

1 Introduced by Council Member Love:

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ORDINANCE 2019-

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

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

12 (b) *Intent.* It is the intent of this Part to minimize the
13 impact of Short Term Vacation Rentals on adjacent residences, and
14 to minimize the impact of the commercial character of Short Term
15 Vacation Rentals. It is the further intent of this Part to
16 establish a registration program for all Persons who desire to use
17 property in the City as a Short Term Vacation Rental; to regulate
18 Short Term Vacation Rental use to ensure that such use will not
19 unreasonably interfere, disrupt or impact the quiet use and
20 enjoyment of other properties proximate to the Short Term Vacation
21 Rental use; and to provide an enforcement mechanism for the City
22 and affected neighbors to ensure such use does not violate the
23 provisions of this Part. In doing so, it is the Council's intent
24 to promote the health, safety and general welfare of the citizens
25 of the City of Jacksonville.

26 (c) *Definitions.* As used in this Part, the following words
27 or phrases shall have the meaning ascribed to them below, unless
28 the context clearly indicates otherwise:

29 *Director* shall mean the Director of the Planning and
30 Development Department.

31 *Operator* shall mean any Person who engages in the promotion,

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

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

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

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

16 *Short Term Vacation Rental* shall mean the rental of any
17 legally permitted dwelling unit, as that term is defined in Chapter
18 656, Part 16, Ordinance Code, or any portion of any legally
19 permitted dwelling unit for temporary and transient occupancy for
20 dwelling, lodging or sleeping purposes for any period of less than
21 213 consecutive calendar days. Short Term Vacation Rental includes
22 any contract or agreement that initially defined the rental term to
23 be greater than 213 consecutive days and that was subsequently
24 amended, either orally, or in writing, to permit the occupant(s) of
25 the Short Term Vacation Rental to surrender the subject dwelling
26 unit before the expiration of the initial rental term that results
27 in an actual rental term of less than 213 consecutive days. This
28 term excludes dwelling units owned by the federal government, the
29 state, or any of their agencies or political subdivisions, and
30 facilities licensed by the state as health care facilities; also
31 excluding permanently affordable dwelling units and units rented or

1 offered to individuals for social or health care purposes, and
2 hotels, motels and bed and breakfast establishments, as such terms
3 are defined in Chapter 656, Part 16, Ordinance Code.

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

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

14 (a) *Registration required.* Any Property Owner or Operator
15 (collectively referred to as "registrant") who desires to operate,
16 allow or provide a Short Term Vacation Rental in the City shall
17 register as a Short Term Vacation Rental provider with the City's
18 Planning and Development Department in accordance with this Part
19 prior to applying for a Certificate of Use (COU) or commencing such
20 use. A Short Term Vacation Rental provider shall not be eligible
21 to obtain a COU under this Part until such Short Term Vacation
22 Rental provider has been issued a valid registration number.

23 (b) *Registration contents.* Each registrant shall file a
24 signed and verified registration in a format prescribed by the
25 Director (e.g., font-size, typed/handwritten, original or
26 electronic copies, disc copies, etc.). The registration shall
27 include the following information and documentation:

- 28 1. Name of the registrant;
- 29 2. Name, address, electronic mail address, and
30 telephone number of the registrant's Point of Contact;
- 31 3. Evidence of the insurance coverage required under

1 this Part;

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

5 5. For registration renewals, a certified, sworn
6 statement of the number of nights each Short Term Vacation
7 Rental owned or operated by the registrant was rented and the
8 amount of taxes paid during the previous registration period;
9 and

10 6. A signed statement acknowledging that obtaining a
11 registration for providing a Short Term Vacation Rental use in
12 the City authorizes the City to periodically audit the number
13 of nights rented and taxes paid.

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

21 (c) *Property Appraiser Notification.* Within thirty (30) days
22 of receipt of an approved registration, each registrant shall
23 notify the Property Appraiser of such registration on a form
24 approved by the Property Appraiser. The Property Appraiser shall
25 note such registration on the Property Record Card for the subject
26 property, including the name of the registrant, and the name,
27 address, electronic mail address, and telephone number of the
28 registrant's Point of Contact. Each registrant seeking a renewal
29 of a registration shall submit proof of compliance with this
30 requirement along with the other renewal application requirements.

31 (d) *Registration fees.* Registration fees shall be required

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

3 (e) *Registration review and approval.* Within thirty (30) days
4 after receipt of the information and documentation submitted by the
5 registrant, the Director shall determine whether the application
6 for registration contains all the information and documentation
7 required, and shall advise the registrant in writing whether the
8 registration is effective, or if any areas of deficiency need to be
9 addressed. The registrant shall re-submit any deficient
10 information and documentation within thirty (30) days of the date
11 of the notice of deficiency, otherwise the registration shall be
12 denied. A notice of deficiency, or denial of registration, shall
13 not preclude a registrant from filing subsequent applications for
14 registration under this Part. A denial of registration may be
15 appealed by a registrant as provided in Section 656.1704, Ordinance
16 Code.

