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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*

**5/4/2021**

**BCC MEETING DATE**

**TO:** Hunter S. Conrad, County Administrator **DATE:** April 14, 2021

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

**SUBJECT OR TITLE:** LDC Amendments - Article II and XII - Short Term Vacation Rentals

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

**BACKGROUND INFORMATION:**

At its March 2, 2021, meeting, the Board of County Commissioners heard a second reading of proposed Land Development Code amendments relating to Short Term Vacation Rentals. The Board continued the item until after the current session of the Florida Legislature due to pending litigation on the topic and directed staff to present further revisions in the meantime. This agenda item presents proposed amendments to Articles II and XII of the St. Johns County Land Development Code to address Short Term Vacation Rentals reflecting the Board's direction. Staff will also provide an update on the pending legislation at the public hearing.

**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:**

[APPROVAL] Motion to enact Ordinance 2021-\_\_\_\_, approving the proposed amendment to the Land Development Code, based on the modifications being consistent with Florida Law and the St. Johns County Comprehensive Plan.

[APPROVAL WITH MODIFICATIONS] Motion to enact Ordinance 2021-\_\_\_\_, approving the proposed amendment to the Land Development Code with changes, based on the modifications being consistent with Florida Law and the St. Johns County Comprehensive Plan.

[DENIAL] Motion to deny the proposed amendment to the Land Development Code, based on the modifications not being consistent with Florida Law and the St. Johns County Comprehensive Plan.

**For Administration Use Only:**  
**Legal:** BB 4/15/2021 **OMB:** JDD 4/19/2021 **Admin:** Joy Andrews 4/26/2021



# **GROWTH MANAGEMENT DEPARTMENT REPORT**

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

**To:** The Board of County Commissioners

**Through:** The Planning and Zoning Agency

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

**Date:** April 8, 2021

**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 – March 2, 2021  
Board of County Commissioners – May 4, 2021 (Continued)

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### **Proposed Modifications to the Land Development Code Board of County Commissioners – May 4, 2021**

#### **A. BACKGROUND AND HISTORY**

Timeline of Workshops and Discussions:

- 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

After the series of workshops and discussions listed above, on March 17, 2020, staff returned to present the Board with feedback received from the calls,

correspondence, surveys and community workshops regarding Short Term Vacation Rentals. Two (2) options of draft ordinances were provided at this meeting. Although the draft ordinances were very similar in nature, 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:

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

After this discussion at the March 17, 2020 meeting, the Board elected to move forward with Option #2 and directed staff to bring forth an ordinance governing Short Term Vacation Rentals and providing for a registration and annual inspection procedure. The draft ordinance was presented to the Board at a public hearing on December 1, 2020, the Planning and Zoning Agency on January 21, 2021, and the BOCC again on March 2, 2021.

### **Board of County Commissioners Meeting – March 2, 2021**

Upon further reading of the Short Term Vacation Rental ordinance at the March 2, 2021 public hearing, several concerns were brought forth by Commissioners regarding maximum occupancy, initial/annual inspections, simplifying registration requirements, and additional staff to enforce existing provisions within the Land Development Code (LDC). In addition to authorizing the hiring of additional code enforcement officers, the Board directed staff to address these concerns within the text of the ordinance. The following revisions (**Attachment 1**) have been made to the ordinance through the direction of the Board:

1. Omit the site plan requirements for applications; providing a six-month grace period for submitting applications.
2. Omit initial and annual inspections.
3. Lower maximum occupancy from sixteen (16) to ten (10) occupants per

Short Term Vacation Rental, and clarify Common Areas are included in occupancy.

4. Simplify required on-site postings and eliminate recordkeeping requirements.
5. Phase in maximum occupancy over six (6) years, recognizing owners with income-backed expectations whose single-family dwelling may physically house more than ten (10) occupants.

Additionally, the Board directed staff to research the collection of a deposit from the applicants in the case a violation was issued. After research, staff recommends implementing an application fee reflecting the County's administration and enforcement costs.

## **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 current version of 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 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:

1. Annual registration – including application/renewal fee.
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 associations, condo associations, or onsite property management.
3. Occupancy limitations – two (2) persons per bedroom plus two (2) persons per common room, maximum of ten (10) 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 one (1) garbage can per four (4) persons.
6. Noise – Compliance with Noise Ordinance must be disclosed.
7. Required Postings – Basic information posted inside the unit to provide for safety and compliance.

8. *Violations* – Warning for first violation; citations and increased fines for repeat violations.
9. *Vesting* – Existing rental agreements that do not meet some or all of these provisions may be honored. Additionally, the maximum occupancy will be phased in for existing rentals able to accommodate greater than ten (10) occupants.

**Annual Registration:** A registration process through the County assists in identifying allowable Short Term Vacation Rentals and responding to complaints regarding Short Term Vacation Rentals relating to 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 required effective November 5, 2021, and required to be renewed annual. Owners that fail to timely register or renew the following year may be subject to fines or citations.

- **Application Requirements:** Applications would require only basic information in order to reduce the burden on applicants and staff. This version requires that an applicant provide the owners information, the location of the property, and a draft copy of the lease agreement containing certain required provisions to provide additional assurance of compliance on the part of the tenants. Additionally, copies of certain required registrations with other applicable agencies must be provided as a check for compliance.

**Occupancy Limits:** Occupancy limits reduce the occurrence of overcrowding a single-family home, which in turn has the potential to reduce life and public safety issues, if a fire or natural disaster were to occur, and to limit the number of vehicles parking on and off site. This version sets an occupancy limit of two (2) persons per sleeping area or common room, with a maximum occupancy of ten (10) 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 may result in roadway congestion and further make 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 causing increased response times in these situations. The parking requirement would mandate at least one (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 short term 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. This can, in turn, create a negative

aesthetic condition, 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.

