REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee, and City Council its comments and recommendations on:

ORDINANCE 2019-238

AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE), ORDINANCE CODE, TO CREATE A NEW PART 17 (SHORT TERM VACATION RENTALS) TO ESTABLISH A REGISTRATION PROGRAM AND PROVIDE REGULATIONS AND ENFORCEMENT CONCERNING SHORT TERM VACATION RENTALS; AMENDING CHAPTER 123 (PUBLIC FEES), ORDINANCE CODE, TO AUTHORIZE A SHORT TERM VACATION RENTAL REGISTRATION FEE; DIRECTING THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR TO DETERMINE THE SHORT TERM VACATION RENTAL REGISTRATION FEE AND POST SUCH INFORMATION ON THE CITY'S WEBSITE; PROVIDING AN EFFECTIVE DATE.

I. GENERAL INFORMATION

The bill amends Ordinance Code Chapter 656 – Zoning Code - to create a new Part 17 - Short Term Vacation Rentals - to establish a registration program and provide regulations and enforcement concerning Short Term Vacation Rentals (STVRs). It establishes a STVR registration requirement for operators that includes requirements for insurance coverage, inspection by the City's Fire Prevention Division, and notification of the Property Appraiser's Office for notation on the property's property record card. It requires issuance of a Certificate of Use for operation of a STVR and requires STVRs to comply with applicable building, zoning, property safety and fire codes. The bill establishes off-street parking requirements, limits STVR rentals to no more than 2 adults (age 16 and over) per bedroom and limits rentals to no more than 3 bedrooms in a STVR. If the STVR is in a residential zoning district, in a Commercial Residential and Office (CRO) zoning district, in the CRO-Springfield district, in a Residential Office (RO) zoning district or a PUD zoning district with primarily residential uses, the property owner or an agent of the property owner must reside in and occupy the STVR property during the entire rental period. In all commercial and industrial zoning districts (other than those listed above) or in a PUD with primarily commercial or industrial uses, the owner or agent is not required to reside in and occupy the STVR during the term of the rental. Enforcement of STVR regulations shall be done a variety of means including cease and desist orders, abatement and removal of any condition constituting a violation, civil penalties, injunctive relief, recovery of attorney's fees, and any other relief authorized by law. The bill also amends Ordinance Code Chapter 123 – Public Fees – to establish a STVR registration fee.

II. EVALUATION

A. The need and justification for the change

The City Council's Special Committee on Short Term Rentals met several times in the second half of 2018, heard presentations about various aspects of STVR regulation from the Office of General Counsel, and took testimony from representatives of the STVR operator industry and both individual proponents and opponents of the industry and representatives of neighborhood groups. The Special Committee did not issue a final report.

B. Consistency with the Comprehensive Plan.

The Comprehensive Plan is silent regarding this matter.

III. RECOMMENDATION

Should **Ordinance 2019-238** be approved, the Planning and Development Department finds that the change does not conflict with the Zoning Code or Comprehensive Plan.

Introduced by Council Member Love:

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AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE), ORDINANCE CODE, TO CREATE A NEW PART 17 (SHORT TERM VACATION RENTALS) TO ESTABLISH A REGISTRATION PROGRAM AND PROVIDE REGULATIONS AND ENFORCEMENT CONCERNING SHORT TERM VACATION RENTALS; AMENDING CHAPTER 123 (PUBLIC FEES), ORDINANCE CODE, TO AUTHORIZE A SHORT TERM VACATION RENTAL REGISTRATION FEE; DIRECTING THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR TO DETERMINE THE SHORT TERM VACATION RENTAL REGISTRATION FEE AND POST SUCH INFORMATION ON THE CITY'S WEBSITE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Amending Chapter 656 (ZONING CODE), Ordinance Code, to create a new PART 17 (SHORT TERM VACATION RENTALS). Chapter 656 (ZONING CODE), Ordinance Code, is hereby amended to create a new PART 17 (SHORT TERM VACATION RENTALS) to read as follows:

Chapter 656 - ZONING CODE

* * *

PART 17. - SHORT TERM VACATION RENTALS

- Sec. 656.1701. Applicability, purpose, intent and definitions.
- (a) Applicability and purpose. This Part shall apply to any Person who seeks to operate a Short Term Vacation Rental on any

property within the City. In adopting this Part, the Council hereby finds that these reasonable rules, regulations and standards are necessary to protect the public health, safety and welfare of its citizens and visitors, and to prevent unreasonable burdens on services and impacts on residential neighborhoods posed by Short Term Vacation Rentals. Special regulation of these uses necessary to ensure that they will be compatible with surrounding residential uses, and will not act to harm or alter neighborhoods in which they are located. Maintenance of the City's existing residential neighborhoods is essential to its continued economic strength.