17 (f) *Registration updates, renewals and cancellation.* Within
18 thirty (30) days of any change in the information and documentation
19 required to be submitted pursuant to this Part, the registrant
20 shall provide the updated information to the City. Each registrant
21 shall renew its registration by January 31st of even numbered years
22 (beginning in the year 2020) in accordance with the registration
23 requirements of this Part. Failure to renew a registration may
24 result in the City restricting the issuance of additional COUs
25 until the registrant has complied with the registration
26 requirements of this Part. A registrant may cancel a registration
27 upon written notice to the City stating that the registrant will no
28 longer provide Short Term Vacation Rental uses on any Property.
29 Cancellation of a registration shall automatically result in the
30 cancellation of any associated COUs issued to that registrant. A
31 registrant shall not cancel a registration if the registrant

1 continues to provide or allow Short Term Vacation Rental uses.

2 (g) *No property right arises from registration.* A
3 registration shall not convey any title, equitable or legal, to the
4 registrant to provide Short Term Vacation Rental uses in the City.
5 Registration under this Part governs only the authorization to
6 obtain a COU for Short Term Vacation Rental uses in the City, and
7 does not excuse continuing compliance with any other law, rule or
8 regulation applicable to Short Term Vacation Rentals, or any other
9 use. Registration does not excuse a Short Term Vacation Rental
10 registrant from obtaining appropriate licenses or permits that may
11 be necessary from any other agency or entity, or excuse a Short
12 Term Vacation Rental registrant from complying with all applicable
13 City, State and Federal laws and regulations.

14 (h) *Registration non-exclusive.* A registration shall not, in
15 and of itself, establish any right to operate or allow a Short Term
16 Vacation Rental use in the City, but shall establish for the
17 registrant, a right to apply for a COU pursuant to this Part.
18 Registrations are expressly subject to any future amendment to, or
19 replacement of, this Part, and further subject to any additional
20 City, State and Federal laws and regulations that may be enacted.
21 Registrations are personal to the registrant and shall not be
22 transferrable.

23 (i) *Compliance required; suspensions, revocations and non-*
24 *renewals.* A registrant shall, at all times, comply with and abide
25 by all City, State and Federal laws and regulations in operating a
26 Short Term Vacation Rental use. Failure to comply with this Part,
27 or all City, State and Federal laws and regulations, may result in
28 the suspension, revocation or non-renewal of a registration. If
29 any registrant has been convicted of two or more violations in any
30 calendar year, the Director is authorized to suspend, revoke or not
31 renew any registration. If any violation is of the type that can

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

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

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

17 (a) Denial of an initial registration or registration
18 renewal;

19 (b) Involuntary termination of a registration; and

20 (c) Suspension or revocation of a COU.

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

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

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

18 (a) A site map, sketch or drawing depicting the property
19 boundaries and the location of the following: (i) the structure(s)
20 and other portions of the property that will be available for the
21 Short Term Vacation Rental tenants and guests (pool, fire pits,
22 playgrounds, gardens, sitting areas etc.); (ii) all off-street
23 parking that will be reserved for the Short Term Vacation Rental
24 tenants and guests; (iii) all solid waste/recycling containers
25 that will be reserved for the Short Term Vacation Rental tenants
26 and guests; (iv) physical posting of Point of Contact information
27 within the residential structure; and (v) any other information the
28 Department deems necessary.

29 (b) Written consent of the Property Owner, if the application
30 is not made by the Property Owner, to use the property as a Short
31 Term Vacation Rental, including any limitations placed on the use

1 by the Property Owner.

2 (c) The Short Term Vacation Rental provider registration
3 number.

4 (d) The applicable Short Term Vacation Rental Rules of
5 Conduct.

6 (e) A designation of the number of bedrooms within the
7 residential structure available for rent, in compliance with this
8 Part.

9 (f) Proof of valid insurance from a company licensed to do
10 business in Florida, as required by this Part.

11 (g) Any other information deemed necessary by the Director.

12 **Sec. 656.1706. - Short Term Vacation Rental restrictions.** No
13 Short Term Vacation Rental shall be allowed to be operated on any
14 property unless such use complies with all of the following:

15 (a) No Short Term Vacation Rental shall be located in any
16 structure that fails to meet minimum building, zoning, property
17 safety or fire codes.

