

## *DIVISION 2. VACATION RENTALS*

### **Sec. 28-145. Regulation of vacation rentals.**

(a) *Definitions:*

*Bedroom.* A bedroom shall have the same meaning as the term sleeping unit found in the Florida Building Code.

*Rental unit.* A rental unit is the smallest portion of a vacation rental offered to the public as an individual unit available to rent.

*Short term rental.* A short-term rental is synonymous to a vacation rental.

*Vacation rental.* A vacation rental shall have that same meaning as defined in F.S. § 509.242.

(b) *Supplemental intent of these regulations:* The regulation of vacation rentals is intended to be supplemental to any other regulations, including but not limited to, zoning district regulations.

(Ord. No. 19-50, § 1, 1-27-20)

### **Sec. 28-146. Registration.**

Every vacation rental shall register with the city on forms provided for this purpose and shall pay the required administrative fee, as set by resolution, at the time of registration and thereafter annually. The information provided on each listing of a vacation rental must accurately reflect the information submitted on the registration form. All information provided in the required registration application will be verified on site prior to approval of registration. Listings that inaccurately reflect information on the registration form information will be considered a separate violation of this Code. The registration will include the following:

- (1) Address of the vacation rental.
- (2) Name, address, and contact information of the property owner.
- (3) Name, address, and contact information of the property manager if different than the property owner.
- (4) Number of rental units offered to the public for rent at this location.
- (5) Number of bedrooms.
- (6) Floor plan identifying the location of bedrooms, emergency exits or egress, and number and location of fire extinguishers, carbon monoxide and smoke detectors.
- (7) Site plan or other document depicting approved parking spaces provided.
- (8) Property owner authorization providing for inspection pursuant to section 28-147 of this Code.
- (9) The zoning designation of the vacation rental to determine whether the vacation rental is monthly, weekly, or requires a submerged land lease.

(Ord. No. 19-50, § 1, 1-27-20; Ord. No. 21-12, § 1, 7-12-21)

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### **Sec. 28-147. Annual inspection.**

At the time of registering a vacation rental, and thereafter annually, the applicant shall be required to allow reasonable access to the property by city officials for an inspection of the Florida Fire Prevention Code, Life-Safety Code, NFPA 101, as amended and adopted by the state fire marshal from time to time.

(Ord. No. 19-50, § 1, 1-27-20; Ord. No. 21-12, § 2, 7-12-21)

### **Sec. 28-148. Intensity of use.**

The maximum occupancy of a vacation rental is two (2) persons per bedroom per vacation rental, plus an additional two children under the age of 18 per vacation rental. The total maximum occupancy of a vacation rental is twelve (12) persons, inclusive of minor children.

(Ord. No. 19-50, § 1, 1-27-20)

### **Sec. 28-149. Ancillary use.**

Each vacation rental may host guests who are not counted towards the maximum occupancy of the rental unit. These guests must vacate the vacation rental premises between the hours of 10:00 p.m. and 8:00 a.m. Ancillary use of the vacation rental does not imply or grant the property the right to operate as a special event venue pursuant to this Code. Total life-safety occupancy maximums apply to the ancillary use of the vacation rental.

(Ord. No. 19-50, § 1, 1-27-20)

### **Sec. 28-150. Life-safety.**

- (i) All vacation rentals shall meet life-safety standards as established by local, state, and federal regulations.
- (ii) Each vacation rental will provide a smoke alarm, a carbon monoxide alarm, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the Florida Fire Prevention Code, Life-Safety Code, NFPA 101, as amended and adopted by the State Fire Marshal from time to time.
- (iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the Florida Fire Prevention Code, Life Safety Code, NFPA 101, as amended and adopted by the State Fire Marshal from time to time. Each means of egress must be maintained, unobstructed, and operable.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

(Ord. No. 19-50, § 1, 1-27-20; Ord. No. 21-12, § 3, 7-12-21)

### **Sec. 28-151. Parking.**

- (i) Each vacation rental, except as provided in subparagraph (iii) below, will provide at least one (1) stabilized parking space per bedroom offered for rent.

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- (ii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass. For the purposes of this division, stabilized parking shall be defined as a space that is covered and graded by semi-permeable or impervious materials such as asphalt, concrete, pavers, gravel, or a similar material.
  - (iii) Vacation rentals in all zoning districts that otherwise have on-site parking requirements will provide stabilized parking on the site of their rental property. If on-site parking is not feasible, the owner may make an application to the planning and zoning board for a use by exception for offsite parking. The application to the planning and zoning board for a use by exception for offsite parking may include in the alternative, parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to city regulations, residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

(Ord. No. 19-50, § 1, 1-27-20)

### **Sec. 28-152. Solid waste.**

Vacation rental property owners are responsible to ensure that garbage and trash receptacles are placed curbside consistent with city regulations at sections 30-7 and 30-8 of this Code. Appropriate fees and rates commensurate with collection volumes may be established pursuant to section 30-10 of this Code.