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- (b) Intent. It is the intent of this Part to minimize the impact of Short Term Vacation Rentals on adjacent residences, and to minimize the impact of the commercial character of Short Term Vacation Rentals. It is the further intent of this Part to establish a registration program for all Persons who desire to use property in the City as a Short Term Vacation Rental; to regulate Short Term Vacation Rental use to ensure that such use will not unreasonably interfere, disrupt or impact the quiet use enjoyment of other properties proximate to the Short Term Vacation Rental use; and to provide an enforcement mechanism for the City and affected neighbors to ensure such use does not violate the provisions of this Part. In doing so, it is the Council's intent to promote the health, safety and general welfare of the citizens of the City of Jacksonville.
- (c) Definitions. As used in this Part, the following words or phrases shall have the meaning ascribed to them below, unless the context clearly indicates otherwise:

Director shall mean the Director of the Planning and Development Department.

Operator shall mean any Person who engages in the promotion,

management and/or operation of a Short Term Vacation Rental but is not the Property Owner of the property upon which the Short Term Vacation Rental is located.

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Person shall mean any human being, any private corporation (for-profit and non-profit), any partnership, any firm, association or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity.

Point of Contact shall mean the name of that individual designated by the Property Owner or Operator of the Short Term Vacation Rental and his or her 24-hour telephone/text contact information.

Property Owner shall mean the owner of fee simple title of record for any property upon which a Short Term Vacation Rental is located, or is proposed to be located.

Short Term Vacation Rental shall mean the rental of any legally permitted dwelling unit, as that term is defined in Chapter Part 16, Ordinance Code, or any portion of any legally permitted dwelling unit for temporary and transient occupancy for dwelling, lodging or sleeping purposes for any period of less than 213 consecutive calendar days. Short Term Vacation Rental includes any contract or agreement that initially defined the rental term to be greater than 213 consecutive days and that was subsequently amended, either orally, or in writing, to permit the occupant(s) of the Short Term Vacation Rental to surrender the subject dwelling unit before the expiration of the initial rental term that results in an actual rental term of less than 213 consecutive days. This term excludes dwelling units owned by the federal government, the state, or any of their agencies or political subdivisions, facilities licensed by the state as health care facilities; also excluding permanently affordable dwelling units and units rented or offered to individuals for social or health care purposes, and hotels, motels and bed and breakfast establishments, as such terms are defined in Chapter 656, Part 16, Ordinance Code.

Short Term Vacation Rental Rules of Conduct or Rules of Conduct shall mean a list of rules, regulations and other items required to be posted and maintained within each Short Term Vacation Rental that includes the Point of Contact, emergency and non-emergency fire, rescue and police contact numbers, and the site map. The Rules of Conduct shall also enumerate the City's regulations pertaining to noise, solid waste, parking, open burning and any other requirements deemed necessary by the Director.

Sec. 656.1702. - Registration for operating, allowing or providing a Short Term Vacation Rental.

- (a) Registration required. Any Property Owner or Operator (collectively referred to as "registrant") who desires to operate, allow or provide a Short Term Vacation Rental in the City shall register as a Short Term Vacation Rental provider with the City's Planning and Development Department in accordance with this Part prior to applying for a Certificate of Use (COU) or commencing such use. A Short Term Vacation Rental provider shall not be eligible to obtain a COU under this Part until such Short Term Vacation Rental provider has been issued a valid registration number.
- (b) Registration contents. Each registrant shall file a signed and verified registration in a format prescribed by the Director (e.g., font-size, typed/handwritten, original or electronic copies, disc copies, etc.). The registration shall include the following information and documentation:
 - 1. Name of the registrant;
 - 2. Name, address, electronic mail address, and telephone number of the registrant's Point of Contact;
 - 3. Evidence of the insurance coverage required under

this Part;

4. Evidence of a passing inspection issued by the City's Fire Prevention Division for compliance with Chapter 633, Florida Statutes, and Chapter 420, Ordinance Code;

- 5. For registration renewals, a certified, sworn statement of the number of nights each Short Term Vacation Rental owned or operated by the registrant was rented and the amount of taxes paid during the previous registration period; and
- 6. A signed statement acknowledging that obtaining a registration for providing a Short Term Vacation Rental use in the City authorizes the City to periodically audit the number of nights rented and taxes paid.

