

Vacation Rentals

1. Definitions:

A. *Vacation Rental:* Any residential dwelling or dwelling unit which is rented or leased, or which is advertised or held out to the public as a dwelling which may be regularly rented or leased, for a period of less than 30 days.

B. *Commercial Event at Vacation Rental:* any gathering of people, celebration, or party which is held or occurs on residentially zoned property which has been leased by the owner, the owner's agent, or a tenant for consideration in exchange for holding the event at that property, and either (a) at which the parking for the attendees can not be contained within the property and the required setbacks, or (b) from which sound or noise which is excessive and unnecessary, meaning sound or noise which is plainly audible or plainly discernible from any neighboring residential property.

C. *Plainly audible:* sound or noise that can be measured or detected by a human without benefit of hearing aid by a reasonable person or ordinary sensibilities.

D. *Plainly discernible:* ground or airborne vibrations associated with sound which can be detected by the human senses of a reasonable person of ordinary sensibilities.

E. *Designated Responsible Party:* The owner, or any person eighteen (18) years of age or older designated by the owner, tasked with responding to requests, complaints, or other problems relating to or emanating from the vacation rental. There shall only be one designated responsible party for each vacation rental. An owner may retain a private property management company to serve as the designated responsible party.

F. *Bedroom:* Any room used principally for sleeping purposes and meeting applicable building code requirements for a bedroom.

G. *Town:* The Town of St. Lucie Village, Florida.

H. *Dwelling:* Any building or portion thereof designed for or used for residential purposes.

I. *Dwelling Unit:* A room or group of rooms within a dwelling that forms a single independent habitable unit used or intended to be used for living, sleeping, sanitation, cooking, and eating purposes by only one family.

2. Vacation Rental Regulations:

A. No person or entity shall operate a Vacation Rental within the Town without first registering with the Town's Clerk, which registration must be approved by the Board of Alderman. All currently existing vacation rentals shall register by _____, 2023.

- B. No commercial event may be held at any Vacation Rental.
- C. Any noise that is plainly audible from an adjacent property from 10:00 p.m. to 8:00 a.m. is prohibited. No amplification system, device or sound system speakers, shall be used outdoors, or indoors in a manner that is plainly audible or plainly discernable from an adjacent residential property.
- D. No more than one boat is permitted per dock slip/lift; a dock may only be used by the owner or renter of the dwelling unit; and, no live-aboard use is permitted.
- E. Parking and storage of boats and recreational vehicles shall conform to the requirements and limitations set forth herein.
- F. Vacation Rental Parking Regulations:
- 1) Parking shall be limited to the number of spaces and locations set forth in the approved application.
 - 2) All vehicles, except for service and delivery vehicles, shall be parked on-site and not on any property other than that on which the dwelling unit is located.
 - 3) Parking shall be limited to improved spaces and shall not be permitted in the grass or other unimproved areas.
 - 4) Vehicles other than service or delivery vehicles, shall not be parked in any right of way, whether paved or unpaved, and shall not obstruct any sidewalks or pedestrian walkways.
 - 5) In determining the number of spaces, accessible spaces in a garage or carport may be counted, as may spaces in an existing area improved for parking. Space for parking in an existing driveway may also be counted, provided that there shall be no parking on any sidewalk or within 5 feet of the paved surface of the road. No portion of a property located within a required setback shall otherwise be counted as a parking space, except that one recreational vehicle or boat (neither of which may exceed 35 feet in length or 14 feet in height), may be stored in the front setback in accordance with Section 3.5.7(A)(I)(h) of the Zoning Ordinance dealing with Outdoor Storage.
 - 6) The maximum number of vehicles permitted is the lesser of (a) the number of parking spaces as calculated above or (b) the number that is one vehicle more than the number of bedrooms.

G. The overnight maximum sleeping occupancy (“the occupancy limit”) of a vacation rental unit shall not exceed two (2) persons per bedroom plus two (2) additional persons.

Notwithstanding the above, a maximum (cap) of ten (10) persons shall apply to each unit.

H. Fire protection items required for the State vacation rental license and by the Florida Building Code shall be provided in the Vacation Rental.

I. Each Vacation Rental shall have a designated responsible party. Changes in the designated responsible party and/or changes in the designated responsible party's contact information shall be provided to the Clerk within ten (10) days of the change. The following provisions also apply:

(a) The designated responsible party must be available at the posted telephone number twenty-four (24) hours a day, seven (7) days a week and capable of directly responding, or directing a designated agent to directly respond, to and resolve any issues or concerns raised by renters Town staff, or law enforcement when the vacation rental is occupied. If necessary, the designated responsible party must be willing and able to come to the vacation rental unit within two (2) hours following notification to address any issue that is not capable of being addressed by telephone.

(b) The name and telephone number of the designated responsible party shall be prominently posted inside the unit and also on the front exterior of the vacation rental in a place visible to the public.

J. The occupancy limit, the maximum number of vehicles allowed to be parked on site, the prohibition on commercial events and the noise regulations statement contained in these regulations, shall appear or be stated in any vacation rental unit advertisement or any rental offering associated with a vacation rental unit.

K. Each year, the owner of any Vacation Rental or the designated responsible party shall submit a copy of a valid current state license to the Town Clerk review their registration and, as well as payment of a renewal fee.

L. Dog owners shall, at all times, keep their animals under control, either by restricting the dog to the Vacation Rental or by having it under control by leash, voice command or other method, so as to prevent injury to person, other animals or property.

