

City of Palm Coast, Florida Agenda Item

Agenda Date: October 15, 2024

Department	COMMUNITY DEVELOPMENT	Amount	
Division	CODE ENFORCEMENT	Account #	
Subject: ORDINANCE 2024-XX AMENDING CITY OF PALM COAST ORDINANCES, CHAPTER 17, COMMUNITY DEVELOPMENT; AS AMENDED, TO ADD ARTICLE V, SHORT-TERM VACATION RENTALS			
Presenter: Jason DeLorenzo, Chief of Staff			
Attachments:			
<ol style="list-style-type: none"> 1. Presentation 2. Ordinance, Redline and Clean Versions 3. Business Impact Estimate 			
Background:			
Council Priority:			
B. Safe and Reliable Services			
<u>UPDATED BACKGROUND FROM THE SEPTEMBER 3, 2024, BUSINESS MEETING:</u>			
Council requested the following changes to the Ordinance:			
<ul style="list-style-type: none"> • Section 17-67 - Definitions <ul style="list-style-type: none"> ○ Added <ul style="list-style-type: none"> ▪ Short term rentals do not apply to Single Family Dwelling occupied on a full-time basis by the owner as an on-premises, permanent resident and that has been declared and continues to be declared as homestead by the Property Appraiser. • Section 17-68 - <ul style="list-style-type: none"> ○ (A) <ul style="list-style-type: none"> ▪ Effective Date March 3rd, 2025 ○ (A)(2)(E) <ul style="list-style-type: none"> ▪ Added <ul style="list-style-type: none"> • A statement that recreational vehicles, boats and trailers may not be parked in the front of the house, except for temporary loading, unloading and cleaning. ○ (A)(3)(E) <ul style="list-style-type: none"> ▪ Changed one (1) responsible party's to (3) three. ○ (A)(8)(C) <ul style="list-style-type: none"> ▪ Added <ul style="list-style-type: none"> • Has completed a background check on the occupant who is renting the unit and said occupant certifies that all guests in the rented unit shall not be registered as a sex offender. • Section 17-71 			

- (B)
 - Changed to maximum limit of ten (10) transient occupants
- (C)
 - Added
 - Recreational vehicles, boats and trailers may not be parked in the front of the house, except for temporary loading, unloading and cleaning.
- Section 17-72
 - (D)
 - Added
 - The parking prohibition of RV's, boats, and recreational trailers except for temporary loading, unloading and cleaning;
- Section 17-73
 - Changed language to state
 - The Responsible Party shall be required to obtain confirmation of a nationwide background search that the prospective renter is not a registered sexual offender and also the prospective renter certifies that all guests in the rented unit are not registered sex offenders.

ORIGINAL BACKGROUND FROM THE SEPTEMBER 3, 2024, BUSINESS MEETING:

On June 4, 2024, City Council directed the City Attorney to provide new legislation to all of City Council regulating short-term rentals, aka Airbnbs within the areas of the City's jurisdiction. Section 509.032(7), Florida Statutes in which prevents a local law, ordinance, or regulation prohibiting vacation rentals or regulating the duration or frequency of rental of vacation rentals.

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. 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. 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.

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. 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.

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. 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.

Short-term vacation rentals with no application of mitigating standards when located in residential neighborhoods can create disproportionate impacts related to their size, excessive occupancy, and the lack of proper facilities if left unregulated. The City 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.

The City 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.

These regulations are deemed necessary by the City Council 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.

These regulations are being proposed to City Council to supplement, but not to replace, any existing federal or state law or regulation, or other controls within established residential neighborhoods served by a homeowner's association.

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. 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.

This Ordinance is in the best interest of the public health, safety, and welfare of the citizens of Palm Coast.

**Recommended Action:
APPROVE ORDINANCE 2024-XX AMENDING CITY OF PALM COAST ORDINANCES,
CHAPTER 17, COMMUNITY DEVELOPMENT; AS AMENDED, TO ADD ARTICLE V,
SHORT-TERM VACATION RENTALS**



2024 Short-term Vacation Rentals

City Council Workshop – October 15, 2024

Council Requested Changes

- Maximum occupancy - Reduced to maximum of 10
- Parking in garage - Allowed
- Responsible Party - May delegate up to 3
- Background checks - Required for the person booking only
- Effective date - Changed to March 3, 2025
- Restrict Recreational Trailers - Included (Legal concern)



