right-of-Way, providing the following information:  
257

- a. Property owner/manager contact information;
  - b. The certificate number for the Short Term Vacation Rental;
  - c. The maximum occupancy of the unit;
  - d. The maximum number of vehicles that can be parked at the unit.
- (3) A copy of the operative rental agreement shall be maintained on the property at all times during each rental period and made available for review at the request of an Code Enforcement Officer, first safety inspector, law enforcement officer or other designated County employee. Failure to maintain a copy of the rental agreement and to make it available upon request shall constitute a violation of these regulations.
- (4) All rental/lease agreements for the Short Term Rental unit shall be retained by the responsible party for a period of twelve (12) months following the end of the rental period. No rental/lease agreement shall be provided to the County except upon request by the County.

h. Enforcement

Noncompliance with any provision of this Section 2.02.04.B.19 shall constitute a violation this Code and may be enforced as provided in Section 10.05.01; provided, however, that the time period for corrective action for violations under this section shall be no more than seven (7) days, which such time period may be extended by the County Administrator only for good cause, and that the applicable civil penalty shall be in the amount established by the Board of County Commissioners by resolution.

Nothing contained herein shall prevent the County from enforcing this section and seeking all other available remedies, including, but not limited to, injunctive relief, liens, and such other civil and criminal penalties as provided by law or equity, .

i. Vesting

Legally established Short Term Vacation Rentals in existence as of \_\_\_\_\_ may be vested in the ways described below, provided they are otherwise in compliance with the requirements contained herein. To qualify for any vesting, such existing, legally established Short Term Vacation Rentals shall have until \_\_\_\_\_ to submit a Complete and Sufficient Application for a Short Term Vacation Rental certificate and until \_\_\_\_\_ to receive a Short Term Vacation Rental certificate and come into compliance with the requirements of this Section 2.02.04B.19.

(1) Rental Agreement Vesting

Rental agreements entered into prior to \_\_\_\_\_ for the period up to \_\_\_\_\_ shall be considered vested. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the normal Short Term

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Vacation Rental certificate process.

All rental agreements entered into after \_\_\_\_\_ and for any rental period beyond \_\_\_\_\_ shall comply with all provisions of this section.

(2) Maximum Occupancy and Parking Vesting

Legally established Short Term Vacation Rentals in existence prior to \_\_\_\_\_ are vested from the maximum occupancy and parking requirements of subsections f(2) and (3), above.

DRAFT

## **Exhibit B - Article XII**

1 **Article XII “Definitions”**

2  
3  
4 **Common Room:** A room or enclosed floor space used or intended to be used for living or  
5 sleeping purposes, excluding Sleeping Rooms, kitchens, bathrooms, shower rooms, water closet  
6 compartments, laundries, pantries, foyers, connecting corridors, closets, and storage space.  
7

8  
9 \*\*\*\*\*

10  
11 **Short Term Vacation Rental:** Any unit or group of units in a condominium or cooperative or any  
12 individually or collectively owned Single Family, Two Family, or Multi-Family Dwelling that is also  
13 a transient public lodging establishment but that is not a timeshare project.  
14

15 \*\*\*\*\*

16  
17 **Sleeping Room:** Any room that can be used for sleeping and that:

- 18  
19 A. is located along an exterior wall;  
20  
21 B. has a closet and a door or an entrance where a door could reasonably be installed;  
22 and  
23  
24 C. has an emergency means of escape and rescue opening to the outside in  
25 accordance with the Florida Building Code.  
26

27 A room may not be considered a Sleeping Room if it is used to access another room except a  
28 bathroom or closet. “Sleeping Room” does not include a hallway, bathroom, kitchen, living room,  
29 family room, dining room, den, breakfast nook, pantry, laundry room, sunroom, recreation room,  
30 media/video room, or exercise room.  
31

