

ORDINANCE NO. 2021- 23

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; PROVIDING FOR THE ESTABLISHMENT OF PROVISIONS REGULATING SHORT TERM VACATION RENTALS; PROVIDING FOR APPLICABILITY; PROVIDING FOR REGISTRATION; PROVIDING FOR USE AND OCCUPANCY STANDARDS; PROVIDING FOR REQUIRED POSTINGS AND RECORDKEEPING; PROVIDING FOR ENFORCEMENT; 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 ten (10) transient occupants, exclusive of children younger than the age of three (3) in a single family residence – more than three (3) 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, 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 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 March 2, 2021 for second reading of this ordinance and provided further direction to staff on revisions thereto, including relating revisions relating to registration, inspection, occupancy, required postings, and vesting ; and

WHEREAS, the Board of County Commissioners held a duly noticed public hearing on May 4, 2021 and approved this ordinance upon final 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's and typographic errors which do not change the tone or tenor of this Ordinance may be corrected during codification and may be authorized by the County Administrator or designee, without public hearing, by filing a corrected or recodified copy of the same with the Clerk of the Board.

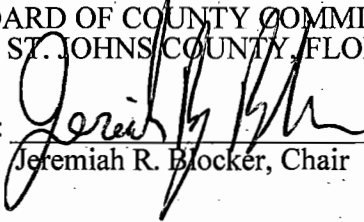
Section 7. Ordinance to be Liberally Construed. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

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

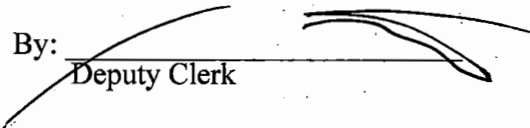
Section 9. Effective Date. This Ordinance shall take effect upon its being filed with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 4th day of May, 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

Rendition Date: MAY 06 2021

Effective Date: MAY 06 2021



Exhibit A - Article II

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

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

31 Effective November 5, 2021, unless otherwise exempt under subsection a., above,
32 no person shall rent or lease a Dwelling Unit, or any portion thereof, as a Short
33 Term Vacation Rental unless registered with, and the appropriate fee paid to, the
34 County. Each Dwelling Unit, or portion thereof, used as a Short Term Vacation
35 Rental unit shall require a separate registration.
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38 The Applicant for a Short Term Vacation Rental shall, at a minimum, provide the
39 following information for review by the County Administrator:
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- 41 (1) A Complete Application for Short Term Vacation Rental registration.
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43 (2) A sample rental/lease agreement to be used for the Short Term Vacation
44 Rental unit, which such agreement shall include the following minimum
45 terms and disclosures:
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47 (a) The maximum occupancy of the Short Term Vacation Rental unit,
48 which shall not exceed the limits set forth in subsection e.(2), below.
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50 (b) The maximum number of vehicles allowed for the Short Term
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Vacation Rental unit, which shall not exceed the number of off-street parking spaces provided at the unit.

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

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

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

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

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

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

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

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

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

(b) Acknowledges and agrees that the Applicant shall obtain a copy of a physical, government-issued photo identification for the contracting tenant/lessee/guest.

(c) Acknowledges and agrees that the County shall have the right to reasonably inspect the premises to assure compliance; and

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

c. Registration Renewal

103 Short Term Vacation Rental registrations are valid for twelve (12) months from the
104 date of initial issuance by the County. Renewal Applications and renewal fees are
105 due on or before the expiration of the previous registration.
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107 If, at any time prior to the expiration of a Short Term Vacation Rental registration,
108 (1) the gross square feet of the Dwelling Unit, (2) the number of Sleeping Rooms
109 or Common Areas, or (3) the maximum occupancy of any Short Term Vacation
110 Rental is proposed to be increased, a new Application, including the information
111 required to be provided under subsection b.(1) through (7), above, shall be
112 submitted to the County Administrator.
113