Citizen and Stakeholder Requested Changes

- Onsite operators (live-in) - Exempt from ordinance
- Booking platform Terms of Service in lieu of lease - No change

New Citizen Requested Changes

- Reduce city daytime noise ordinance to 50 db
- Reduce 24/7 contact response requirement from 2 to 1 hour
- Limit of 2 pets, must be leashed
- Additional required postings
 - Daytime sound levels and enforcement
 - No unregistered guests
 - Clarify “property boundaries” and remind no trespassing
 - Good neighbor language
- City produce a brochure with rules and procedures



City Council Next Steps

- October 15th: First Reading
- November 12th: Second Reading and Fee Resolution



ORDINANCE 2024-_____

AN ORDINANCE AMENDING CITY OF PALM COAST ORDINANCES, CHAPTER 17, COMMUNITY DEVELOPMENT; AS AMENDED, TO ADD ARTICLE V, SHORT TERM VACATION RENTALS; PROVIDED FOR THE ESTABLISHMENT OF PROVISIONS REGULATING SHORT TERM VACATION RENTALS; PROVIDING FOR REGISTRATION; PROVIDING FOR INSPECTION OF SHORT TERM VACATION RENTALS; PROVIDING FOR VIOLATIONS, CREATING ARTICLE V, “SHORT TERM VACATION RENTALS,” PROVIDING FOR CONFLICTS, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE AND FOR THE APPROVED AMENDMENT.

WHEREAS, City of Palm Coast (“City”) finds and determines that local ordinances requires evaluation and revision to address public health, safety, and welfare issues that may occur during implementation; and

WHEREAS, the City desires to amend certain provisions of the Code of Ordinances to provide definitions and amend certain provisions of the Code to provide for the regulation of short term vacation rentals within the areas of the City’s jurisdiction and

WHEREAS, Section 509.032(7), Florida Statutes in which prevents a local law, ordinance, or regulation prohibiting vacation rentals or regulating the duration or frequency of rental of vacation rentals; 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, 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, 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;

WHEREAS, short-term vacation rentals with no application of mitigating standards when located in residential neighborhoods can create disproportionate impacts related to their size, excessive occupancy, and the lack of proper facilities if left unregulated; and

WHEREAS, the City 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 City 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, these regulations are deemed necessary by the City Council 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 City Council 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, 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;

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, the City Council of the City of Palm Coast, Florida, hereby finds this Ordinance to be in the best interest of the public health, safety, and welfare of the citizens of Palm Coast.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS. The above recitals (where clauses) are hereby adopted as the legislative and administrative findings of the City Council.

SECTION 2. AMENDMENT TO CHAPTER 17 OF THE CITY OF PALM COAST ORDINANCES. Chapter 17, Community Development is hereby amended by amending Chapter 17 of the City of Palm Coast Ordinances and the creation of new Article V, *Short Term Vacation Rentals* as depicted in the attached EXHIBIT A, incorporated herein and made a part of this Ordinance.

SECTION 3. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. CODIFICATION. It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Palm Coast, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, “Ordinance” may be changed to “Section,” “Article,” or other appropriate words.

SECTION 5. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 6. EFFECTIVE DATE OF ORDINANCE. This Ordinance shall become effective immediately upon its passage and adoption.

Approved on first reading this ___ day of ____ 2024.

Adopted on the second reading after due public notice and hearing this ___ day of ____ 2024.

Exhibit A

Article V – SHORT TERM VACATION RENTALS

Sec 17-66. -Legislative findings and intent.

The above recitals are hereby adopted as legislative findings. The purpose of this article is to promote public health, safety, welfare and convenience through regulations and standards for short-term vacation rental properties by providing for:

- (A) A vacation rental license;
- (B) Safety and operational requirements;
- (C) Parking standards;
- (D) Solid waste handling and containment;
- (E) Licensure requiring posting of vacation rental information;
- (F) Administration, penalties and enforcement.

Sec 17-67 -Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Habitable space means a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, screen enclosures, sunroom categories as defined in Florida Building Code, storage, utility spaces, garages and similar areas are not considered habitable spaces.

Short Term Vacation Rental means any single-family dwelling, two-family dwelling, and multi-family dwelling that is rented to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

This section shall not apply to the following short-term vacation rentals:

1. ~~within a M~~multi-family residential building, or a group of multi-family residential buildings, that is govern by or subject to a property owner’s association, condominium owners association, or homeowners association, or with onsite property management.