**Required Postings:** Basic information posted within the property may help further tenant compliance with the provisions of this ordinance, as well as provide the tenants with certain safety information. In this version, a single-page posting would be required inside, at the main entrance, advising the tenant of the contact information for the owner/manager, the maximum occupancy, the maximum number of vehicles on the property, the location of an evacuation route map, the location of the nearest hospital, and Marine Turtle regulatory policies.

**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.

**Vesting:** This version of the ordinance provides a grace period until November 5, 2021 for the operators of short term rentals to submit a complete and sufficient application. Operators would then have until February 4, 2022 to come into compliance with any of the minimum use and occupancy standards in this ordinance.

Additionally, 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 were not in compliance with the ordinance prior to the passage of these regulations, then the owner/property manager would be able to continue with the agreement.

Further, a phasing-in of the maximum occupancy is provided for those properties that would otherwise physically qualify for higher occupancies and parking. Based upon staff's research of other legislation adopted in other communities and discussion among the Board, the current version of the ordinance would temporarily allow up to twenty (20) transient occupants for those rentals that comply with all other requirements of the proposed ordinance until no later than May 2, 2022. The nonconforming maximum occupancy would then be reduced by two (2) occupants every year following until the maximum occupancy of ten (10) occupants is reached, no later than May 4, 2027.

The vesting provided in the ordinance shall not be transferable to another property. Owners seeking a higher vesting occupancy or a different phasing-in schedule may apply for a vested rights determination under Part 10.02.00 of the LDC.

### C. CONCLUSION

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

**Fees:** There are an estimated 2,302 short term vacation rental units in St. Johns County east of the intercoastal waterway (**Attachment 5**). Anticipating a large volume of applications for review, the current version of the ordinance provides a six-month grace period for submitting initial applications. 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.

Options may be available to reduce the costs of registration and County staff time, including the utilization of third party government software vendors. The City of St. Augustine and the St. Johns County Tax Collector presently use one vendor, Host Compliance – Granicus, that offers a software platform for short term vacation rentals, such as address identification, mobile permitting and registration, ongoing compliance monitoring, and a 24/7 online non-emergency complaint platform.

Below, staff provides a cost analysis of; (1) County staff-only model and (2) County staff and third party vendor model, using information provided by Host Compliance – Granicus:

**(1) County Staff Only** – This model displays the total costs accrued for **staff** to conduct the property research, application intake, monitoring for each short term vacation rental application.

	<b>Time</b>	<b>Cost</b>	<b>Total</b>
Property Research	2 hrs – 5 hrs	\$58 x 2/5 hrs	\$116 / \$290
Application Intake	0.5 hrs	\$58 x 0.5 hrs	\$29

Application Review	0.5 hrs	\$58 x 0.5 hrs	\$29
General Calls	0.5 hrs	\$58 x 0.5 hrs	\$29
Operating Expenses		\$72,314 annually	\$31.41
On-Call Code Enforcement (w/benefits) x 2		\$72,419 annually x 2 / 2302	\$62.91
			<b>\$297.32 / \$471.32</b>

**(2) County Staff and Third Party Vendor** – This model displays the total costs estimated for a third party vendor to conduct the property research, application intake, and monitoring phases for each short term vacation rental application. Planning staff would review the information submitted online through the vendor, and Code Enforcement would conduct the initial and ongoing annual inspections. (The estimated costs are based on information provided by one potential vendor and are provided for illustrative purposes. The actual costs would be determined upon the selection of a vendor and the terms of a final contract.)

	<b>Time</b>	<b>Cost</b>	<b>Total</b>
Application Intake/Review	0.5 hrs	\$58 x 0.5 hrs	\$29
General Calls	0.5 hrs	\$58 x 0.5 hrs	\$29
Host Compliance Fee		\$50 per application	\$50
Operating Costs	N/A	\$72,314 annually	\$31.41
On-Call Code Enforcement (w/benefits) x 2		\$72,419 annually x 2 / 2302	\$62.91
			<b>\$202.32</b>

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 identify violations as being specifically 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 FOR THE BOARD TO CONSIDER:**

- Application fee amount
- Third Party application review

**STAFF RECOMMENDATIONS**

[APPROVAL] Motion to enact Ordinance 2021-\_\_\_\_\_, approving the proposed amendment to the Land Development Code, based on the modifications being consistent with Florida Law and the St. Johns County Comprehensive Plan.

[APPROVAL WITH MODIFICATIONS] Motion to enact Ordinance 2021-\_\_\_\_\_, approving the proposed amendment to the Land Development Code with changes, based on the modifications being consistent with Florida Law and the St. Johns

County Comprehensive Plan.

[DENIAL] Motion to deny the proposed amendment to the Land Development Code, based on the modifications not being consistent with Florida Law and the St. Johns County Comprehensive Plan.