32 \*\*\*\*\*

33  
34 **Transient Public Lodging Establishment:** Any unit, group of units, Dwelling, Building, or group  
35 of Buildings within a single complex of Buildings which is rented to guests more than three (3)  
36 times in a calendar year for periods of less than thirty (30) days or one (1) calendar month,  
37 whichever is less, or which is advertised or held out to the public as a place regularly rented to  
38 guests.  
39  
40  
41  
42

**End Recorded  
Documents Section**

**ATTACHMENT 2**  
**Jurisdictional Research**



**VACATION RENTALS - JURISDICTIONAL RESEARCH**

**POST STATE LEGISLATIVE PREEMPTION (after June 1, 2011)**

Jurisdiction	Licenses Required	Annual Renewal	Fees	Life Safety Requirements	Max Occupancy	Occupancy Limits	Parking	Solid Waste	Responsible Party	Vesting
Flagler County, FL	Yes	Annual registration/Annual Inspection	Application - \$400 Annual Renewal \$250 Violation \$250	Smoke and CO detection; Fire extinguisher installed	1) 1 per 150 sf; 2) max allowed by septic tank permit; 3) 2 persons per sleeping room + 2 additional in common area	1) 10 in SFD, Two-Family; 2) 14 for vested SFD's; redux of 2 after 2 years (12)	1 space per 3 persons	1 container per 4 persons; Must be placed out day of pickup.	Owner or designee; must be available 24/7	Applicant must prove with lease statements occupancy remained at a higher level prior to adoption.
Anna Maria, FL	Yes	Yes	Application - 8 occupants \$297.04	Smoke and CO detection; Fire extinguisher installed	1) 2 persons per sleeping room; plus 2 persons, plus 1 person in 70-100 sf room.	1) 8 occupants	Any Legal Parking spaces as shown on the description.	Included as a Lease addendum. Available on website.	Owner or designee; must be available 24/7	5 years as a VR; Can set occupancy at 2 per bedroom unless bedrooms were added within that 5 years.
Miami Dade, FL	Yes	Annual registration/Annual Inspection	Certificate - \$36.00 Inspection - \$89.97	Smoke and CO detection; Fire extinguisher installed	1) 2 persons per sleeping room + 2 additional (excludes children under 3)	1) 12 occupants overnight	All vehicles parked within the subject property in compliance with Code of Ordinances.	1) # containers to handle max occupants. 2) 24 hour removal	Owner or designee; must be available 24/7	N/A
Fort Lauderdale, FL	Yes	Yes	Application \$350 Renewal \$160 Inspection Fee \$75	Smoke and CO detection; Fire extinguisher installed	1) 1 person per 150 sf of AC space and 2 persons per sleeping room.	N/A	All vehicles parked within the subject property in compliance with Code of Ordinances.	No container located at curb before the day before pickup; removed before midnight the day of pickup.	Owner or designee; must be available 24/7; also live within an hour of location.	N/A
City of Saint Augustine	Yes	Annual registration/Annual Inspection	Not set per Resolution	Smoke and CO detection; Fire extinguisher installed	1) 2 persons per bedroom	1) 12 occupants	1) 1 space per bedroom	Comply with existing provisions	Owner or designee available within 30 minutes of complaint.	N/A
Jacksonville Beach	Yes	Annual Registration	Application \$150	Must adhere to the Florida Fire Prevention Code	1) 2 persons per bedroom + 2	1) 16 occupants	1) 1 space per 4 occupants	Comply with existing provisions	Owner or designee available 24 hrs/7 days, Live within 2 hours of location	N/A
Largo, FL	No. (Allowed By Right)	N/A	Free	Smoke and CO detection; Fire extinguisher installed	1) 1 per 150 sf	N/A	1) 1 space per 3 occupants	Comply with existing provisions	Owner or designee available 24 hrs/7 days, Live within 2 hours of location	N/A
Marco Island, FL	Yes	Biennial Inspections	Awaiting callback	Must adhere to the Florida Fire Prevention Code	1) 2 persons per bedroom, plus 2 persons.	1) Max. Occupancy set forth by the Florida Fire prevention Code or Building Code	1) All vehicles must adhere to Parking regulations for SFD. 2) RV/Boat parking must be within enclosed structure.	No container located at curb before the day before pickup; removed before midnight the day of pickup.	Owner or designee; must be available 24/7; also live within an hour of location.	N/A