4.2. Single Family Dwelling occupied on a full-time basis by the owner as an on-premises, permanent resident and that has been declared and continues to be declared as homestead by the Property Appraiser.

Sleeping Room means any room that can be used for sleeping and that:

1. is located along an exterior wall;
2. has a closet and a door or an entrance where a door could reasonably be installed; and
3. has an emergency means of escape and rescue opening to the outside in accordance with the Florida Building Code.

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

Sec. 17-68 – 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 section. Effective ~~March 3rd~~ February 21, 2025, unless otherwise exempt under Article V no person shall rent or lease all or any portion of a dwelling unit as a short-term vacation rental unless registered with, and the appropriate fee paid to, the City of Palm Coast. Each Dwelling Unit, or portion thereof, used as a Short Term Vacation rental unit shall require a separate registration.

The Applicant for a Short Term Vacation Rental shall, at a minimum, provide the following information to obtain a short-term vacation rental certificate from the City of Palm Coast:

1. A Complete Application for Short Term Vacation Rental registration.
2. A sample rental/lease agreement to be used for the Short Term Vacation Rental unit, which such agreement shall include the following minimum terms and disclosures:
 - A. The name and ages of all persons who will be occupying the unit;
 - B. 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 on-site parking spaces at the unit as designated on the Short-Term Vacation Rental Certificate;
 - C. The maximum occupancy of the Short Term Vacation Rental unit, which shall not exceed the limits set forth in Section 17-71(B) below.

D. The maximum number of vehicles allowed for the Short Term Vacation Rental unit, which shall not exceed the number of on site parking spaces provided at the unit.

~~D.E.~~ A statement that recreational vehicles, boats and trailers may not be parked in the front of the house, except for temporary loading, unloading and cleaning.

~~E.F.~~ The name, address, 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. Any person eighteen (18) years of age or older may be designated by the owner.

~~F.G.~~ An acknowledgment and agreement by the tenant/lessee/guest of the right of the City of Palm Coast to reasonably inspect the premises to assurance compliance.

~~G.H.~~ An acknowledgement and agreement by the tenant/lessee/guest of the obligation to comply with the provisions of Section 35-53, Sound Level Limits, of the Code of Ordinances for the City of Palm Coast and all other applicable federal, state, and local laws and ordinances.

3. Designated Short-term vacation rental responsible party.

A. The purpose of the responsible party is to respond to routine inspections and as well non-routine complaints and other more immediate problems related to the short-term vacation rental of the property.

B. The designation of a short term rental representative does not relieve the owner of the responsibility to comply with all state and local statutes and ordinances. Further, a short term rental representative who accepts the designation to act on behalf of a property owner is held to the same standard as the property owner with respect to compliance with all statutes and ordinances and may be cited for non-compliance with any code, rule or ordinance applicable to the short term rental.

C. The property owner may serve in this capacity or shall otherwise designate a short-term vacation rental responsible party to act on their behalf. Any person eighteen (18) years of age or older may be designated by the owner.

D. The duties of the short-term vacation rental responsible party whether the property owner or an agent are to:

1. Be available by telephone at the listed phone number twenty-four (24) hours a day, seven (7) days a week and capable of handling any issues arising from the short-term vacation rental use;
2. Required to come to the short-term vacation rental unit within two (2) hours following notification from an occupant, the owner, or City of Palm Coast to address issues related to the short-term vacation rental;
3. Authorized to receive service of any legal notice on behalf of the owner for violations of this section; and

4. Otherwise monitor the short-term vacation rental unit at least once weekly to assure continued compliance with the requirements of this section.
- E. A property owner may change his or her designation of a short-term vacation rental responsible party temporarily or permanently; however, there shall only be ~~two~~^{three} (2~~3~~⁴) short-term vacation rental responsible party~~s~~ for each short-term vacation rental at any given time. To change the designated responsible party, the property owner shall notify City of Palm Coast in writing via a completed form provided by the City.
4. Obtain a business tax receipt from Flagler County Tax Collector;
5. A copy of the Florida Department of Revenue certificate of registration for payment of tourist development taxes ~~if applicable~~;
6. Obtaining a Florida Department of Business and Professional Regulation license as a transient public lodging establishment ~~if applicable~~; and
7. The required application fee, in an amount established by resolution of the City Council of the City of Palm Coast; and
8. 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 City shall have the right to reasonably inspect the premises to assure compliance; ~~and~~
 - B.C. Has completed a background check on the occupant who is renting the unit and said occupant certifies that all guests in the rented unit shall not be registered as a sex offender;
 - ~~C.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 Section 17-74, below~~;~~;
 - ~~D.E.~~ Acknowledges and agrees to comply with Section 17-71 -Use of Occupancy Standards~~;~~;
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.