**ATTACHMENTS**

Attachment 1 – Ordinance

-Exhibit A – Article II

-Exhibit B – Article XII

Attachment 2 – Jurisdictional Research

Attachment 3 – Survey

Attachment 4 – Code Enforcement Complaints

Attachment 5 - Vacation Rental Application Assessment

Attachment 6 – Cost Analysis Data

**Recorded Documents  
Section**

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

**ORDINANCE NO. 2021-\_\_\_\_\_**

**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 (“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**, the 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 short term vacation rentals within the unincorporated areas of the County; 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 the Florida Statutes; and

**WHEREAS**, the 2011 Florida Legislature enacted House Bill 883 (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 (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**, through SB 356 short term vacation rentals cannot be prohibited from a community and would be permitted in all zoning districts; and

**WHEREAS**, single-family residential neighborhoods and their required infrastructure are generally designed to accommodate typical single-family residential homes with two (2) to three (3) persons per household on average; 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, and buffers, and also tailored in assessing their infrastructure impacts and their corresponding fair and proportionate impact/connection fees; and

**WHEREAS**, permanent single-family home residents inherently understand and know their physical surroundings, to include any safety gaps and potential risks to their families, because they have daily familiarity; and

**WHEREAS**, short term vacation rental occupants, due to the transient nature of their occupancy, are unfamiliar with local hurricane evacuation plans, the location of fire extinguishers, and other similar safety measures that would readily be provided to guests in traditional lodging establishments; and

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

**WHEREAS**, some short term vacation rental owners will make investments in upgrading building safety measures of their rental properties, whereas other owners will not make such investments without local requirements and an ongoing inspection/enforcement program; 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**, some short term vacation rentals will likely be created in single family homes that were built before more current building codes that require minimum life/safety improvements; and

**WHEREAS**, some short term vacation rental owners will make investments in upgrading building safety measures of their rental properties, whereas other owners will not make such investments without local requirements and an ongoing inspection/enforcement program; and

**WHEREAS**, short term vacation rentals locating within established neighborhoods can disturb the quiet enjoyment of the neighborhood, lower property values, and burden the design layout of a typical neighborhood; 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**, traditional lodging establishments (hotels, motels, and bed & breakfasts) are generally restricted to commercial and other non-residentially zoned areas where intensity of uses is separated from less busy and quieter residential uses; and

**WHEREAS**, traditional lodging establishments have stricter development standards, undergo annual inspections, and have more stringent operational and business requirements; and

**WHEREAS**, multi-family dwellings with short term vacation rental units are typically constructed to more stringent building code requirements and other fire/life safety measures that single- and two-family homes often do not have to meet, 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-family dwellings with short term vacation rentals are routinely (often annually) inspected for fire/life safety code compliance to include inspections for the fire sprinkler system, interconnected fire alarm systems, fire alarm panels, fire pumps, emergency lighting, exit signs, backflow prevention, elevator operation, elevator keys and communication; and

**WHEREAS**, many multi-family dwellings with short term vacation rentals have onsite property managers and employees or other contracted vendors that oversee the maintenance, upkeep, security and/or operation of the property on a frequent basis; and

**WHEREAS**, the majority of complaints the County has received to date have been from single- and two-family neighborhoods and not for short term vacation rentals located within multi-family dwellings; and

**WHEREAS**, short term vacation rentals located in multi-family dwellings with onsite management, or governed by or subject to property owners, condominium owners association, or homeowners association, are not regulated locally at this time, but may be in the future if deemed necessary by the Board of County Commissioners under the County's home rule authority granted within the Florida Constitution and Florida Statutes; and

**WHEREAS**, whenever at least one (1) property owner permanently resides at a short term vacation rental located within the same structure, the number of renters is minimized and the owner can directly manage the property when it is under a short term vacation rental; and

**WHEREAS**, an on-site owner permanently residing at a short term vacation rental which also serves as the owner's principal residence will likely manage any vacation rental more restrictively than any local regulation because the owner has a direct, vested interest in how the property the owner resides in is used and maintained; and

**WHEREAS**, owner-occupied short term vacation rental units within single- and two-family dwellings will not be regulated locally for short term vacation rental units at this time, but

may be in the future if deemed necessary by the Board of County Commissioners under the County's home rule authority granted by the Florida Constitution and the Florida Statutes; and

**WHEREAS**, the unincorporated areas of St. Johns County east of the Intracoastal Waterway are located on a barrier island with development predominately made up of single-family residential neighborhoods designed to accommodate typical single-family residential homes; and

**WHEREAS**, the majority of complaints the County has received to date regarding short term vacation rentals have been from single- and two-family neighborhoods east of the Intracoastal Waterway; and

**WHEREAS**, in the areas west of the Intracoastal Waterway, the very few short term vacation rental units tend to exist within remote, rural locations and are often directly supervised or used by the operator on-site; and

**WHEREAS**, the unincorporated areas located west of the Intracoastal Waterway will not be regulated locally for short term vacation rental units at this time, but may be in the future if deemed necessary by the Board of County Commissioners under the County's home rule authority granted by the Florida Constitution and the Florida Statutes; 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 on an ongoing basis; and

**WHEREAS**, a single-family dwelling home is typically the largest investment a family will make in their lifetime, with the home held sacred in popular culture as the heart and the 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 overintrusion by an excessive number of transient occupants in the neighborhood; and

**WHEREAS**, although family sizes per residence can vary widely from residence to residence, according to data from the U.S. Census Bureau's 2019 American Community Survey, St. Johns County's average family size is 3.16 persons; and

**WHEREAS**, the U.S. Census Bureau data also indicates the average household size in St. Johns County of 2.73 persons; and

**WHEREAS**, the operation of some short term vacation rentals in established neighborhoods in the County create a huge disparity in short term vacation rental impacts, with up to nine (9) times the average occupancy of an existing single-family residence, making the higher occupancy of the rental homes incompatible with established neighborhoods; 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 residence, creating a disparity

between the impact and connection fees paid and the system impacts caused by their increased demand; 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 lacking provisions for verification and enforcement when overcrowding occurs; and