Within six (6) months of receipt of an approved registration, each registrant and each Point of Contact shall submit a certificate of successful attendance at, and completion of, the City's Landlord Training program. There shall be no requirement for annual renewal of the certificate; however, any new Point of Contact must successfully complete the City's Landlord Training program before any registration can be renewed.

- of receipt of an approved registration, each registrant shall notify the Property Appraiser of such registration on a form approved by the Property Appraiser. The Property Appraiser shall note such registration on the Property Record Card for the subject property, including the name of the registrant, and the name, address, electronic mail address, and telephone number of the registrant's Point of Contact. Each registrant seeking a renewal of a registration shall submit proof of compliance with this requirement along with the other renewal application requirements.
 - (d) Registration fees. Registration fees shall be required

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under this Part in accordance with the provisions of Chapter 123, Ordinance Code.

- Registration review and approval. Within thirty (30) days after receipt of the information and documentation submitted by the registrant, the Director shall determine whether the application for registration contains all the information and documentation required, and shall advise the registrant in writing whether the registration is effective, or if any areas of deficiency need to be addressed. The registrant shall re-submit any deficient information and documentation within thirty (30) days of the date of the notice of deficiency, otherwise the registration shall be A notice of deficiency, or denial of registration, shall not preclude a registrant from filing subsequent applications for registration under this Part. A denial of registration may be appealed by a registrant as provided in Section 656.1704, Ordinance Code.
- (f) Registration updates, renewals and cancellation. Within thirty (30) days of any change in the information and documentation required to be submitted pursuant to this Part, the registrant shall provide the updated information to the City. Each registrant shall renew its registration by January 31st of even numbered years (beginning in the year 2020) in accordance with the registration requirements of this Part. Failure to renew a registration may result in the City restricting the issuance of additional COUs until the registrant has complied with the registration requirements of this Part. A registrant may cancel a registration upon written notice to the City stating that the registrant will no longer provide Short Term Vacation Rental uses on any Property. Cancellation of a registration shall automatically result in the cancellation of any associated COUs issued to that registrant. registrant shall not cancel a registration if the registrant

continues to provide or allow Short Term Vacation Rental uses.

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- (g) No right arises fromregistration. Α property registration shall not convey any title, equitable or legal, to the registrant to provide Short Term Vacation Rental uses in the City. Registration under this Part governs only the authorization to obtain a COU for Short Term Vacation Rental uses in the City, and does not excuse continuing compliance with any other law, rule or regulation applicable to Short Term Vacation Rentals, or any other Registration does not excuse a Short Term Vacation Rental registrant from obtaining appropriate licenses or permits that may be necessary from any other agency or entity, or excuse a Short Term Vacation Rental registrant from complying with all applicable City, State and Federal laws and regulations.
- (h) Registration non-exclusive. A registration shall not, in and of itself, establish any right to operate or allow a Short Term Vacation Rental use in the City, but shall establish for the registrant, a right to apply for a COU pursuant to this Part. Registrations are expressly subject to any future amendment to, or replacement of, this Part, and further subject to any additional City, State and Federal laws and regulations that may be enacted. Registrations are personal to the registrant and shall not be transferrable.
- (i) Compliance required; suspensions, revocations and non-renewals. A registrant shall, at all times, comply with and abide by all City, State and Federal laws and regulations in operating a Short Term Vacation Rental use. Failure to comply with this Part, or all City, State and Federal laws and regulations, may result in the suspension, revocation or non-renewal of a registration. If any registrant has been convicted of two or more violations in any calendar year, the Director is authorized to suspend, revoke or not renew any registration. If any violation is of the type that can

be readily corrected, the Director may, upon good cause shown, allow correction of the violation without the violation counting towards suspension, revocation or non-renewal. Violations that are transitory in nature, such as noise, open burning, solid waste or parking violations, shall not be deemed correctable.

Sec. 656.1703. - Transfer, sale or assignment of a Short Term Vacation Rental. If a registrant transfers, sells or assigns any Short Term Vacation Rental property located in the City, the COU shall not transfer to the new owner. If the transferee, buyer or assignee is not a current registrant, then the transferee, buyer or assignee, if they desire to operate the property as a Short Term Vacation Rental, shall register as provided in, and comply with all requirements of, this Part, prior to commencing a Short Term Vacation Rental use on the property.

Sec. 656.1704. - Appeals. The following final determinations by the Director are subject to appeal as provided in this Part:

- (a) Denial of an initial registration or registration renewal;
 - (b) Involuntary termination of a registration; and
 - (c) Suspension or revocation of a COU.