Sec. 17-69 – Registration Renewal.

- A. Short Term Vacation Rental registrations are valid for twelve (12) months from the date of initial issuance by the City of Palm Coast. Renewal Applications and renewal fees are due on or before the expiration of the previous registration. If, at any time

prior to the expiration of a Short Term Vacation Rental registration, (1) the number of Sleeping Rooms or Habitable Space, or (2) the maximum occupancy of any Short Term Vacation Rental is proposed to be increased, a new Application, including the information required to be provided under subsection A. (1) through (9), above, shall be submitted to the City of Palm Coast.

- B. Enforcement history. When reviewing an application to renew a short term rental license for a short term rental property, the City of Palm Coast or designee shall consider the violation history of the short term rental property identified in the application. If the violation history shows any pending violations of this ordinance, the City of Palm Coast or designee shall not renew the short term rental license unless all outstanding violations, fines or liens are satisfied and corrected.

Sec. 17-70 – Registry.

The City is authorized to establish and maintain a registry cataloging for each Short Term Vacation Rental within the City not otherwise exempt and containing the information required by this section. The registry may be web-based, and the City may contract with an entity to develop, operate, and maintain the registry and collect applicable fees, and, if so, any reference to the Enforcement Officer herein shall include the entity the City may contract with for such purposes.

Sec. 17-71 – Use and Occupancy Standards.

All Short Term Vacation Rentals shall adhere to the following use and occupancy:

A. Minimum Life/Safety Requirements:

1. Swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub shall comply with the current standards Florida Building Code.
2. Sleeping rooms. All sleeping rooms shall meet the single- and two-family dwelling minimum requirements of the current edition of the Florida Building Code.
3. Smoke alarms and carbon monoxide alarms requirements of the current edition of the Florida Building Code — Residential.
4. 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 dwelling unit. The extinguisher(s) shall be installed on the wall in an open habitable space or in an enclosed space with appropriate markings visibly showing the location.
5. Battery powered emergency lighting of primary exit. Battery powered emergency lighting which provides illumination automatically in the event of loss of power shall be provided for a period of not less than 90 minutes to illuminate the primary exit.

- B. Maximum Occupancy. Occupancy shall be limited to two (2) transient occupants per Sleeping Room or habitable space, with a maximum limit of ~~twelve~~ ten (10) transient occupants per Short Term Vacation Rental.

- C. Parking. All parking must comply with this Article, and all other applicable sections of the City’s Code of Ordinances. In addition, all vehicles associated with the short term rental, whether in the possession or control of the owner, short term rental representative, or occupant(s), shall only be parked within property’s driveway. The blocking of the sidewalk or parking on the street, in the swale or the right of way is prohibited. Recreational vehicles, boats and trailers may not be parked in the front of the house, except for temporary loading, unloading and cleaning. At no time may a recreational trailer be parked at the short term vacation rental.
- D. Solid Waste.
1. All trash and debris shall be kept in covered trash containers.
 2. 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.
 3. Schedules of garbage pickup and recycling pickup shall be posted within the rental agreement.
 4. The containers shall be placed at the curbside for pickup no earlier than 6:00 p.m. the night before pickup and shall be removed from curbside no later than 6:00 a.m. the day after containers are emptied.

Sec. 17-72 –Required Postings.

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

- A. The name, address and phone number of the Short Term Vacation Rental owner or property manager;
- B. The maximum occupancy of the unit;
- C. The maximum number of motor vehicles, RV’s, boats, and recreational trailers that can be parked at the unit;
- ~~C.~~D. The parking prohibition of RV’s, boats, and recreational trailers except for temporary loading, unloading and cleaning;
- ~~D.~~E. The location of an evacuation route map located within the property;
- ~~E.~~F. The location of the nearest hospital;
- ~~F.~~G. Notice that quiet hours (Sound Level Limits) are to be observed between 10:00 p.m. and 7:00 a.m. daily or as superseded by any City noise regulation;
- H. The days of trash pickup and recycling;
- ~~G.~~I. Canal boating regulations.-

Sect. 17- 73 – Sexual offenders and sexual predators.