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

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

**WHEREAS**, the County seeks to balance respect for private property rights and incompatibility concerns between the investors/short term vacation rentals and families/permanent single-family residences in established residential neighborhoods through the use of reasonable development standards; and

**WHEREAS**, while the County's average family size is 3.16 persons, the County is desirous of providing for as many as sixteen (16) transient occupants in a single family residence – more than five (5) times the County's average family size - within a short term vacation rental subject to a reasonable regulatory framework; and

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

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

**WHEREAS**, through these regulations, the County is seeking to regulate another type of commercial use of a single- and two-family dwelling, similar to the County's provisions for home occupations, which permit limited commercial use of an owner-occupied dwelling subject to ongoing compliance with specific home occupation regulations as provided in the Land Development Code and issuance and annual renewal of a business tax receipt for the home occupation; 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 single-family 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

**WHEREAS**, this ordinance establishes a maximum occupancy of sixteen (16) persons within any zoning district because an occupancy exceeding sixteen (16) persons falls into a commercial-type classification as a hotel or dormitory for 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, residential occupancies of sixteen (16) or fewer persons may be provided within one- and two-family dwelling units without consideration as a hotel or dormitory and provision of related life-safety requirements; and

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

**WHEREAS**, at a minimum, the placement of a portable, multi-purpose 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 unit; and

**WHEREAS**, site-specific short term vacation rental standards, like minimum parking standards, solid waste handling and containment, and compliance with ordinances regulating noise, serve to maintain the decorum that exists among owners in established 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 and two-family residences, including business licensing by the State of Florida Department of Business and Professional Regulation's Division of Hotels and Restaurants, obtaining a local business tax receipt, and collecting and remitting various sales taxes to state and local government; and

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

**WHEREAS**, some vacation rentals in the County are being used exclusively as rentals by investors/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 County to protect visitors and tourists and to preserve the general welfare through its limited regulatory power; and

**WHEREAS**, the County, through this regulatory framework, will issue certificates to short term vacation rentals conforming to these standards, which will in turn provide a level playing field amongst all providers of short term vacation rental units; and

**WHEREAS**, this ordinance additionally establishes 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 the standards and not punitive in its scope; and

**WHEREAS**, County staff held a community workshop meeting on October 9, 2018 to hear, discuss, and consider the concerns of the general public and stakeholders, including representatives of the vacation rental industry and members of communities affected by vacation rentals, regarding vacation rentals and potential amendments to the Land Development Code addressing vacation rentals; and

**WHEREAS**, the County conducted an informal, non-scientific survey, ending November 1, 2018, of the general public, including short term vacation rental operators, to identify concerns related to short term vacation rentals and areas of potential local regulation; and

**WHEREAS**, the Board of County Commissioners held a duly noticed public hearing on February 5, 2019 to consider the results of the community workshop meeting and survey and to discuss and provide direction on regulation of short term vacation rentals, including registration, occupancy, parking, trash, noise, noncompliance, exemptions, and vesting; and

**WHEREAS**, County staff held a neighborhood workshop meeting on May 1, 2019 to hear, discuss, and consider input from the residents of the Anastasia Hills and Biera Mar neighborhoods of the County on potential vacation rental regulations and the concerns of the neighborhoods; and

**WHEREAS**, County staff held a community workshop meeting on January 29, 2020 to hear, discuss, and consider the concerns of the general public and stakeholders, including the owners/managers of vacations rentals, regarding this ordinance; and

**WHEREAS**, the Board of County Commissioners held a duly noticed public hearing on March 17, 2020 to review this ordinance and provide direction to staff on revisions thereto; and

**WHEREAS**, the Board of County Commissioners held a duly noticed public hearing on December 1, 2020 and approved this ordinance on first reading; and

**WHEREAS**, the Planning and Zoning Agency held a duly noticed public hearing on January 21, 2021 and recommended approval of this ordinance with changes to address occupancy, multi-family apartment units, phasing, and vesting, and the fees associated with registration; and

**WHEREAS**, the Board of County Commissioners held a duly noticed public hearing on February 16, 2021 and approved this ordinance on second reading; and

**WHEREAS**, the Board of County Commissioners and County staff have received and reviewed hundreds of pieces of correspondence from the general public and stakeholders, including vacation rental operators/managers, other representatives of the vacation rental industry,

and members of communities affected by vacation rentals, expressing their concerns regarding the ordinance; and

**WHEREAS**, public notice of this action has been provided in accordance with Section 125.66, Florida Statutes, and in accordance with the St. Johns County Land Development Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA**, as follows:

**Section 1.** Legislative Findings of Fact. The above recitals are true and correct and are hereby adopted as legislative findings 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 No. 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 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 \_\_\_\_\_, 2021.

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**

1  
2  
3  
4 **Section 2.02.04.B.19**  
5

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.  
8

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:  
12

- 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;  
20  
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, or with onsite property management.  
30

31 b. Minimum Application Requirements

32 Effective November 5, 2021, unless otherwise exempt under subsection a., above,  
33 no person shall rent or lease a Dwelling Unit, or any portion thereof, as a Short  
34 Term Vacation Rental unless registered with, and the appropriate fee paid to, the  
35 County. Each Dwelling Unit, or portion thereof, used as a Short Term Vacation  
36 Rental unit shall require a separate registration.  
37

38  
39 The Applicant for a Short Term Vacation Rental shall, at a minimum, provide the  
40 following information for review by the County Administrator:  
41

- 42 (1) A Complete Application for Short Term Vacation Rental registration.  
43  
44 (2) A sample rental/lease agreement to be used for the Short Term Vacation  
45 Rental unit, which such agreement shall include the following minimum  
46 terms and disclosures:  
47  
48 (a) The maximum occupancy of the Short Term Vacation Rental unit,  
49 which shall not exceed the limits set forth in subsection e.(2), below.  
50  
51 (b) The maximum number of vehicles allowed for the Short Term

52 Vacation Rental unit, which shall not exceed the number of off-  
53 street parking spaces provided at the unit.

54  
55 (c) The name, address, and 24-hour telephone number(s) of the  
56 owner, the property manager, and a secondary contact person, in  
57 the event the owner and property manager are not available.

