

ORDINANCE 2023-3

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ST. LUCIE VILLAGE, FLORIDA, ESTABLISHING REGULATIONS FOR VACATION RENTALS AND REGISTRATION REQUIREMENTS, PROVIDING FOR INTERIM OPERATION, ADDRESSING IMPAIRMENT OF EXISTING CONTRACTS, PROVIDING FOR ENFORCEMENT, AND ESTABLISHING AN INITIAL REGISTRATION FEE AND REVISION OR ADDITIONAL FEES BY RESOLUTION, AND ADDRESSING CONFLICT AND SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of St. Lucie Village, Florida, ("the Village") is a small community, primarily zoned Single Family Residential;

WHEREAS, the Village was incorporated in 1961 for the purpose of maintaining control over its zoning and residential character;

WHEREAS, the Village has historically limited commercial activity in residential districts to allow only home occupations which are incidental to the residential use, are conducted entirely within the residential or accessory structure and out of view of other residences or the road, are not obnoxious, offensive, or hazardous, and do not generate a greater volume of traffic than would normally be expected or require parking other than on the subject property, off the street and outside of the required front yard;

WHEREAS, Vacation Rentals, on the other hand, being short term in nature and involving successive changes in occupants, are not merely incidental to single family residential use, but quite distinct from it, and necessarily involve additional activity and a greater volume of traffic than would normally be expected, have required or involved additional parking other than on the subject property and can otherwise impinge on the character and quality of life in neighborhoods;

WHEREAS, the Village has not previously specifically prohibited Vacation Rentals and is, therefore, precluded by Section 509.032(7)(c), *Florida Statutes*, from prohibiting the use of short-term rentals;

WHEREAS, the Board of Aldermen of the Town of St. Lucie Village desires to establish and enforce standards for Vacation Rentals in a manner which protects the character and quality of life in the neighborhood or area where the Vacation Rentals are located while not unduly restricting the owner of the Vacation Rental from use of their property;

WHEREAS, it is the intent and purpose of the Board of Aldermen that these regulations be construed and implemented to achieve the following:

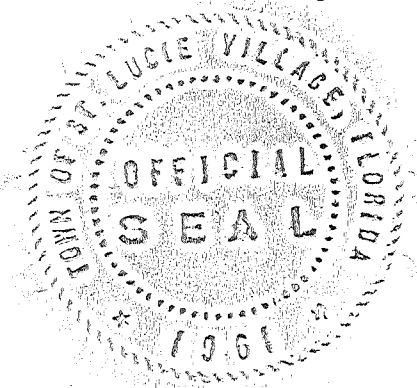
- a) To establish the regulations, procedures and standards for the review and approval of all Vacation Rentals (as defined) in the Town;
- b) To preserve and foster the public health, safety, aesthetics, and general welfare, and to aid in the harmonious and orderly development of the Town;
- c) To establish a registration process that is efficient in terms of time, administration, and enforcement; effective in addressing the impacts of Vacation Rentals; and equitable with regard to regulations and procedures, while respecting the rights of property owners; and,
- d) To implement, and be in compliance with, the goals and policies of the Town's Land Development Code and Comprehensive Plan.

NOW, THEREFORE, the Board of Aldermen of the Town of St. Lucie Village, Florida hereby ordains:

1. The attached Regulations on Vacation Rentals are incorporated herein and are approved.
2. That the Town Attorney is directed to incorporate the same into Section 3.12.0 Supplemental Regulations (numbered as appropriate) in the next updated codification of the Town of St. Lucie Village Land Development Code.
3. 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.
4. 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.
5. The attached regulations and the foregoing are effective upon approval of this Ordinance, except as otherwise specifically provided or limited therein.

PASSED AND APPROVED by the Board of Aldermen of the Town of St.

Lucie Village on this 20th day of June, 2023.



APPROVED:
BOARD OF ALDERMEN OF THE TOWN OF
ST. LUCIE VILLAGE, FLORIDA

By: William G. Thiess
William G. Thiess, Mayor

ATTESTED:

By: Mary Fowler
Mary Fowler, Acting Clerk

I, Mary Fowler, Acting Clerk of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, do hereby certify that this is a true and accurate copy of Ordinance **2023-3** which was duly introduced, read, and adopted at the regular meeting of the Board of Aldermen of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, held this 20th day of June, 2023.



Mary Fowler, Acting Clerk

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Regulations on 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:* 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 cannot be contained within the designated parking spaces on 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. *Other Event:* any gathering of people, celebration, or party which is held or occurs at a Vacation Rental, and (a) which exceeds the occupancy limits as determined at Section 2 G, below, (b) at which the parking for the attendees cannot be contained within the designated parking spaces on the property and the required setbacks, or (c) 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.

D. *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.

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

F. *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.

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

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

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

J. *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.

K. *Improved Spaces*: approved parking spaces which are improved by asphalt, concrete, crushed rock, stone, shell, or millings.