Appeals are subject to the procedures set forth in this Part and any such denial, termination, suspension or revocation is subject to all applicable laws. An appeal of a denial or an involuntary termination of a registration application shall be filed with the Director within thirty (30) days of the date of the final, written decision to be appealed, and shall be heard before the Planning Commission pursuant to Section 656.135, Ordinance Code. The Planning Commission shall issue a written decision concerning the appeal, which written decision shall be the final action of the City. An appeal of a suspension or revocation of a COU shall be filed pursuant to Sections 656.156 or 656.158,

Ordinance Code, as applicable, and shall be heard by the Certificate of Use Board. The Certificate of Use Board shall issue a written decision concerning the appeal, which written decision shall be the final action of the City.

Sec. 656.1705. - Certificates of Use for operating, allowing or providing a Short Term Vacation Rental. No Property Owner or Operator shall use, or allow to be used, any property as a Short Term Vacation Rental without first obtaining a COU. Since the decision whether to use a property as a Short Term Vacation Rental may be transient in nature and may be easily commenced or eliminated, a separate and current COU shall be required for each property used for that purpose. A COU application, in a format that is acceptable to the Department, may be made in either the name of the Property Owner or the Operator of the Short Term Vacation Rental and shall include, in addition to the required information listed in Chapter 656, Part 1, Subpart E, Ordinance Code, all of the following:

- (a) A site map, sketch or drawing depicting the property boundaries and the location of the following: (i) the structure(s) and other portions of the property that will be available for the Short Term Vacation Rental tenants and guests (pool, fire pits, playgrounds, gardens, sitting areas etc.); (ii) all off-street parking that will be reserved for the Short Term Vacation Rental tenants and guests; (iii) all solid waste/recycling containers that will be reserved for the Short Term Vacation Rental tenants and guests; (iv) physical posting of Point of Contact information within the residential structure; and (v) any other information the Department deems necessary.
- (b) Written consent of the Property Owner, if the application is not made by the Property Owner, to use the property as a Short Term Vacation Rental, including any limitations placed on the use

by the Property Owner.

- (c) The Short Term Vacation Rental provider registration number.
- (d) The applicable Short Term Vacation Rental Rules of Conduct.
- (e) A designation of the number of bedrooms within the residential structure available for rent, in compliance with this Part.
- (f) Proof of valid insurance from a company licensed to do business in Florida, as required by this Part.
 - (g) Any other information deemed necessary by the Director.
- Sec. 656.1706. Short Term Vacation Rental restrictions. No Short Term Vacation Rental shall be allowed to be operated on any property unless such use complies with all of the following:
- (a) No Short Term Vacation Rental shall be located in any structure that fails to meet minimum building, zoning, property safety or fire codes.
- (b) No Short Term Vacation Rental shall be located in any accessory structure not originally constructed or legally modified for residential use, in a recreational vehicle or in any non-permanent quarters.
- (c) Off-street parking on the Short Term Vacation Rental property shall be provided, numbering at least one space per bedroom, and all advertising must clearly display the restriction on the number of vehicles allowed.
- (d) All Short Term Vacation Rental tenants and their guests must park within designated parking spaces located on the property. Parking in landscaped areas, grass, medians, sight triangles, sidewalks, pedestrian circulation areas, or within any setback or right-of-way is prohibited.
 - (e) All Short Term Vacation Rental properties shall, at all

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30 31 times, have the Point of Contact and registration number posted within the residential structure, and posted on the Property Record Card as required by this Part.

- (f) All designated Points of Contact shall remain reasonably available and accessible at all times that tenants are occupying the Short Term Vacation Rental. Contact at any time in response to any nuisance or unsafe condition, shall not be considered unreasonable.
- (g) Occupancy of a Short Term Vacation Rental shall be limited to no more than two (2) adult (over age 16) occupants per bedroom, and the maximum number of bedrooms for rent in each Short Term Vacation Rental shall be limited to three (3) bedrooms.
- (h) Requirements for the Property Owner, or an agent of the Property Owner, to reside in and occupy the Short Term Vacation Rental property during the rental period are as follows:
 - 1. residential zoning In all districts, in the Commercial Residential and Office (CRO), Commercial Residential and Office-Springfield (CRO-S), and Residential (RO) zoning districts, and in all Planned Unit Development (PUD) zoning districts with primarily residential uses, the Property Owner, or an agent of the Property Owner, shall reside in and occupy the Short Term Vacation Rental property during the entire rental period, and shall be deemed an "on-site Property Owner or Agent."
 - 2. In all commercial and industrial zoning districts, except in the Commercial Residential and Office (CRO), Commercial Residential and Office-Springfield (CRO-S), and Residential Office (RO) zoning districts, and in all Planned Unit Development (PUD) zoning districts with primarily commercial or industrial uses, the Property Owner, agent of the Property Owner, is not required to reside in and

occupy the Short Term Vacation Rental property during the rental period, and shall be deemed an "off-site Property Owner or Agent."