M. Animal nuisances, including a dog or cat which attacks other animals or damages property, or which barks, whines or howls in an excessive, continuous or untimely fashion, are prohibited.

N. Any garbage/waste containers provided shall be sufficient to serve the maximum occupancy and shall have lids that can be closed or secured so as to prevent spills and animal access, and odor impact on adjacent dwelling units.

O. To the extent that there is no conflict with these vacation rental regulations, all Town regulations applicable to a residential unit that is not operated or used as a vacation rental unit shall also apply to a vacation rental unit, whether or not specifically recited herein.

3. **Vacation rental registration:**

A. The owner of a Vacation Rental or the Designated Responsible Party shall submit a registration request to the Clerk for each Vacation Rental.

B. Registration requests shall be accompanied by a registration fee established in accordance with Section 7, below, and include:

- 1) The names of the Vacation Rental owner and Designated Responsible Party's contact information (cell phone number, email address, mailing address).
- 2) Documentation that the applicant has obtained the following:
 - a. State Department of Business and Professional Regulation license for each Vacation Rental
 - b. State Department of Revenue Sales Tax account
 - c. Local tourist tax account from the St. Lucie County Tax Collector
- 3) The following information concerning parking, occupancy and dock availability:
 - a. The number of parking spaces provided for each Vacation Rental and a diagram of the proposed parking locations.
 - b. The maximum number of vehicles allowed.
 - c. The maximum occupancy limit, as well as number of bedrooms and the number and size of all beds in the Vacation Rental.
 - d. The number of bathrooms in a Vacation Rental.
 - e. The number of boat slips and/or lifts available on any dock.
- 4) Verification that all sanitation and safety requirements established by the State and by the Florida Building Code, including as to swimming pools, have been met.
- 5) That acknowledgment by the owner of the Vacation Rental and any designated responsible party of each of the Vacation Rental Regulations as specified in Section 2 above.

6) Acknowledgement that the following information will be posted or displayed inside the vacation rental unit prior to rental (or continued rental) of the unit and shall thereafter be continuously posted or displayed inside the vacation rental unit:

- a. Property address
- b. Designated responsible party contact information.
- c. The Village Parking Regulations as set forth in Section 2 above, particularly the maximum number of vehicles that can be parked at the Vacation Rental, as per Section 2 above, and the diagram of approved parking locations.
- d. Maximum number of boats.
- e. The occupancy limit (number of persons).
- f. The noise regulations per Section 2 above.
- g. The prohibition on commercial events.
- h. The Village's "leash law" set forth in Section 2, above.
- i. Location of smoke alarms, emergency lighting, and fire extinguisher
- j. Emergency information.
- k. The prohibition on animal nuisances.
- l. Trash and recycling pick-up days and protocol for placing and retrieving waste management containers.

C. The Board of Alderman may require verification of the accuracy of information submitted and that the requirements of this ordinance have been met; but, once assured of compliance and accuracy, the Board shall approve the registration. Such approval may be denied or withdrawn upon a change of circumstances or discovery of additional facts.

D. The owner of a vacation rental unit or the designated responsible party shall renew the registration required herein every 12 months by confirming that the information accompanying the original registration request is still accurate or advising of any changes, and concurrently submitting a renewal fee established in accordance with Section 7, below.

E. To avoid any misunderstanding by a renter, occupancy, parking and use limitations shall be included in any advertising.

4. **Interim Operation of Vacation Rental Unit:**

Because of the length of time it may take to comply with all of the new requirements on this section, all vacation rental owners may lawfully operate until _____, 2023, to obtain a registration fee receipt from the Town and come into full compliance with the new standards and requirements imposed by this section.

5. **Claim of Contract Impairment:**

It is not the intent of this ordinance to impair any existing contracts, leases, or reservations that are evidenced by writing or by existing electronic record. An owner who asserts the enacted ordinance amendment impairs a vacation rental contract in effect on or before adoption of these regulations, shall submit the contract, lease or reservation, evidenced in writing or by existing electronic record, to the Clerk for review and consideration. Except in the event of an apparent health-safety issue, the Clerk of Board of Alderman may exercise compliance in such specific circumstances.

6. **Enforcement:**

A. Enforcement of compliance with the provisions of this Ordinance may be pursuant to Ordinance 2018-3, the provisions of which are incorporated herein by reference. Moreover, failure to comply, including failure to register or renew registration, will result in suspension of the right to operate the residence as a vacation rental. During any period of suspension, a unit may not be operated as a vacation rental.

B. In addition to any other remedy available to the Town, the town or any adversely affected party may enforce this section in law or equity. Any citizen of the Town may seek injunctive relief to prevent a violation of this section.

C. The remedies provided herein are not intended to be exclusive.

7. **Schedule of Regulatory Fees:**

A fee schedule shall be adopted by resolution of Town Board of Aldermen for initial registration, renewals, transfer of ownership, and for such other reasonable charges of regulation as Board determines necessary.

SECTION 2: Conflict. In the event that any previously adopted ordinance or portion thereof conflicts herewith, the provisions herein shall take precedence and apply to any vacation rentals.

SECTION 3: Severability. If any provision of this ordinance or the application hereof is held invalid, such invalidity shall not affect the other provisions or applications, and to this end, the provisions.

SECTION 4: Effective Date. This Ordinance shall take effect upon its final reading and approval.