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, and submitting the Required Documentation described at Section 3 B 2. All currently existing Vacation Rentals shall register by September 30, 2023.

B. No Commercial Event or Other 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, and no such devices shall be used indoors in a manner that is plainly audible or plainly discernable from a greater distance than fifty (50) feet.

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 Vacation Rental; and, no live-aboard use is permitted.

E. Parking and storage of vehicles, 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 and trailers, except for service and delivery vehicles, shall be parked on-site and not on any property other than that on which the Vacation Rental 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 may be stored in the front setback in accordance with Section 3.5.7(A)(I)(h) of the St Lucie Village Land Development Code dealing with Outdoor Storage, provided that the parking space must be an Improved Space.

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 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 Vacation Rental; and, further provided that the occupancy limit shall be reduced to the lesser number of people indicated if the septic certification required at Section 3 B 2, below, indicates a capacity less than the occupancy limit as calculated herein.

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, neighbors, Town staff, law enforcement or others when the Vacation Rental is occupied. If necessary, the designated responsible party, or designated agent, must be willing and able to come to the Vacation Rental 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 Vacation Rental 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 Other Events, the below requirement to keep dogs on leash, 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.

K. 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, so as to prevent injury to person, other animals, or property.

L. 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.

M. 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. Such containers shall not be set out any earlier than 5 p.m. the day before pick-up, nor retrieved any later than 6 p.m. on the day of pick-up. The owner or designated agent shall be responsible for taking out and returning the garbage/waste containers if the renter does not do so.

N. Sex offender. In addition to general compliance with all federal, state, county, and local laws, it is the affirmative duty and responsibility of the property owner and designated responsible party, individually and collectively, to ensure that sexual offenders, as defined by state law, register with the St. Lucie County Sheriff's Department ("SLCSD"), in accordance with state law, as may be amended from time to time.

At the time of reservation, the property owner or designated responsible party shall inquire if any rental unit occupant is a sexual offender as defined by state law. If any rental unit occupant is a sexual offender as defined by state law, the property owner, designated responsible party, or both shall notify SLCSD within twenty-four (24) hours of being informed.

O. To the extent that there is no conflict with these Vacation Rental regulations, all Town regulations applicable to a dwelling or

dwellings that is not operated or used as a Vacation Rental shall also apply to a Vacation Rental, 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 (hereinafter, "Required Documentation"):

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

d. Certification by the St. Lucie County Health Department, the Florida Department of Environmental Protection, or an Authorized Private Provider Inspector as per Chapter 2022-105, Laws of Florida as amended or supplemented by the Florida Administrative Code, of the septic system's capacity to support the Vacation Rental's maximum occupancy and that the system is in good repair (hereinafter, "Septic Certification").

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 prior to rental (or continued rental) of the Vacation Rental and shall thereafter be continuously posted or displayed inside the Vacation Rental:

- a. Property address
- b. Designated responsible party contact information.
- c. The Vacation Rental 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 or other events.
- h. The St. Lucie Village and St. Lucie County requirement that all dogs be on a leash.

- i. Location of smoke alarms, emergency lighting, and fire extinguisher
- j. The prohibition on animal nuisances.
- k. Trash and recycling pick-up days and protocol, including times as set forth above, 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 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, resubmitting Required Documentation as then in effect, including a Septic Certification dated within the preceding 30 days, and concurrently submitting a renewal fee established in accordance with Section 7, below.

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

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 September 30, 2023, to obtain a registration fee receipt from the Town and come into full compliance with the new standards and requirements imposed by this ordinance.

5. **Impairment of Existing Contracts:**

It is not the intent of this ordinance to impair any existing contracts, leases, or reservations established before the Effective Date of this Ordinance; and, if an owner submits a contract, lease or reservation evidenced in writing or by existing electronic record, the Board of Aldermen or the Special Magistrate shall excuse failure to comply with this ordinance, as to any such contracts, leases, or reservations.

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. In particular, the Village Code Inspector may initiate Code Enforcement proceedings against the property owner for any violation, may recommend that the Special Magistrate treat past violations as, irreparable or irreversible, if appropriate, and may ask the Special Magistrate to assess fines, not to exceed the \$250.00/\$500.00 daily fine or the \$5,000.00 limit applicable to irreparable or irreversible violations as per Ordinance 2018-3, for each violation. Moreover, failure to comply, including failure to register or renew registration, will result in suspension of the right to operate the dwellings as a Vacation Rental, if the Special Magistrate of the Board of Aldermen finds a curable violation that has continued after reasonable notice. During any period of suspension, a dwelling 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:**

The initial registration fee shall be \$650.00 per Vacation Rental and may be adjusted by resolution of Town Board of Aldermen which may also, by resolution, set or revise fees for registration, renewals, transfer of ownership, and for such other reasonable charges of regulation as the Board determines necessary.