58  
59 (d) An acknowledgment and agreement by the tenant/lessee/guest of  
60 the right of the County to reasonably inspect the premises to  
61 assurance compliance.

62  
63 (e) An acknowledgement and agreement by the tenant/lessee/guest of  
64 the obligation to comply with the provisions of this Section  
65 2.02.04.B.19, St. Johns County Noise Ordinance (Ord. 2015-19),  
66 and all other applicable federal, state, and local laws and  
67 ordinances.

68  
69 (3) A business tax receipt from the St. Johns County Tax Collector;

70  
71 (4) A copy of the Florida Department of Revenue certificate of registration for  
72 payment of tourist development taxes;

73  
74 (5) A copy of the Florida Department of Business and Professional Regulation  
75 license as a transient public lodging establishment;

76  
77 (6) The required application fee, in an amount established by the Board of  
78 County Commissioners by resolution; and

79  
80 (7) An executed affidavit which certifies that the Applicant:

81  
82 (a) Has received a copy of, and understands and will comply with the  
83 requirements for Short Term Vacation Rentals set forth herein;

84  
85 (b) Acknowledges and agrees that the County shall have the right to  
86 reasonably inspect the premises to assure compliance; and

87  
88 (c) Acknowledges and agrees to comply with the Short Term Vacation  
89 Rental standards contained herein and all other applicable state  
90 and federal laws, regulations, or standards governing Short Term  
91 Vacation Rental, including but not limited to Chapter 509, Florida  
92 Statutes, and Rule Chapter 61C and 69A, Florida Administrative  
93 Code, as they may be amended from time to time, and that failure  
94 to comply may result in enforcement as provided in subsection g.,  
95 below.

96  
97 c. Registration Renewal

98  
99 Short Term Vacation Rental registrations are valid for twelve (12) months from the  
100 date of initial issuance by the County. Renewal Applications and renewal fees are  
101 due on or before the expiration of the previous registration.  
102

103 If, at any time prior to the expiration of a Short Term Vacation Rental registration,  
104 (1) the gross square feet of the Dwelling Unit, (2) the number of Sleeping Rooms  
105 or Common Areas, or (3) the maximum occupancy of any Short Term Vacation  
106 Rental is proposed to be increased, a new Application, including the information  
107 required to be provided under subsection b.(1) through (7), above, shall be  
108 submitted to the County Administrator.  
109

110 d. Registry

111  
112 The County is authorized to establish and maintain a registry cataloging each Short  
113 Term Vacation Rental within the County not otherwise exempt under subsection  
114 a., above, and containing the information required by this section. The registry may  
115 be web-based, and the County may contract with an entity to develop, operate,  
116 and maintain the registry and collect applicable fees, and, if so, any reference to  
117 the Enforcement Officer herein shall include the entity the County may contract  
118 with for such purposes.  
119

120 e. Use and Occupancy Standards

121  
122 All Short Term Vacation Rentals shall adhere to the following use and occupancy  
123 standards:  
124

125 (1) Minimum Life/Safety Requirements

126  
127 A portable, multi-purpose fire extinguisher shall be installed, inspected and  
128 maintained in accordance with NFPA 1 on each floor/level of the Short  
129 Term Vacation Rental. The extinguishers shall be installed on the wall in  
130 an open common area or in an enclosed space with appropriate markings  
131 visibly showing location.  
132

133 (2) Maximum Occupancy

134  
135 Occupancy shall be limited to two (2) transient occupants per Sleeping  
136 Room or Common Area, with a maximum limit of ten (10) transient  
137 occupants per Short Term Vacation Rental.  
138

139 (3) Parking

140  
141 (a) A minimum off-street parking of one (1) space per three (3) transient  
142 occupants shall be provided, which may include garage spaces, if  
143 the garage space is open and available for parking of motor  
144 vehicles.  
145

146 (b) The total number of motor vehicles, boats, Recreational Vehicles,  
147 and trailers on the property shall not exceed the number of off-street  
148 parking spaces identified in the Application for Short Term Vacation  
149 Rental.  
150

151 (c) Only motor vehicles of registered transient occupants may be  
152 parked on the property overnight.  
153

154 (d) Motor vehicles, boats, Recreational Vehicles, and trailers shall be  
155 parked only in driveways or other areas on the property designated  
156 for parking. Boats, Recreational Vehicles, and trailers shall not be  
157 parked on any street, alley, sidewalk, or public or private Right-of-  
158 Way, or part thereof, or in required Front Yards, except as provided  
159 in Section 6.01.03.H.5 of this Code.  
160

161 (4) Solid Waste

- 162 (a) All trash and debris shall be kept in covered trash containers.
- 163 (b) Each Short-term Vacation Rental unit shall be equipped with a  
164 minimum of one (1) trash storage container per four (4) transient  
165 occupants or fraction thereof.
- 166 (c) Schedules of garbage pickup and recycling pickup shall be posted  
167 within the rental agreement.
- 168 (d) The containers shall be placed at the curbside for pickup on the day  
169 of pickup and shall be removed from curbside no later than sunrise  
170 the following day.  
171