(Ord. No. 19-50, § 1, 1-27-20)

### **Sec. 28-153. Existing contracts unaffected.**

Valid and enforceable contracts for vacation rentals in existence prior to the effective date of Ordinance No. 19-50 remain unaffected by the terms of this ordinance.

(Ord. No. 19-50, § 1, 1-27-20)

### **Sec. 28-154. Violations and penalties.**

If the city provides a system for telephonic or electronic processing of preliminary compliance complaints, these complaints will be directed to the property manager or property owner identified in the registration form. The property owner or property manager must respond by acknowledging that they have received the preliminary compliance complaint within thirty (30) minutes of notification by the city or its agent. Failure to respond to this notification will be considered a violation subject to the enforcement provisions found in this section.

Violation of sections 28-145 through 28-156, as well as section 28-159 may be prosecuted pursuant to article VI, code enforcement, or pursuant to any other procedure and remedy available to the city, including but not limited to, revocation of the vacation rental registration.

(Ord. No. 19-50, § 1, 1-27-20)

### **Sec. 28-155. Effect of Ordinance No. 2010-24 on RS-1 and RS-2 short-term rentals.**

- (a) *Codification of findings and intent of Ordinance No. 2010-24.* The rental of single-family homes or legally existing non-conforming two-family dwelling units for periods of a week or longer in residentially zoned neighborhoods does not constitute a motel as defined by the City Code.

The residential, single-family-one (RS-1) and the residential, single-family-two (RS-2) zoning districts govern those neighborhoods designated for single-family dwellings and uses compatible with low density single-family uses in order to create and maintain a stable low intensity residential character.

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The rental of single-family dwelling units in the RS-1 and RS-2 zoning districts for periods of one week or more but less than a long term, approximately three (3) months or more, creates an environment which does not maintain a stable, low intensity residential character unless such rentals are regulated.

Large gatherings, twenty (20) or more persons, at a single-family residential dwelling unit are not uncommon in a single-family residential neighborhood on an occasional basis, but the short-term rental of a single-family dwelling unit encourages such activities more frequently than generally experienced in a stable, low intensity residential neighborhood.

On August 3, 2010, the Planning and Zoning Board (PZB) for the City of St. Augustine made recommendation to the city commission for adoption of an ordinance to recognize and regulate short term rentals of dwelling units in the residential, single-family-one (RS-1) and residential, single-family-two (RS-2) zoning districts.

- (b) *Code definition of motel enacted by Ordinance No. 1974-37.* The definition for motel, referenced in Ordinance No. 2010-24, was enacted on April 28, 1975. Motel is defined as a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple-family dwellings and rooming or boarding houses, where rentals are generally for periods of a week or longer and occupancy is generally by residents rather than transients.
- (c) *RS-1 and RS-2 zoning districts enacted by Ordinance No. 1974-37.* RS-1 and RS-2 zoning districts, referenced in Ordinance No. 2010-24, were enacted on April 28, 1975. RS-1 and RS-2 zoning does not allow motels, defined as rentals with daily charge.
- (d) *Interpretation of weekly short-term rental requirement in RS-1 and RS-2 zoning districts.* Ordinance No. 2010-24 referenced existing zoning definitions and limitations for short-term rentals in RS-1 and RS-2 zoning districts. Motel uses, defined as rentals with daily charge, are not permitted in RS-1 and RS-2 zoning. Ordinance No. 2010-24 allows for these residentially zoned properties to be rented as short-term rentals for periods of one week or longer with registration. Nightly rentals are deemed a motel use and are not allowed in RS-1 and RS-2 zoning.

(Ord. No. 19-51, § 1, 1-27-20)

### **Sec. 28-156. Existing regulations confirmed.**

- (a) *Short-term rentals on submerged lands require submerged land lease.* Ordinance No. 1995-35 enacted on January 8th, 1996, relating to the city's submerged lands requires a submerged land lease from the city for docks or other structures used in revenue-generating or income-related activities. This existing ordinance applies to the use of boats as short term rentals.
- (b) *Short-term rentals in HP-1 zoning require monthly or greater rental period of time.* Ordinance No. 1989-51 enacted on August 14th, 1989, relating to the zoning of permitted uses and structures in historic preservation one zoning district requires rentals on a monthly or greater period of time. This existing ordinance applies to the use of HP-1 zoned properties as short term rentals.
- (c) *Other regulations continue in effect.* In addition, other local, state, and federal regulations may apply to the use of specific properties, structures, vessels, or vehicles as short term rentals. Specific identification of the above ordinances does not waive any other applicable regulations.

(Ord. No. 19-52, § 1, 1-27-20)

### **Sec. 28-157. Reserved.**