~~If the vacation rental property is within 2,500 feet of a school, pursuant to section 35-253 City of Palm Coast Code of Ordinances it shall be a violation to allow any person to occupy the property with knowledge that such person is a registered sexual offender or registered sexual predator in any jurisdiction. The Responsible Party shall be required to obtain confirmation of a nationwide background search from the Flagler County Sheriff Department or other law enforcement agency that the prospective transient renter occupant or occupants ~~is~~ is not a registered sexual offender and also the prospective renter certifies that all guests in the rented unit are not registered sex offenders. or sexual predator as a result of a conviction of a sexual offense, as defined in section 35-253.~~

Sect. 17 – 74 – Offenses/violations.

Non-compliance with any provisions of this Article V shall constitute a violation of this Code, which shall include, but shall not be limited to, the specific paragraphs within Section 17-68 and may be enforced as provided in Section 17-75.

Sect. 17-75 – Remedies/enforcement.

To accomplish a safe and effective vacation rental program it is key that short-term vacation rental Responsible Parties are responsive and responsible in the management of the property for compliance with this section. Code enforcement activities will be in accordance with Florida Statutes Chapter 162 and the City of Palm Coast Code of Ordinances.

- A. *Warnings.* Warnings shall be issued for first-time violations and have a correction/compliance period associated with it. Such warnings may include notice to other agencies for follow-up by such agencies, such as the Department of Business and Professional Regulation, the Department of Revenue, the Flagler County Tax Collector and the Flagler County Property Appraiser, as applicable. Non-compliance with a correction compliance period shall result in the issuance of a citation.
- B. The City shall utilize the code enforcement board in accordance with Florida Chapter 162 to prosecute a code violation, to hold hearings, assess fines in accordance with the statute and City of Palm Coast Code of Ordinances, Article V, Division 1, Code Enforcement Board.
- C. *Additional remedies.* Nothing contained herein shall prevent City from seeking all other available remedies which may include, but not be limited to, injunctive relief, liens, and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

ORDINANCE 2024-_____
ARTICLE V SHORT TERM VACATION RENTALS

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NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS. The above recitals (where clauses) are hereby adopted as the legislative and administrative findings of the City Council.

SECTION 2. AMENDMENT TO CHAPTER 17 OF THE CITY OF PALM COAST ORDINANCES, Chapter 17, Community Development is hereby amended by amending Chapter 17 of the City of Palm Coast Ordinances and the creation of new Article V, *Short Term Vacation Rentals* as depicted in the attached EXHIBIT A, incorporated herein and made a part of this Ordinance.

SECTION 3. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. CODIFICATION. It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Palm Coast, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, “Ordinance” may be changed to “Section,” “Article,” or other appropriate words.

SECTION 5. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 6. EFFECTIVE DATE OF ORDINANCE. This Ordinance shall become effective immediately upon its passage and adoption.

APPROVED on first reading this 15th day of October 2024.

ADOPTED on the second reading after due public notice and hearing this ___ day of ___ 2024.

ATTEST:

CITY OF PALM COAST

KALEY COOK, CITY CLERK

DAVID ALFIN, MAYOR

APPROVED AS TO FORM AND LEGALITY

MARCUS DUFFY, CITY ATTORNEY

Exhibit A

Article V – SHORT TERM VACATION RENTALS

Sec 17-66. -Legislative findings and intent.

The above recitals are hereby adopted as legislative findings. The purpose of this article is to promote public health, safety, welfare and convenience through regulations and standards for short-term vacation rental properties by providing for:

- (A) A vacation rental license;
- (B) Safety and operational requirements;
- (C) Parking standards;
- (D) Solid waste handling and containment;
- (E) Licensure requiring posting of vacation rental information;
- (F) Administration, penalties and enforcement.

Sec 17-67 -Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Habitable space means a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, screen enclosures, sunroom categories as defined in Florida Building Code, storage, utility spaces, garages and similar areas are not considered habitable spaces.

Short Term Vacation Rental means any single-family dwelling, two-family dwelling, and multi-family dwelling that is rented to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

This section shall not apply to the following short-term vacation rentals:

1. Multi-family residential building, or a group of multi-family residential buildings, that is govern by or subject to a property owner’s association, condominium owners association, or homeowners association, or with onsite property management.