**PRE STATE LEGISLATIVE PREEMPTION (before June 1, 2011)**

Islamorada, FL	Yes	Yes/Initial Life Safety inspection	1) \$1,000	Must adhere to the Florida Fire Prevention Code	2 persons per bedroom	Fire Code	Must adhere to parking regulations.	Screened	Owner or designee; must be available 24/7; also live within an hour of location.	12/6/2001/331 cap; at least 600% of the median income
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**ATTACHMENT 3**  
**Community Survey #1**

Should St. Johns County officials register vacation rentals within the county?

Response	Count	Percent
Yes	427	60.2
No	282	39.8

Where should vacation rentals have to register their properties within the county?

Response	Count	Percent
Coastal	25	3.6
Mainland	5	0.7
Both	402	57.8
None	264	37.9

What types of dwelling types being utilized as vacation rentals should the County register? (select all that apply)

Response	Count	Percent
Single Fam	407	61
Multi-Fami	394	59.1
Owner Occ	291	43.6
None	240	36

What is your biggest concern with vacation rentals?

Response	Count	Percent
Occupancy	277	45.5
Parking	159	26.1
Trash	52	8.5
Public heal	121	19.9

If St. Johns County were to register and license vacation rentals in the county- should the County require every Short Term Rental to have an individual license rather than have a property management company hold one license for all properties they manage?

Response	Count	Percent
Yes (one lic	325	51.3
No (one lic	308	48.7

How would you consider the importance of the following issue related to vacation rentals? Rights of Property Owner

Response	Count	Percent
1 - Very Im	342	52.9
2 - Fairly In	58	9
3 - Importa	151	23.4
4 - Not Ver	36	5.6
5 - Not at a	37	5.7
0 - No Opir	22	3.4

How would you consider the importance of the following issue related to vacation rentals? Neighbor concerns about rowdy behavior

Response	Count	Percent
1 - Very Im	383	59.6

2 - Fairly In	64	10
3 - Importa	118	18.4
4 - Not Ver	38	5.9
5 - Not at a	25	3.9
0 - No Opir	15	2.3

How would you consider the importance of the following issue related to vacation rentals? Neighbor concerns about safety- traffic- noise

Response	Count	Percent
1 - Very Im	362	56.2
2 - Fairly In	74	11.5
3 - Importa	109	16.9
4 - Not Ver	44	6.8
5 - Not at a	34	5.3
0 - No Opir	21	3.3

How would you consider the importance of the following issue related to vacation rentals? Local tax and spending revenues generated by vacation rentals

Response	Count	Percent
1 - Very Im	253	39.7
2 - Fairly In	83	13
3 - Importa	154	24.1
4 - Not Ver	90	14.1
5 - Not at a	47	7.4
0 - No Opir	11	1.7

How would you consider the importance of the following issue related to vacation rentals? Impact on local motel and hotel businesses

Response	Count	Percent
1 - Very Im	67	10.5
2 - Fairly In	53	8.3
3 - Importa	105	16.5
4 - Not Ver	197	30.9
5 - Not at a	190	29.8
0 - No Opir	25	3.9

Do you own or rent your home?

Response	Count	Percent
Own	594	93.2
Rent	43	6.8

Do you own / operate a vacation rental?

Response	Count	Percent
Yes	176	27.8
No	457	72.2

When you vacation elsewhere- which of the following types of rental options do you prefer?

Response	Count	Percent
Hotel motel	327	51.3
Outdoor cabin	18	2.8
Vacation rental	262	41.1
RV	10	1.6
Other	21	3.3

When you rent a vacation home how long do you normally stay?