172 (5) Noise

173 Compliance with St. Johns County Noise Ordinance 2015-19 shall be  
174 disclosed within the lease agreement and a copy of the ordinance provided  
175 to all transient occupants.  
176

177 (6) Evacuation

178 All Short-term vacation rentals shall be immediately evacuated upon the  
179 posting of a hurricane warning by the National Weather Service or the  
180 National Hurricane Center.  
181

182 f. Required Postings

183 Inside the Short Term Vacation Rental, on the back of, or next to, the main  
184 entrance door, in plain view, there shall be provided, as a single page, the following  
185 information:  
186

- 187 (1) The name, address and phone number of the Short Term Vacation Rental  
188 owner or property manager;
- 189 (2) The maximum occupancy of the unit;
- 190 (3) The maximum number of vehicles that can be parked at the unit;
- 191 (4) The location of an evacuation route map located within the property;
- 192 (5) The location of the nearest hospital; and
- 193 (6) Marine Turtles regulatory policies as outlined in Sections 4.01.08.B.3 of this  
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Code.

g. 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, .

h. Vesting

Legally established Short Term Vacation Rentals in existence as of May 4, 2021 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 November 5, 2021 to submit a Complete and Sufficient Application for a Short Term Vacation Rental registration and until February 4, 2022 to receive a Short Term Vacation Rental registration and come into compliance with the requirements of this Section 2.02.04.B.19.

A vested use shall not be transferable to another Short Term Vacation Rental property.

For those owners that desire a higher vesting occupancy and/or a different vesting schedule than provided below, the owner of the property may make application for consideration of an alternative vesting benefit pursuant to Part 10.02.00, Determination of Vested Rights.

(1) Rental Agreement Vesting

Rental agreements entered into prior to May 4, 2021 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 Vacation Rental registration process.

All rental agreements entered into after May 4, 2021 shall comply with all provisions of this section.

(2) Maximum Occupancy and Parking Vesting

Legally established Short Term Vacation Rentals in existence prior to May 4, 2021 shall be temporarily allowed to maintain an occupancy of no more than twenty (20) transient occupants, providing all other requirements of this Section 2.02.04.B.19 are met. The maximum occupancy of twenty (20)

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transient occupants shall be retained until May 4, 2022 then shall be reduced by two (2) occupants per year, to reach the maximum occupancy of ten (10) transient occupants, as established in subsection e. (2) above, no later than May 4, 2027. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the normal Short Term Rental Vacation registration process.

DRAFT

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All rental agreements entered into after \_\_\_\_\_ 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.

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## **Exhibit B - Article XII**

1 **Article XII “Definitions”**

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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  
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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	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	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	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	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	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	\$294 base rate \$368 one bed \$442.10 two bed \$515 three bed \$589.73 four bed \$663 five bed	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	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	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	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
<b>PRE STATE LEGISLATIVE PREEMPTION (before June 1, 2011)</b>									
Islamorada, FL	Yes	Yes/Initial Life Safety inspection	1) \$1,000	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

**ATTACHMENT 3**  
**Community Survey**

What is your biggest concern with vacation rentals?

Response	Count	Percent
Occupancy	42	49.4
Parking	19	22.4
Trash	11	12.9
Public Health and Safety	13	15.3

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

Response	Count	Percent
Very Important	56	62.9
Fairly Important	9	10.1
Important	11	12.4
Not Very Important	6	6.7
Not at all Important	5	5.6
No Opinion	2	2.2

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

Response	Count	Percent
Very Important	55	63.2
Fairly Important	10	11.5
Important	9	10.3
Not Very Important	9	10.3
Not at all Important	4	4.6
No Opinion	0	0

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

Response	Count	Percent
Very Important	60	68.2
Fairly Important	8	9.1
Important	10	11.4
Not Very Important	7	8
Not at all Important	3	3.4
No Opinion	0	0

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

Response	Count	Percent
Yes I own a home near a vacation rental	60	68.2
Yes I rent a home near a vacation rental	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
Vacation Rental	22	25
Hotel / Motel / Resort	55	62.5
Outdoor Campsite	6	6.8
Recreation Vehicle	3	3.4
Other	2	2.3

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

Response	Count	Percent
Less than two weeks	76	95
More than two weeks	4	5

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 Family Dwellings	407	61
Multi-Family Dwellings/Townhomes	394	59.1
Owner Occupied	291	43.6
None	240	36

What is your biggest concern with vacation rentals?

Response	Count	Percent
Occupancy (number of people staying in a vacation rental)	277	45.5
Parking	159	26.1
Trash	52	8.5
Public health and safety	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 license for each rental)	325	51.3
No (one license for the property management company that covers all of their rentals)	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 Important	342	52.9
2 - Fairly Important	58	9
3 - Important	151	23.4
4 - Not Very Important	36	5.6
5 - Not at all important	37	5.7
0 - No Opinion	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 Important	383	59.6
2 - Fairly Important	64	10
3 - Important	118	18.4
4 - Not Very Important	38	5.9
5 - Not at all important	25	3.9
0 - No Opinion	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 Important	362	56.2
2 - Fairly Important	74	11.5
3 - Important	109	16.9
4 - Not Very Important	44	6.8
5 - Not at all important	34	5.3
0 - No Opinion	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 Important	253	39.7
2 - Fairly Important	83	13
3 - Important	154	24.1
4 - Not Very Important	90	14.1
5 - Not at all important	47	7.4
0 - No Opinion	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 Important	67	10.5
2 - Fairly Important	53	8.3
3 - Important	105	16.5
4 - Not Very Important	197	30.9
5 - Not at all important	190	29.8
0 - No Opinion	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 resort	327	51.3
Outdoor campsite	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