2. Single Family Dwelling occupied on a full-time basis by the owner as an on-premises, permanent resident and that has been declared and continues to be declared as homestead by the Property Appraiser.

Sleeping Room means any room that can be used for sleeping and that:

1. is located along an exterior wall;
2. has a closet and a door or an entrance where a door could reasonably be installed; and
3. has an emergency means of escape and rescue opening to the outside in accordance with the Florida Building Code.

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

Sec. 17-68 – 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 section. Effective March 3rd, 2025, unless otherwise exempt under Article V no person shall rent or lease all or any portion of a dwelling unit as a short-term vacation rental unless registered with, and the appropriate fee paid to, the City of Palm Coast. Each Dwelling Unit, or portion thereof, used as a Short Term Vacation rental unit shall require a separate registration.

The Applicant for a Short Term Vacation Rental shall, at a minimum, provide the following information to obtain a short-term vacation rental certificate from the City of Palm Coast:

1. A Complete Application for Short Term Vacation Rental registration.
2. A sample rental/lease agreement to be used for the Short Term Vacation Rental unit, which such agreement shall include the following minimum terms and disclosures:
 - A. The name and ages of all persons who will be occupying the unit;
 - B. 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 on-site parking spaces at the unit as designated on the Short-Term Vacation Rental Certificate;

- C. The maximum occupancy of the Short Term Vacation Rental unit, which shall not exceed the limits set forth in Section 17-71(B) below.
 - D. The maximum number of vehicles allowed for the Short Term Vacation Rental unit, which shall not exceed the number of on site parking spaces provided at the unit.
 - E. A statement that recreational vehicles, boats and trailers may not be parked in the front of the house, except for temporary loading, unloading and cleaning.
 - F. The name, address, 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. Any person eighteen (18) years of age or older may be designated by the owner.
 - G. An acknowledgment and agreement by the tenant/lessee/guest of the right of the City of Palm Coast to reasonably inspect the premises to assurance compliance.
 - H. An acknowledgement and agreement by the tenant/lessee/guest of the obligation to comply with the provisions of Section 35-53, Sound Level Limits, of the Code of Ordinances for the City of Palm Coast and all other applicable federal, state, and local laws and ordinances.
3. Designated Short-term vacation rental responsible party.
- A. The purpose of the responsible party is to respond to routine inspections and as well non-routine complaints and other more immediate problems related to the short-term vacation rental of the property.
 - B. The designation of a short term rental representative does not relieve the owner of the responsibility to comply with all state and local statutes and ordinances. Further, a short term rental representative who accepts the designation to act on behalf of a property owner is held to the same standard as the property owner with respect to compliance with all statutes and ordinances and may be cited for non-compliance with any code, rule or ordinance applicable to the short term rental.
 - C. The property owner may serve in this capacity or shall otherwise designate a short-term vacation rental responsible party to act on their behalf. Any person eighteen (18) years of age or older may be designated by the owner.
 - D. The duties of the short-term vacation rental responsible party whether the property owner or an agent are to:
 - 1. Be available by telephone at the listed phone number twenty-four (24) hours a day, seven (7) days a week and capable of handling any issues arising from the short-term vacation rental use;

2. Required to come to the short-term vacation rental unit within two (2) hours following notification from an occupant, the owner, or City of Palm Coast to address issues related to the short-term vacation rental;
 3. Authorized to receive service of any legal notice on behalf of the owner for violations of this section; and
 4. Otherwise monitor the short-term vacation rental unit at least once weekly to assure continued compliance with the requirements of this section.
- E. A property owner may change his or her designation of a short-term vacation rental responsible party temporarily or permanently; however, there shall only be three (3) short-term vacation rental responsible party's for each short-term vacation rental at any given time. To change the designated responsible party, the property owner shall notify City of Palm Coast in writing via a completed form provided by the City.
4. Obtain a business tax receipt from Flagler County Tax Collector;
 5. A copy of the Florida Department of Revenue certificate of registration for payment of tourist development taxes;
 6. Obtaining a Florida Department of Business and Professional Regulation license as a transient public lodging establishment; and
 7. The required application fee, in an amount established by resolution of the City Council of the City of Palm Coast; and
 8. 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 City shall have the right to reasonably inspect the premises to assure compliance;
 - C. Has completed a background check on the occupant who is renting the unit and said occupant certifies that all guests in the rented unit shall not be registered as a sex offender;
 - 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 Section 17-74, below;
 - E. Acknowledges and agrees to comply with Section 17-71 -Use of Occupancy Standards;

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.