Response	Count	Percent
Less than 2 weeks	568	96.3
More than 2 weeks	22	3.7

## Community Survey #2

What is your biggest concern with vacation rentals?

Response	Count	Percent
Occupancy	42	49.4
Parking	19	22.4
Trash	11	12.9
Public Heal	13	15.3

How would you consider the importance of Safety related to vacation rentals?

Response	Count	Percent
Very Impor	56	62.9
Fairly Impo	9	10.1
Important	11	12.4
Not Very In	6	6.7
Not at all Ir	5	5.6
No Opinior	2	2.2

How would you consider the importance of Traffic related to vacation rentals?

Response	Count	Percent
Very Impor	55	63.2
Fairly Impo	10	11.5
Important	9	10.3
Not Very In	9	10.3
Not at all Ir	4	4.6
No Opinior	0	0

How would you consider the importance of Noise related to vacation rentals?

Response	Count	Percent
Very Impor	60	68.2
Fairly Impo	8	9.1
Important	10	11.4
Not Very In	7	8
Not at all Ir	3	3.4
No Opinior	0	0

Do you own or rent a home near a vacation rental?

Response	Count	Percent
Yes I own a	60	68.2
Yes I rent a	4	4.5
No	24	27.3

Do you own / operate a vacation rental?

Response	Count	Percent
Yes	7	8
No	81	92

When you vacation elsewhere- which of the following types of rental options do you prefer?

Response	Count	Percent
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Vacation R	22	25
Hotel / Mo	55	62.5
Outdoor Ca	6	6.8
Recreation	3	3.4
Other	2	2.3

When you rent a vacation home- how long do you normally stay?

Response	Count	Percent
Less than t	76	95
More than	4	5

**ATTACHMENT 4**  
**Code Enforcement**  
**Violations**

**Summary Report**  
**From 10/1/18 To 9/30/19**  
**For CODENF**

<b>VIOLATION TYPE</b>	<b>BROUGHT FORWARD</b>	<b>NEW</b>	<b>COMPLETED</b>	<b>CARRIED FORWARD</b>
Assist Other	16	18	25	17
Banner	150	64	60	155
Building Code	12	3	8	7
Building Code Violation	0	2	0	2
Bulkhead	18	16	5	29
Chickens	4	7	6	5
Check Animal Welfare	12	3	5	10
Clearing Without Permit	53	54	53	49
Commercial	17	1	3	16
Construction Debris	16	18	16	20
Construction Without Permit	51	13	14	50
Development Review	0	1	0	1
Dock/Boat Ramps	1	4	3	2
Drainage	214	82	111	185
Fire Code Complaint	6	0	4	2
Homeless Camp	2	5	5	1
Hurricane	40	0	0	40
Information Provided	833	672	740	765
Junk Vehicles	91	71	70	92
Land Development Code	46	19	16	49
Landscape	9	10	12	7
Lien Requests	0	3435	3435	0
Lighting	17	7	9	15
Methlab	9	1	2	8
Miscellaneous Complaint	41	23	27	37
Mobile Home	0	2	2	0
Mowing	0	1	1	0
National Pollutant Discharge Elimination Sys/MS4	18	18	18	18
No Erosion Control	8	10	10	8
No Inspection	2	3	3	2
No Permit	107	44	42	109
No Permit / Poss Unlicensed	0	4	4	0
Noise	23	45	52	16
Nuisance	58	54	57	55
Order of the Planning & Zoning Agency	2	1	2	1
Ordinance	0	1	1	0
Other	39	24	30	33
Overlay District	88	24	30	82
Parking	2	3	3	2
Ponte Vedra Zoning District	505	235	282	458
Public Safety	5	6	7	4
Recreational Vehicle/Boat	142	190	210	122
Referred	280	211	209	382
Right of Way Violations	336	338	333	341
Road & Bridge	16	1	2	15
Scenic Buffer Impacts	0	0	0	0
Setbacks	69	31	30	70