114 d. Registry
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116 The County is authorized to establish and maintain a registry cataloging each Short
117 Term Vacation Rental within the County not otherwise exempt under subsection
118 a., above, and containing the information required by this section. The registry may
119 be web-based, and the County may contract with an entity to develop, operate,
120 and maintain the registry and collect applicable fees, and, if so, any reference to
121 the Enforcement Officer herein shall include the entity the County may contract
122 with for such purposes.
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124 e. Use and Occupancy Standards
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126 All Short Term Vacation Rentals shall adhere to the following use and occupancy
127 standards:
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129 (1) Minimum Life/Safety Requirements
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131 A portable, multi-purpose fire extinguisher shall be installed, inspected and
132 maintained in accordance with NFPA 1 on each floor/level of the Short
133 Term Vacation Rental. The extinguishers shall be installed on the wall in
134 an open common area or in an enclosed space with appropriate markings
135 visibly showing location.
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137 (2) Maximum Occupancy
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139 Occupancy shall be limited to two (2) transient occupants per Sleeping
140 Room or Common Area, with a maximum limit of ten (10) transient
141 occupants per Short Term Vacation Rental, excluding children twelve (12)
142 years of age and under.
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144 (3) Parking
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146 (a) A minimum off-street parking of one (1) space per three (3) transient
147 occupants shall be provided, which may include garage spaces, if
148 the garage space is open and available for parking of motor
149 vehicles.
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151 (b) The total number of motor vehicles, boats, Recreational Vehicles,
152 and trailers on the property shall not exceed the number of off-street
153 parking spaces identified in the Application for Short Term Vacation

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- (c) Only motor vehicles of registered transient occupants may be parked on the property overnight.
- (d) Motor vehicles, boats, Recreational Vehicles, and trailers shall be parked only in driveways or other areas on the property designated for parking. Boats, Recreational Vehicles, and trailers shall not be parked on any street, alley, sidewalk, or public or private Right-of-Way, or part thereof, or in required Front Yards, except as provided in Section 6.01.03.H.5 of this Code.

(4) Solid Waste

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

(5) Noise

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

(6) Evacuation

All Short-term Vacation Rentals shall be immediately evacuated upon the posting of a hurricane warning by the National Weather Service or the National Hurricane Center.

f. Required Postings

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

- (1) The name and phone number of the Short Term Vacation Rental owner or property manager;
- (2) The maximum occupancy of the unit;
- (3) The maximum number of vehicles that can be parked at the unit;

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- (4) The location of an evacuation route map located within the property;
- (5) The location of the nearest hospital; and
- (6) Marine Turtles regulatory policies as outlined in Sections 4.01.08.B.3 of this 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. In the event of a violation of this Section by a tenant, lessee, guest, or occupant of a Short Term Vacation Rental, the County shall first pursue enforcement against said tenant, lessee, guest, or occupant. In the event of three (3) violations of this Section by tenants, lessees, guest, or occupants of the same Short Term Vacation Rental within a one hundred-eighty (180) day period, the County may pursue enforcement against the owner or operator of the Short Term Vacation Rental; provided, however, that the County may at any time pursue enforcement against an owner or operator for a violation by the owner or operator.

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

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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) transient occupants shall be retained until May 4, 2022, at which time the maximum transient occupancy shall be reduced to seventeen (17) transient occupants. As of May 4, 2023, the maximum transient occupancy shall then be reduced to fourteen (14) transient occupants. As of May 4, 2024, the maximum transient occupancy shall be reduced to, and remain, ten (10) transient occupants, as established in subsection e. (2) above. 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.

Exhibit B - Article XII

1
2
3
4 **Article XII "Definitions"**

5 **Common Room:** A room or enclosed floor space used or intended to be used for living or
6 sleeping purposes, excluding Sleeping Rooms, kitchens, bathrooms, shower rooms, water closet
7 compartments, laundries, pantries, foyers, connecting corridors, closets, and storage space.
8

9 *****

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

15 *****

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

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

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

32 *****

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

MINUTES AND RECORDS
600 SAN SEBASTIAN VIEW
ST. AUGUSTINE, FL 32084

ACCT: 15634
AD# 0003321501-01
PO#

PUBLISHED EVERY MORNING SUNDAY THROUGH SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says he/she is an Employee of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida; that the attached copy of advertisement being a **SA LEGAL AD DISPLAY** in the matter of **LDC BCC n PZA MEETING** was published in said newspaper on **11/17/2020 02/09/2021**.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

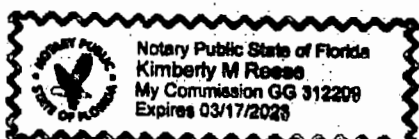
Sworn to (or affirmed) and subscribed before me by means of

physical presence or
 online notarization

this day of FEB 10 2021

by *Melissa Rhinehart* who is personally known to me or who has produced as identification

Kimberly M Reese
(Signature of Notary Public)



