

ARTICLE XIII. SHORT-TERM VACATION RENTALS

Sec. 117-818. Applicability.

- (a) This article shall apply to short-term vacation rentals which shall have that same meaning as defined for vacation rental in F.S. § 509.242.
- (b) This article shall not apply to any facilities that are either occupied on a full-time basis by the owner as an on-premises permanent resident or located on the same parcel as the owner as an on-premises permanent resident.

(Ord. No. O-15-2019 , § 1, 11-19-2019)

Sec. 117-819. Short-term vacation rental minimum requirements.

- (a) Short-term vacation rentals shall be permitted in all residential zoning districts provided they are in compliance with this article. No person shall rent or lease all or any portion of a dwelling unit as a short-term vacation rental without initially and then on a continuing basis:
 - (1) Obtaining a short-term vacation rental certificate from the city pursuant to this article;
 - (2) Obtaining a business tax receipt from the city pursuant to chapter 78, article II of the City Code;
 - (3) Obtaining a Florida Department of Revenue certificate of registration for purposes of collecting and remitting tourist development taxes, sales surtaxes, and transient rental taxes;
 - (4) Obtaining a Florida Department of Business and Professional Regulation license as a transient public lodging establishment; and
 - (5) Obtaining an account with Clay County Tax Collector for the purpose of collecting and remitting tourist development taxes and other taxes as may be required by law.
 - (6) As demonstrated through an affidavit, maintaining initial and ongoing compliance with the short-term vacation rental standards contained herein, plus any other local, state, and federal laws, regulations, and standards to include, but not be limited to, F.S. ch. 509, and Rule chapters 61C and 69A, Florida Administrative Code or such successor statutes or rules as may be applicable.

(Ord. No. O-15-2019 , § 1, 11-19-2019)

Sec. 117-820. Short-term rental standards.

The following standards shall govern the use of any short-term vacation rental as a permitted use:

- (1) *Minimum life safety requirements:*
 - a. *Swimming pool, spa and hot tub safety.* A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, F.S. ch. 515.
 - b. *Sleeping rooms.* All sleeping rooms shall meet the single- and two-family dwelling minimum requirements of the Florida Building Code.

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- c. *Smoke and carbon monoxide (CO) detection and notification system.* If an interconnected and hard-wired smoke and carbon monoxide (CO) detection and notification system is not in place within the short-term vacation rental unit, then an interconnected, hard-wired smoke alarm and carbon monoxide (CO) alarm system shall be required to be installed and maintained on a continuing basis consistent with the requirements of section R314, Smoke Alarms, and section R315, Carbon Monoxide alarms, of the Florida Building Code—Residential.
 - d. *Fire extinguisher.* A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor/level of the unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.
 - e. *Battery powered emergency lighting of primary exit.* Battery powered emergency lighting which provides illumination automatically in the event of any interruption of normal lighting shall be provided for a period of not less than one hour to illuminate the primary exit.
 - f. *Florida Building Code and Florida Fire Protection Code.* In addition to the above-listed minimum life safety requirements, all short-term vacation rentals shall be required to comply with the provisions of the Florida Building Code and the Florida Fire Protection Code.
- (2) *Maximum occupancy.* The following specific site considerations in subsection(s) a. and b., shall limit any short-term vacation rental occupancy to whichever is less as applicable, below:
 - a. One person per 250 gross square feet of permitted, air-conditioned living space; or
 - b. The maximum number of occupants allowed shall be restricted in accordance with any septic tank permit and the assumed occupancy/conditions pursuant to which the permit was issued.
 - (3) *Parking standard.* One stabilized parking space per rental bedroom for transient occupants meeting the size requirements of section 113-160 (b) shall be required.
 - (4) *Solid waste handling and containment.* Based on the maximum transient occupancy permitted, one trash storage container shall be provided per four transient occupants or fraction thereof. Appropriate screening and storage requirements for trash storage containers shall apply per any development approval, local neighborhood standard or City Code provision, whichever is more restrictive, and be incorporated into the certificate. For purposes of this section, a trash storage container shall be only those approved by the city, with the container to be placed at and removed from curbside at the times required under the City Code.
 - (5) *Minimum short-term vacation rental required postings.* The short-term vacation rental shall be provided with posted material as required by the city in section 117-826.
 - (6) *Minimum short-term vacation rental lessee information.* The short-term vacation rental lessee shall be provided with a copy of the information required in section 117-825.
 - (7) Designation of a short-term vacation rental responsible party capable of meeting the duties provided in section 117-824.
 - (8) *Septic tank wastewater disposal.* If wastewater service is provided through a private home septic system, then the owner shall provide the city a valid septic permit for the property, and the application it is based upon, demonstrating the capacity for the short-term vacation rental occupancy requested.
 - (9) *Advertising.* Any advertising of the short-term vacation rental unit shall conform to information included in the short-term vacation rental certificate and the property's approval, particularly as this pertains to maximum occupancy.
 - (10) *Other standards.* Any other standards contained within the city's land development regulations to include, but not be limited to: noise, setbacks, and similar provisions.