**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

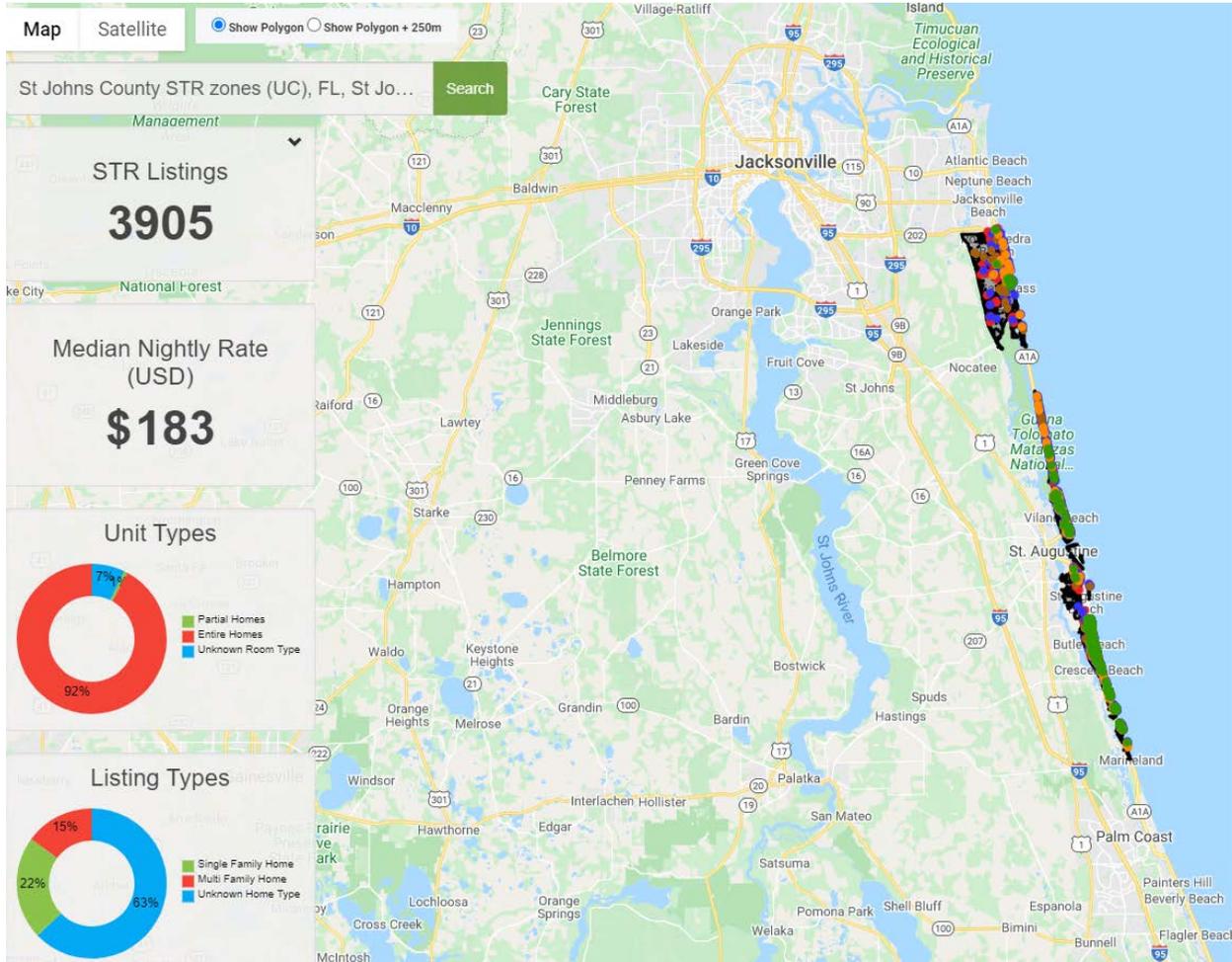
Signs	210	260	275	195
Solid Waste	2	3	3	2
Special Use Permit	0	0	0	0
Structure Maintenance	88	44	35	97
Standard Housing	185	101	103	183
Swimming Pool	4	11	10	5
Tag and Drag	17	0	1	16
Town of Hastings	0	6	6	0
Trash/Debris	375	216	219	372
Trees	91	77	76	92
Unsafe Building	169	17	25	161
Upland Buffer Impacts	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

## **ATTACHMENT 5**

### **Vacation Rental Application Assessment**

**PRELIMINARY DATA PROVIDED BY HOST COMPLIANCE**

**Due to some properties having multiple listings, it has been determined that there are 2,302 rental units out of the 3,905 listings that are east of the Intracoastal waterway.**



**ATTACHMENT 6**  
**Cost Analysis Data**

## Cost Analysis

### County Staff Only

	<b>Time</b>	<b>Cost</b>	<b>Total</b>
Property Research	2 hrs – 5 hrs	\$58 x 2/5 hrs	\$116 / \$290
Application Intake	0.5 hrs	\$58 x 0.5 hrs	\$29
Application Review	0.5 hrs	\$58 x 0.5 hrs	\$29
General Calls	0.5 hrs	\$58 x 0.5 hrs	\$29
Operating Expenses		\$72,314 annually	\$31.41
On-Call Code Enforcement (w/benefits) x 2		\$72,419 annually x 2 / 2302	\$62.91
			<b>\$297.32 / \$471.32</b>