- (i) No Short Term Vacation Rental shall be used for any commercial or social event such as, but not limited to, weddings, luncheons, banquets, parties, meetings, or charity or fund raising events.
- (j) A general liability insurance policy shall be required in the amount of at least \$1,000,000 per occurrence for each Short Term Vacation Rental property.
- (k) Exteriors of Short Term Vacation Rentals shall not change the residential character of the structure, either by the use of colors, materials, signage, lighting, or by the construction of accessory structures or garages that are visible off-site and not of the same architectural character as the primary residence.
- (1) No Short Term Vacation Rental shall be allowed to operate in such a manner as to constitute a nuisance on any other property by the emission of noise, glare, flashing lights, smoke, vibrations or odors not commonly experienced in residential areas.
- (m) Points of Contact must be available 24 hours per day for each day the Short Term Vacation Rental is rented and shall be responsible for verifying that the number of tenants and vehicles do not exceed the limitations of this Part, and that the tenants comply with the applicable Rules of Conduct.
- (n) The Short Term Vacation Rental Property Owner shall be responsible for timely submission of all required taxes, fees and any other charges associated with operating a Short Term Vacation Rental, as well as maintaining such proof of payments as may be required for the Short Term Vacation Rental registration renewal.
- (o) Where lawful and recorded covenants, easements or restrictions are more restrictive than this Part, the more

restrictive provision shall apply; however, the City shall not be responsible for enforcing any such covenants, easements or restrictions.

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656.1707. -Sec. Short Term Vacation Rental operation standards. Short Term Vacation Rental structures and property shall, at all times, be maintained in good condition and appearance with no structural damage or other unsafe or nuisance conditions, as defined in Chapter 518, Ordinance Code. It shall be grounds for immediate revocation of any COU for any property against which daily fines have been assessed by the City's Special Magistrate, where injunctive relief has been awarded to the City to enjoin any improper or illegal activity on the property, or where more than ten (10) calls for service for a property address have been made to the Jacksonville Sheriff's Office in any calendar year.

Sec. 656.1708. - Enforcement. All enforcement alternatives and penalties authorized in this Chapter are available to enforce violations of this Part. The Property Owner, its agent, the Point of Contact, the Operator, or any other responsible party shall be individually and jointly responsible for compliance with this Part, which may include issuance of a cease and desist order, abating and removing any condition constituting a violation, an action for civil penalties, injunctive relief, recovery of attorney's fees and costs, and any other relief authorized by law. Nothing shall prevent the City from simultaneously or individually taking enforcement action against the Property Owner, its agent, the Point of Contact, the Operator, or any other responsible party. Any private citizen directly and adversely affected by any violation of this Part may file a lawsuit against the Property Owner, its agent, the Point of Contact, the Operator, or any other responsible party for injunctive relief. Attorney's fees and costs shall not be recoverable in any privately initiated lawsuit.

Section 2. Amending Chapter 123 (PUBLIC FEES), PART 1 (IN GENERAL), Section 123.102 (Fees established), Ordinance Code. Chapter 123 (PUBLIC FEES), PART 1 (IN GENERAL), Section 123.102 (Fees established), Ordinance Code, is hereby amended to read as follows:

CHAPTER 123 - PUBLIC FEES

PART 1. - IN GENERAL

* * *

Sec. 123.102. - Fees established.

Fees established for the Departments listed below are subject to the Annual Review of Fees provisions found in Section 106.112, Ordinance Code. An updated fee schedule shall be maintained electronically and can be accessed at the electronic address noted below. A schedule of fees can be reviewed during business hours in the Finance and Administration Department.

The fees listed below can be found electronically on the following City of Jacksonville webpage: www.coj.net/fees.

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Planning and Development Department

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23. Short Term Vacation Rental Registrations

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Department Director. The Planning and Development Department Director shall determine an appropriate fee for review and processing Short Term Vacation Rental registration applications, and shall post such fee on the appropriate page of the City's website; provided, however, that such registration fee shall not be less than \$100.00.

Section 4. Effective Date. This Ordinance shall become effective upon signature by the Mayor or upon becoming effective

without the Mayor's signature.

form Approved:

/s/ Shannon K. Eller

Office of General Counsel

Legislation Prepared By: Shannon K. Eller

cc-#1270660-v1-cm_Love_-_short_term_rental