(Ord. No. O-15-2019 , § 1, 11-19-2019)

Sec. 117-821. Short-term rental certificate.

To verify compliance with these short-term vacation rental standards, any property owner who wishes to use his or her dwelling unit as a short-term vacation rental must first apply for and receive a short-term vacation rental certificate from the city and renew the certificate annually for as long as the unit is used as a short-term vacation rental. Each dwelling unit used as a short-term vacation rental requires a separate short-term vacation rental certificate. An annual certificate fee shall be paid for each dwelling unit certified as a short-term vacation rental in an amount of \$50.00 to cover the costs of administration, plus any additional costs incurred by the city as a result of inspection(s) required under this article. Failure to comply with any of the requirements of this section shall be subject to the remedies and enforcement provided in section 117-828.

(Ord. No. O-15-2019 , § 1, 11-19-2019)

Sec. 117-822. Application for a short-term vacation rental certificate.

Each property owner seeking initial issuance of a short-term vacation rental certificate, renewal, transfer, or modification of a short-term vacation rental certificate, shall submit a short-term vacation rental application in a form specified by the city, along with an application fee in an amount of \$50.00. The initial short-term vacation rental certificate shall be valid through September 30.

- (1) A complete application for the initial or modification of a short-term vacation rental certificate shall demonstrate compliance with the short-term vacation rental standards above through the following submittals:
 - a. A completed application and applicable fees.
 - b. Exterior site sketch.
 1. An exterior sketch of the facility demonstrating compliance with the Standards contained herein shall be provided to the city. The sketch shall be drawn to scale, showing all structures, pools, fencing, and uses, including areas provided for off-street parking and trash collection.
 - c. Interior building sketch by floor.
 1. A building sketch(es) shall be provided by floor showing a floor layout and demonstrating compliance with the standards contained herein.
 2. The sketch shall be drawn to scale, showing all bedrooms and sleeping areas, exits, smoke and carbon monoxide detectors, and fire extinguishers, etc.
 - d. Required short-term vacation rental postings.
 1. Copies of required postings shall be provided.
 - e. A blank, draft short-term vacation rental/lease agreement showing required lease terms.
 - f. A valid septic tank permit, if applicable.
 - g. Proof of a local business tax application with the City of Green Cove Springs pursuant to chapter 78, article II.
 - h. Proof of a Florida Department of Revenue certificate of registration for the purposes of collecting and remitting sales surtaxes, transient rental taxes, and other taxes as may be required by law.

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- i. Proof of a Florida Department of Business and Professional Regulation (DBPR) license as a transient public lodging establishment.
 - j. Proof of a current and active account with Clay County Tax Collector for the purpose of collecting and remitting tourist development taxes and other taxes as may be required by law.
 - k. Any other required information necessary to demonstrate compliance with the short-term vacation rental standards herein.
- (2) *Certificate renewals or transfers.* The application for renewal or transfer of a short-term vacation rental certificate shall demonstrate compliance with the following:
- a. If no changes have occurred since the issuance of the most recent short-term vacation rental certificate, then no additional submittals are required to accompany the renewal/transfer short-term vacation rental certificate application except as subsections below may be applicable.
 - b. If minor changes not involving the specific modifications described below in subsection (3) have occurred since the issuance of the most recent short-term vacation rental certificate, then additional submittals specific to the minor changes shall be required to accompany the application as necessary to demonstrate compliance with the standards herein.
 - c. An inspection is required whenever there is a transfer of a certificate.
 - d. A short-term vacation rental certificate holder must apply annually for a renewal no later than October 1 of each year and shall have passed all inspections and complied fully with the requirements of this article by December 31.
- (3) *Modification of certificate.* An application for modification of a short-term vacation rental certificate is necessary where any of the following apply:
- a. The gross square footage of the dwelling unit has increased; or
 - b. The number of sleeping areas or bedrooms is proposed to increase; or
 - c. The occupancy is otherwise proposed to increase.