Sec. 17-69 – Registration Renewal.

- A. Short Term Vacation Rental registrations are valid for twelve (12) months from the date of initial issuance by the City of Palm Coast. Renewal Applications and renewal fees are due on or before the expiration of the previous registration. If, at any time prior to the expiration of a Short Term Vacation Rental registration, (1) the number of Sleeping Rooms or Habitable Space, or (2) the maximum occupancy of any Short Term Vacation Rental is proposed to be increased, a new Application, including the information required to be provided under subsection A. (1) through (9), above, shall be submitted to the City of Palm Coast.
- B. Enforcement history. When reviewing an application to renew a short term rental license for a short term rental property, the City of Palm Coast or designee shall consider the violation history of the short term rental property identified in the application. If the violation history shows any pending violations of this ordinance, the City of Palm Coast or designee shall not renew the short term rental license unless all outstanding violations, fines or liens are satisfied and corrected.

Sec. 17-70 – Registry.

The City is authorized to establish and maintain a registry cataloging for each Short Term Vacation Rental within the City not otherwise exempt and containing the information required by this section. The registry may be web-based, and the City may contract with an entity to develop, operate, and maintain the registry and collect applicable fees, and, if so, any reference to the Enforcement Officer herein shall include the entity the City may contract with for such purposes.

Sec. 17-71 – Use and Occupancy Standards.

All Short Term Vacation Rentals shall adhere to the following use and occupancy:

A. Minimum Life/Safety Requirements:

1. Swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub shall comply with the current standards Florida Building Code.
2. Sleeping rooms. All sleeping rooms shall meet the single- and two-family dwelling minimum requirements of the current edition of the Florida Building Code.
3. Smoke alarms and carbon monoxide alarms requirements of the current edition of the Florida Building Code — Residential.
4. 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 dwelling unit. The

extinguisher(s) shall be installed on the wall in an open habitable space or in an enclosed space with appropriate markings visibly showing the location.

5. Battery powered emergency lighting of primary exit. Battery powered emergency lighting which provides illumination automatically in the event of loss of power shall be provided for a period of not less than 90 minutes to illuminate the primary exit.
- B. Maximum Occupancy. Occupancy shall be limited to two (2) transient occupants per Sleeping Room or habitable space, with a maximum limit of ten (10) transient occupants per Short Term Vacation Rental.
- C. Parking. All parking must comply with this Article, and all other applicable sections of the City's Code of Ordinances. In addition, all vehicles associated with the short term rental, whether in the possession or control of the owner, short term rental representative, or occupant(s), shall only be parked within property's driveway. The blocking of the sidewalk or parking on the street, in the swale or the right of way is prohibited. Recreational vehicles, boats and trailers may not be parked in the front of the house, except for temporary loading, unloading and cleaning.
- D. Solid Waste.
1. All trash and debris shall be kept in covered trash containers.
 2. 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.
 3. Schedules of garbage pickup and recycling pickup shall be posted within the rental agreement.
 4. The containers shall be placed at the curbside for pickup no earlier than 6:00 p.m. the night before pickup and shall be removed from curbside no later than 6:00 a.m. the day after containers are emptied.

Sec. 17-72 –Required Postings.

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

- A. The name, address and phone number of the Short Term Vacation Rental owner or property manager;
- B. The maximum occupancy of the unit;
- C. The maximum number of motor vehicles that can be parked at the unit;
- D. The parking prohibition of RV's, boats, and recreational trailers except for temporary loading, unloading and cleaning;
- E. The location of an evacuation route map located within the property;

- F. The location of the nearest hospital;
- G. Notice that quiet hours (Sound Level Limits) are to be observed between 10:00 p.m. and 7:00 a.m. daily or as superseded by any City noise regulation;
- H. The days of trash pickup and recycling;
- I. Canal boating regulations.

Sect. 17- 73 – Sexual offenders and sexual predators.

The Responsible Party shall be required to obtain confirmation of a nationwide background search that the prospective renter is not a registered sexual offender and also the prospective renter certifies that all guests in the rented unit are not registered sex offenders.

Sect. 17 – 74 – Offenses/violations.

Non-compliance with any provisions of this Article V shall constitute a violation of this Code, which shall include, but shall not be limited to, the specific paragraphs within Section 17-68 and may be enforced as provided in Section 17-75.