18 (b) No Short Term Vacation Rental shall be located in any
19 accessory structure not originally constructed or legally modified
20 for residential use, in a recreational vehicle or in any non-
21 permanent quarters.

22 (c) Off-street parking on the Short Term Vacation Rental
23 property shall be provided, numbering at least one space per
24 bedroom, and all advertising must clearly display the restriction
25 on the number of vehicles allowed.

26 (d) All Short Term Vacation Rental tenants and their guests
27 must park within designated parking spaces located on the property.
28 Parking in landscaped areas, grass, medians, sight triangles,
29 sidewalks, pedestrian circulation areas, or within any setback or
30 right-of-way is prohibited.

31 (e) All Short Term Vacation Rental properties shall, at all

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

4 (f) All designated Points of Contact shall remain reasonably
5 available and accessible at all times that tenants are occupying
6 the Short Term Vacation Rental. Contact at any time in response to
7 any nuisance or unsafe condition, shall not be considered
8 unreasonable.

9 (g) Occupancy of a Short Term Vacation Rental shall be
10 limited to no more than two (2) adult (over age 16) occupants per
11 bedroom, and the maximum number of bedrooms for rent in each Short
12 Term Vacation Rental shall be limited to three (3) bedrooms.

13 (h) Requirements for the Property Owner, or an agent of the
14 Property Owner, to reside in and occupy the Short Term Vacation
15 Rental property during the rental period are as follows:

16 1. In all residential zoning districts, in the
17 Commercial Residential and Office (CRO), Commercial
18 Residential and Office-Springfield (CRO-S), and Residential
19 Office (RO) zoning districts, and in all Planned Unit
20 Development (PUD) zoning districts with primarily residential
21 uses, the Property Owner, or an agent of the Property Owner,
22 shall reside in and occupy the Short Term Vacation Rental
23 property during the entire rental period, and shall be deemed
24 an "on-site Property Owner or Agent."

25 2. In all commercial and industrial zoning districts,
26 except in the Commercial Residential and Office (CRO),
27 Commercial Residential and Office-Springfield (CRO-S), and
28 Residential Office (RO) zoning districts, and in all Planned
29 Unit Development (PUD) zoning districts with primarily
30 commercial or industrial uses, the Property Owner, or an
31 agent of the Property Owner, is not required to reside in and

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

4 (i) No Short Term Vacation Rental shall be used for any
5 commercial or social event such as, but not limited to, weddings,
6 luncheons, banquets, parties, meetings, or charity or fund raising
7 events.

8 (j) A general liability insurance policy shall be required in
9 the amount of at least \$1,000,000 per occurrence for each Short
10 Term Vacation Rental property.

11 (k) Exteriors of Short Term Vacation Rentals shall not change
12 the residential character of the structure, either by the use of
13 colors, materials, signage, lighting, or by the construction of
14 accessory structures or garages that are visible off-site and not
15 of the same architectural character as the primary residence.

16 (l) No Short Term Vacation Rental shall be allowed to operate
17 in such a manner as to constitute a nuisance on any other property
18 by the emission of noise, glare, flashing lights, smoke, vibrations
19 or odors not commonly experienced in residential areas.

20 (m) Points of Contact must be available 24 hours per day for
21 each day the Short Term Vacation Rental is rented and shall be
22 responsible for verifying that the number of tenants and vehicles
23 do not exceed the limitations of this Part, and that the tenants
24 comply with the applicable Rules of Conduct.

25 (n) The Short Term Vacation Rental Property Owner shall be
26 responsible for timely submission of all required taxes, fees and
27 any other charges associated with operating a Short Term Vacation
28 Rental, as well as maintaining such proof of payments as may be
29 required for the Short Term Vacation Rental registration renewal.

30 (o) Where lawful and recorded covenants, easements or
31 restrictions are more restrictive than this Part, the more

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

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

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

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

6 CHAPTER 123 - PUBLIC FEES

7 PART 1. - IN GENERAL

8 * * *

9 Sec. 123.102. - Fees established.

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

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

18 * * *

19 Planning and Development Department

20 * * *

21 23. Short Term Vacation Rental Registrations

22 * * *

23 Section 3. Directions to the Planning and Development
24 Department Director. The Planning and Development Department
25 Director shall determine an appropriate fee for review and
26 processing Short Term Vacation Rental registration applications,
27 and shall post such fee on the appropriate page of the City's
28 website; provided, however, that such registration fee shall not be
29 less than \$100.00.

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

1 without the Mayor's signature.

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3 Form Approved:

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Shannon Eller

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Office of General Counsel

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Legislation Prepared By: Shannon K. Eller

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