Signs	210	260	275	195
Solid Waste	2	3	3	2
Special Use Permit	0	0	0	0
Structure Maintenance	88	44	35	97
Standard Housing	185	101	103	183
Swimming Pool	4	11	10	5
Tag and Drag	17	0	1	16
Town of Hastings	0	6	6	0
Trash/Debris	375	216	219	372
Trees	91	77	76	92
Unsafe Building	169	17	25	161
Upland Buffer Impacts	17	8	9	16
Water Restrictions	20	61	63	18
Wetlands Impact	9	9	10	8
Zoning	1762	1310	1404	1668
<b>TOTAL</b>	<b>6307</b>	<b>7898</b>	<b>8196</b>	<b>6115</b>
Special Magistrate	0	0	0	0

# Agenda Item # 1

## LDC Amendment – Short Term Vacation Rentals

St. Johns County  
Board of County Commissioners





# Short Term Rentals

Background

Timeline

Regulations

## □ Summary:

- Commissioners and staff have fielded numerous calls regarding impacts of Vacation Rentals on neighborhoods.
- Community meetings and Survey results concluded that a majority of participants wanted regulations on Vacation Rentals.



# Short Term Rentals

Background

**Timeline**

Regulations

## □ **Timeline of Events:**

- October 9, 2018 – Community Workshop
- November 1, 2018 – Community Survey Ended
- February 5, 2019 – BOCC Discussion Item
- May 1, 2019 – Neighborhood Workshop
- January 29, 2020 – Community Workshop II
- March 17, 2020 – BOCC Discussion Item



## State Legislative Preemption F.S. 509.032(7)(b)

Allows the jurisdiction to regulate vacation rentals so long as such regulation does not prohibit them or limit the duration or frequency of rental.





# Short Term Rentals

Background

Timeline

Regulations

## ❑ Exclusions

- Properties west of the Intracoastal Waterway
- MultiFamily with Property Owners Association
- Owner-Occupied units
- Owner-Occupied Duplex

## ❑ BCC Discussed Annual Registration and Inspection

- Previously discussed by BCC
- Some jurisdictions do require
- Seek Board direction



# Short Term Rentals

Background

Timeline

**Regulations**

## ❑ **Application Requirements**

- Site plan
- Business Tax Receipt
- FDR certificate for payment of Tourist Development Taxes
- DBPR license as transient public lodging establishment

## ❑ **Certificate Sticker Issuance**

- New Application if increase in GFA, Number of Rooms, Occupancy.
- Sticker must be displayed outside (#occupants, owner contact information, #parking spaces)



# Short Term Rentals

Background

Timeline

Regulations

## ❑ **Occupancy Standards**

- Two (2) persons per sleeping room + two (2) additional occupants per common room.
- Maximum Occupancy of sixteen (16) persons

## ❑ **Off-Street Parking**

- 1 parking space per three (3) occupants
- On-Street parking subject to Parking Ordinance (Ord. 2015-30).



# Short Term Rentals

Background

Timeline

Regulations

## ❑ **Solid Waste**

- Establishes a 24 hour time frame when garbage cans are allowed to be brought out and returned to the home.
- Requires one waste container per four (4) occupants

## ❑ **Noise**

- Comply with existing Ord. 2015-19
  - Prohibits use of sound equipment from 10 PM – 7 AM Sun –Thurs
  - Prohibits use of sound equipment from 11 PM – 7 AM Fri and Sat
  - Plainly discernable inside a complainants dwelling unit or 100 feet from property line.



# Short Term Rentals

Background

Timeline

Regulations

## ❑ Violations

- Fines (set by resolution) will be issued for noncompliance
- Shall be enforced by all legal means necessary including Article X of the LDC.

## ❑ Vesting

- Rental Agreements existing prior to the effective date of the ordinance will be honored if not in compliance with regulations



# Short Term Rentals

Background

Timeline

Regulations

**Conclusion**

Things to consider:

- Third party option – application intake
- Fee amount
- Impacts on staff for review time and annual inspections

St. Johns County  
Board of County Commissioners