### County Staff w/Third Party Vendor

	<b>Time</b>	<b>Cost</b>	<b>Total</b>
Application Intake/Review	0.5 hrs	\$58 x 0.5 hrs	\$29
General Calls	0.5 hrs	\$58 x 0.5 hrs	\$29
Host Compliance Fee		\$50 per application	\$50
Operating Expenses	N/A	\$72,314 annually	\$31.41
On-Call Code Enforcement (w/benefits) x 2		\$72,419 annually x 2 / 2302	\$62.91
			<b>\$202.32</b>

Code Enforcement - Average Pay/Operating Expenses

**FY 2021 Code Enforcement Budget**

**Personal Services**

Year	Dept	Title	Account	Account Title	Budget	Avg. (9 FTE)	Regular Hourly Rate	OT Hourly Rate
2021	1112	CODES COMPLIANCE	51200	REGULAR SALARIES & WAGES	452,335	50,259	24.16	36.24
2021	1112	CODES COMPLIANCE	51400	OVERTIME EMPLOYEES	4,500	500	0.24	0.36
2021	1112	CODES COMPLIANCE	52100	FICA/MEDICARE TAXES	34,948	3,883	1.87	2.80
2021	1112	CODES COMPLIANCE	52200	RETIREMENT CONTRIBUTIONS	53,799	5,978	2.87	4.31
2021	1112	CODES COMPLIANCE	52300	LIFE & HEALTH INSURANCE	97,294	10,810	5.20	5.20
2021	1112	CODES COMPLIANCE	52400	WORKERS COMP	8,896	988	0.48	0.71
					<b>651,772</b>	<b>72,419</b>	<b>34.82</b>	<b>49.63</b>

**Operating Expenses**

2021	1112	CODES COMPLIANCE	53120	CONTRACTUAL SERVICES	23,800
2021	1112	CODES COMPLIANCE	53201	SERVICE CHARGES	2,300
2021	1112	CODES COMPLIANCE	54000	TRAVEL AND PER DIEM	3,300
2021	1112	CODES COMPLIANCE	54100	COMMUNICATIONS	5,669
2021	1112	CODES COMPLIANCE	54110	POSTAGE	2,625
2021	1112	CODES COMPLIANCE	54500	INSURANCE	5,527
2021	1112	CODES COMPLIANCE	54602	VEHICLE MAINTENANCE	4,250
2021	1112	CODES COMPLIANCE	54900	ADVERTISING	3,200
2021	1112	CODES COMPLIANCE	55100	OFFICE SUPPLIES	1,850
2021	1112	CODES COMPLIANCE	55102	SOFTWARE	1,012
2021	1112	CODES COMPLIANCE	55103	COMPUTER SUPPLIES	5,570
2021	1112	CODES COMPLIANCE	55200	OPERATING SUPPLIES	2,900
2021	1112	CODES COMPLIANCE	55201	GAS, OIL, AND LUBRICANTS	6,885
2021	1112	CODES COMPLIANCE	55214	UNIFORMS	1,011
2021	1112	CODES COMPLIANCE	55400	BOOKS AND SUBSCRIPTIONS	150
2021	1112	CODES COMPLIANCE	55401	TRAINING	1,000
2021	1112	CODES COMPLIANCE	55405	DUES AND MEMBERSHIPS	1,265

## Comparative Study

<b>VACATION RENTALS - JURISDICTIONAL RESEARCH</b>	
<b>POST STATE LEGISLATIVE PREEMPTION (after June 1, 2011)</b>	
Jurisdiction	Fees
Flagler County, FL	Application - \$400      Annual Renewal \$250
Anna Maria, FL	Application- \$297.04
Miami Dade, FL	Certificate - \$36.00      Inspection - \$89.97
Fort Lauderdale, FL	Application- \$350      Renewal- \$160
City of Saint Augustine	Application - \$294 base rate; \$368 one bed \$442.10 two bed \$515 three bed \$589.73 four bed \$663 five bed
Jacksonville Beach	Application- \$150
Largo, FL	Free
Marco Island, FL	Awaiting callback
<b>PRE STATE LEGISLATIVE PREEMPTION (before June 1, 2011)</b>	
Islamorada, FL	Application - \$1,000

City of Saint Augustine - Cost Analysis Approach

FY 2020/2021 Short Term Rental Registration Rates

Host  
Compliance  
Identified  
STRs

621

Bedrooms	% of Total from Host Compliance Report	# of homes with bedrooms type	adjusted for unknown bedrooms	# of total bedrooms	Total cost per unit based on # of bedrooms
0	5%	31	48	0	\$ 294.48
1	21%	130	147	147	\$ 368.29
2	29%	180	197	393	\$ 442.10
3	21%	130	147	441	\$ 515.92
4	6%	37	54	215	\$ 589.73
5	2%	12	29	145	\$ 663.54
unknown	16%	99			
	100%	621	621	1341	

Salary & Benefit Estimates	Total Cost of Program	Included in Base Rate	Included in Per Bedroom Rate
Fire Inspector	67,000	16,750	50,250
Code Enforcement	65,000	16,250	48,750
Vacation Rental Mgr	70,000	70,000	-
Special Magistrate	15,000	15,000	
Host Compliance	34,862	34,862	
1/2 Admin Staff	30,000	30,000	
	281,862	182,862	99,000

Total Units 621

<b>Base Rate</b>	<b>\$ 294.48</b>
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Total Bedrooms 1341

<b>Per Bedroom Rate</b>	<b>\$ 73.81</b>
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<b>Late Fee</b>	<b>\$ 100.00</b>
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