For the inspection of a modification to a short-term vacation rental certificate, the modification in facility usage may not occur until after a successful inspection by the city; however, pending such successful inspection the existing certificate shall apply.

(Ord. No. O-15-2019 , § 1, 11-19-2019)

Sec. 117-823. Initial and routine compliance inspections of short-term vacation rentals.

- (a) An inspection of the dwelling unit for compliance with this section is required prior to issuance of an initial short-term vacation rental certificate. If violations are found, all violations must be corrected, and the dwelling unit must be re-inspected prior to issuance of the initial short-term vacation rental certificate as provided herein.
- (b) Once issued, a short-term vacation rental unit must be properly maintained in accordance with the short-term vacation rental standards herein and will be re-inspected annually or, in the event of a certificate transfer, re-inspected at the time of transfer. For an inspection, all violations must be corrected and re-inspected within 30 calendar days. Failure to correct such inspection deficiencies in the timeframes provided shall result in enforcement as provided in section 117-828 until such time as the violation(s) is/are corrected and re-inspected.
- (c) The inspections shall be made by appointment with the short-term vacation rental responsible party. If the city's inspector has made an appointment with the responsible party to complete an inspection, and the

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responsible party fails to admit the officer at the scheduled time, the owner shall be charged a fee in an amount of \$50.00 to cover the administrative expense incurred by the city, plus any additional costs incurred by the city as a result of inspection(s) required under this article.

- (d) If the city's inspector is denied admittance by the short-term vacation rental responsible party or if the inspector fails in a least three attempts to complete an initial or subsequent inspection of the rental unit, the city shall provide written notice of failure of inspection to the owner at the address shown on the existing short-term vacation rental certificate or the application for short-term vacation rental certificate.
- (1) For an initial inspection, the notice of failure of inspection shall result in the certificate not being issued and the short-term vacation rental being deemed not in compliance with this article.
 - (2) For a subsequent inspection, the notice of failure of inspection is considered a violation pursuant to subsection (b) above and is subject to enforcement remedies as provided herein.

(Ord. No. O-15-2019 , § 1, 11-19-2019)

Sec. 117-824. Short-term vacation rental responsible party.

- (a) The purpose of the responsible party is to respond to routine inspections, non-routine complaints, and other more immediate problems related to the short-term vacation rental of the property.
- (b) The property owner shall serve in this capacity or shall otherwise designate in writing to the city a short-term vacation rental responsible party to act on the property owner's behalf. Any person 18 years of age or older may be so designated provided they can perform the duties listed in subsection (c).
- (c) The duties of the short-term vacation rental responsible party, whether the party is a property owner or an agent, are to:
 - (1) Be available at a listed phone number 24 hours a day, seven days a week and capable of legally handling any issues arising from the short-term vacation rental use;
 - (2) If necessary, be willing and able to come to the short-term vacation rental unit within two hours following notification from an occupant, the property owner, or the city to address issues related to the short-term vacation rental;
 - (3) Ensuring sexual offenders/predators as defined in F.S. 775.21, F.S. 943.0435, F.S. 944.607, or F.S. 985.4815 register at the Clay County Sheriff's Office and the Green Cove Springs Police Department, following the process set forth in F.S. 775.21, 48 hours prior to arrival at a vacation rental, regardless of the length of stay. The property owner or agent shall comply with Florida law, chapter 775.215, as amended from time to time, pertaining to the distance separation of homes with a sexual offender/predator residing within the vacation rental and any business, school, child care facility, park, playground, or other places where children regularly congregate. Failure to comply with this section shall result in revocation of the business tax receipt or short-term vacation rental certificate or both;
 - (4) Authorized to receive service of any legal notice on behalf of the owner for violations of this section; and
 - (5) Otherwise monitor the short-term vacation rental unit at least once weekly to assure continued compliance with the requirements of this section.
- (d) A property owner may change the designation of a short-term vacation rental responsible party temporarily or permanently; however, there shall only be one short-term vacation rental responsible party for each short-term vacation rental at any given time. To change the designated responsible party, the property owner shall notify the city in writing via a completed form provided by the city.

(Ord. No. O-15-2019 , § 1, 11-19-2019)

Sec. 117-825. Minimum provisions and requirements of short-term vacation rental or lease agreements.