Sect. 17-75 – Remedies/enforcement.

To accomplish a safe and effective vacation rental program it is key that short-term vacation rental Responsible Parties are responsive and responsible in the management of the property for compliance with this section. Code enforcement activities will be in accordance with Florida Statutes Chapter 162 and the City of Palm Coast Code of Ordinances.

- A. *Warnings.* Warnings shall be issued for first-time violations and have a correction/compliance period associated with it. Such warnings may include notice to other agencies for follow-up by such agencies, such as the Department of Business and Professional Regulation, the Department of Revenue, the Flagler County Tax Collector and the Flagler County Property Appraiser, as applicable. Non-compliance with a correction compliance period shall result in the issuance of a citation.
- B. The City shall utilize the code enforcement board in accordance with Florida Chapter 162 to prosecute a code violation, to hold hearings, assess fines in accordance with the statute and City of Palm Coast Code of Ordinances, Article V, Division 1, Code Enforcement Board.
- C. *Additional remedies.* Nothing contained herein shall prevent City from seeking all other available remedies which may include, but not be limited to, injunctive relief, liens, and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.



**THE CITY OF PALM COAST
160 LAKE AVENUE
PALM COAST, FL 32164**

**BUSINESS IMPACT ESTIMATE
PURSUANT TO F.S. 166.041(4)**

**Meeting Date: September 17, 2024
Ordinance Number: 2024-XX
Posted To Webpage: August 30, 2024**

This Business Impact Estimate is given as it relates to the proposed ordinance titled:

AN ORDINANCE AMENDING CITY OF PALM COAST ORDINANCES, CHAPTER 17, COMMUNITY DEVELOPMENT; AS AMENDED, TO ADD ARTICLE V, SHORT TERM VACATION RENTALS; PROVIDED FOR THE ESTABLISHMENT OF PROVISIONS REGULATING SHORT TERM VACATION RENTALS; PROVIDING FOR REGISTRATION; PROVIDING FOR INSPECTION OF SHORT TERM VACATION RENTALS; PROVIDING FOR VIOLATIONS, CREATING ARTICLE V, "SHORT TERM VACATION RENTALS," PROVIDING FOR CONFLICTS, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE AND FOR THE APPROVED AMENDMENT

The sections below are not required to be completed if the ordinance involves any one of the following types of regulations. Please check if applicable:

- 1. Ordinances required for compliance with federal or state law or regulation;
- 2. Ordinances relating to the issuance or refinancing of debt;
- 3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- 4. Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a municipal government;
- 5. Emergency ordinances;
- 6. Ordinances relating to procurement; or
- 7. Ordinances enacted to implement the following:

a. Development orders, and development agreements, and development permits, as those terms are defined in S 163.3164, and development agreements, as authorized by the Florida Local Government Development Acts SS. 163.3220-163.3243;

b. Comprehensive Plan amendments and land development regulation amendments initiated by an application by a private party other than the county;

__ c. Sections 190.005 and 190.046;

__ d. Section 553.73, relating to the Florida Building Code; or

__ e. Section 633.202, relating to the Florida Fire Prevention Code.

Part I. Summary of the proposed ordinance and statement of public purpose:

(Address the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the City of Palm Coast.)

The public health, safety, morals, and welfare are served with this ordinance by keeping all property within the City of Palm Coast to comply with City codes, lessening the parking violations, noise complaints, and allowing residents to the peaceful enjoyment of their homes.

Part II. Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Palm Coast:

(fill out subsections a-c as applicable, if not applicable write "not applicable")

(a) Estimate of direct compliance costs that businesses may reasonably incur if the proposed ordinance is enacted: **Application registration fee, rental fees, and then renewal fees yearly.**

(b) Identification of any new charges or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible: **Application registration fee, rental fees and renewal fees yearly.**

(c) An estimate of the City of Palm Coast's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs. **Initial costs to the approximate 300 rentals as Air BnB's is \$120,000. Each year thereafter those 300 will have a renewal cost of \$200 annually and the total for that is \$60,000. A transfer fee of \$50 per short-term rental and a \$50 modification fee for each short-term rental.**

Part III. Good faith estimates of the number of businesses likely to be impacted by the ordinance.

Approximately 300 short term rental businesses within the City of Palm Coast limits.

Part IV. Additional Information (if any):