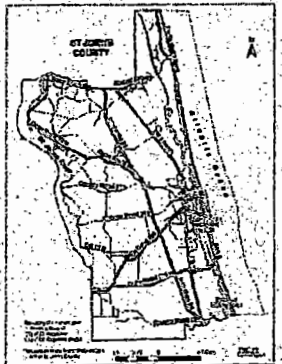
NOTICE OF PUBLIC HEARINGS OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND PLANNING & ZONING AGENCY ON ESTABLISHMENT OF ORDINANCE/ REGULATIONS AFFECTING THE USE OF LAND

NOTICE IS HEREBY GIVEN that public hearings will be held to consider adoption of the following proposed ordinance at regular meetings, as follows:

Board of County Commissioners
Tuesday, December 1, 2020, at 9:00 a.m.
Planning & Zoning Agency
Thursday, January 21, 2021, at 1:30 p.m.
Board of County Commissioners
Tuesday, February 6, 2021, at 5:01 p.m.

All public hearings will be held in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida:

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 SCRIVENERS ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida; and may be examined by parties interested prior to said public hearings. Please take note that the proposed ordinance is subject to revision prior to hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearings.

In accordance with, and subject to, State Executive Orders 20-91 and 20-92, and St. Johns County Emergency Order 2020-10, remote attendance, including public attendance, is authorized under communication media technology (CMT) procedures. CMT being used to conduct this meeting includes phone and wireless microphone. A physical quorum is required.

A person may attend this CMT meeting by calling the telephone number at 904.209.1265. Written or physical documentation may be submitted to the Board of County Commissioners, 500 San Sebastian View, St. Augustine, FL 32084, or e-mail address: sjcpublihearing@sjcf.us. Any person who submits documentation should specify whether the documentation is requested to be included as part of the official record. In order for submitted documentation to be considered as part of the official record, such documentation must be received no less than 24 hours prior to the meeting. A designated access point to attend this CMT meeting is located at 500 San Sebastian View, St. Augustine, FL.

Additional information may be obtained at:
Mailing address: Board of County Commissioners
500 San Sebastian View
St. Augustine, FL 32084
Email address: sjcpublihearing@sjcf.us
Phone number: 904.209.0300

If a person decides to appeal any decision made with respect to any matter considered at the hearings, such person will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact the ADA Coordinator at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida 32084. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the meeting.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
BRANDON J. PATTY, ITS CLERK
By: Yvonne King, Deputy Clerk

0003321501 November 17, 2020, February 9, 2021

ED-0003321501-01

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW
ST. AUGUSTINE, FL 32084

ACCT: 18687
AD# 0003349793-01
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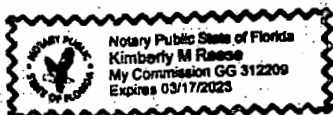
Sworn to (or affirmed) and subscribed before me by means of

physical presence or
 online notarization

this _____ day of APR 19 2021

by Melissa Rhinehart who is personally known to me or who has produced as identification

Kimberly M. Reese
(Signature of Notary Public)



NOTICE OF PUBLIC HEARINGS OF THE
ST. JOHNS COUNTY BOARD OF COUNTY
COMMISSIONERS AND PLANNING &
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OF ORDINANCE/REGULATIONS
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Board of County Commissioners
Tuesday, December 1, 2020, at 9:00 a.m.
Planning & Zoning Agency
Thursday, January 21, 2021, at 1:30 p.m.

Board of County Commissioners
Tuesday, May 4, 2021, at 9:00 a.m.
(Previously scheduled for Tuesday, March 2, 2021 @ 9:00 a.m.)
(Previously scheduled for Tuesday, February 16, 2021, at 5:01 p.m.)

All public hearings will be held in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida:

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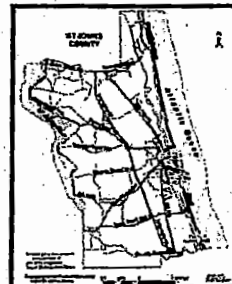
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BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
BRANDON J. PATTY, ITS CLERK
By: Yvonne King, Deputy Clerk



EP-00000000-00



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

May 7, 2021

Honorable Brandon Patty
Clerk of Courts
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Yvonne King

Dear Mr. Patty:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2021-23, which was filed in this office on May 6, 2021.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

FILED **MAY 07 2021**
ST. JOHNS COUNTY
CLERK OF COURT
BY: Yvonne King
DEPUTY CLERK