Short-term vacation rental or lease agreements for properties subject to this article shall contain the following information at a minimum:

- (1) Maximum occupancy of the short-term vacation rental unit as permitted on the short-term vacation rental certificate for the property;
- (2) The name and ages of all persons who will be occupying the unit;
- (3) The license tag numbers for all vehicles that the occupant(s) will be parking at the unit, with a total number not to exceed the number of off-street parking spaces at the unit as designated on the short-term vacation rental certificate; and
- (4) A statement that all transient occupants must evacuate from the short-term vacation rental upon posting of any evacuation order issued by local, state, or federal authorities.
- (5) The rental or lease agreement shall be retained by the responsible party. The responsible party shall retain all rental or lease agreements for a minimum period of five years following the end of the rental period.
- (6) Provide the lessee with the evacuation zone designation of the subject property and the evacuation zone map as provided by the Clay County Emergency Management Department.
- (7) No rental or lease agreement shall be provided to or retained by the city except as part of an enforcement investigation, emergency, or other action by the city. At the city's request, the responsible party shall immediately provide the city with the rental or lease agreements described in subsection (5).

(Ord. No. O-15-2019 , § 1, 11-19-2019)

Sec. 117-826. Required posting of short-term vacation rental unit information.

- (a) On the back of or next to the main entrance door to the short-term vacation rental unit or on the unit's refrigerator there shall be provided the following information:
 - (1) The name, address, and phone number of the short-term vacation rental responsible party;
 - (2) The maximum occupancy of the unit;
 - (3) Notice that quiet hours are to be observed between 10:00 p.m. and 7:00 a.m. daily or as superseded by any city noise regulation;
 - (4) The maximum number of vehicles that can be parked at the unit, along with a sketch of the location of the off-street parking spaces;
 - (5) The days of trash and recycling pickup;
 - (6) The location of the nearest hospital.
- (b) If the short-term vacation rental unit includes three or more occupied floors, then on the third floor above ground level and higher floors there shall be posted, next to the interior door of each bedroom a legible copy of the building evacuation map.

(Ord. No. O-15-2019 , § 1, 11-19-2019)

Sec. 117-827. Offenses and violations.

- (a) Non-compliance with any provisions of this article shall constitute a violation of this article.
- (b) For purposes of this section, each day a violation of this article exists shall constitute a separate and distinct violation.

(Ord. No. O-15-2019 , § 1, 11-19-2019)

Sec. 117-828. Remedies and enforcement.

Violations of this article shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal actions. To accomplish a safe and effective vacation rental program it is key that short-term rental responsible parties are responsive and responsible in the management of the property for compliance with this article. Code enforcement activities will be in accordance with F.S. ch. 162 and the City Code.

- (1) *Warnings.* Warnings may be issued for first-time violations and have a correction and compliance period associated with it. Such warnings may include notice to other agencies for follow-up by such agencies as applicable. Non-compliance with a correction compliance period shall result in the issuance of a citation or notice of violation.
- (2) The city may utilize F.S. ch. 162 or the City Code to prosecute a code violation and in such case, the city's special magistrate shall be authorized to hold hearings, assess fines, and authorize abatement in accordance with Florida law and the City Code.
- (3) Nothing contained herein shall prevent the city from seeking all other available remedies which may include, but not be limited to, injunctive relief, liens, and other civil or criminal penalties as provided by Florida law or the City Code, as well as referral to other enforcing agencies.

(Ord. No. O-15-2019 , § 1, 11-19-2019)

Sec. 117-829. Waivers and appeals.

- (a) If an application for a short-term vacation rental certificate submitted pursuant to section 117-821 of this article is denied by the city, the applicant may appeal said denial to the planning and zoning board. The planning and zoning board is authorized under this article to consider an appeal requesting a waiver from some or all of the requirements of this article. Applications appealing a denial of a short-term vacation rental certificate by the city shall be in writing on the form prescribed by the city. In order for an application to be deemed complete, the applicant must have also paid the \$100.00 fee established hereunder for appeals.
- (b) Waivers may be granted by the planning and zoning board if the board finds, based on competent and substantial evidence, that the appeal application meets all of the following criteria:
 - (1) There are practical or economic difficulties in carrying out the strict letter of the regulation;
 - (2) The request is not based exclusively upon the desire to reduce the costs of compliance with the regulation;
 - (3) The proposed waiver will not substantially diminish property values in, nor alter the essential character of, the area surrounding the property and will not substantially interfere or injure the rights of others whose property would be affected by the waiver; and

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- (4) The proposed waiver will not be detrimental to the public health, safety or welfare, result in additional expense, the creation of nuisances or conflict with any other applicable law.
- (c) *Decision final.* The decision of the planning and zoning board shall be final.
- (d) The applicant or city may appeal the final decision to the circuit court in and for Clay County, Florida.
- (Ord. No. O-15-2019 , § 1, 11-19-2019)