

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice Mayor, and Commissioners

DATE: June 22, 2021

RE: **ORDINANCE 2021-12: AMENDMENTS TO REGULATION OF VACATION RENTALS**

The City Attorney's office conducted a review of the regulations adopted pursuant to Ordinance 2019-50 for the Regulation of Vacation Rentals. That review reveals the need for amendment to provide clarification of the intent and current practices of the city regarding required inspections and registration information in compliance with state law.

The Planning and Zoning Board reviewed these amendments and made positive recommendation for approval at its June 1, 2021, meeting.

The amendments include:

- Remove "property maintenance code" from Section 28-147 "Annual Inspection" and provide clarification that registration information provided by an applicant will be verified on site for approval in Section 28-146 "Registration."
- Remove "zoning code" from Section 28-147 "Annual Inspection" and provide a requirement for the zoning designation of the vacation rental for the purpose of determining whether the rental is monthly, weekly, or requires a submerged land lease in Section 28-146 "Registration."
- Clarify the full language regarding Florida Fire Prevention Code, Life-Safety Code, NFPA 101 in Section 28-147 "Annual Inspection."
- Clarify the language of "alarm" versus "detector" as well as the full language of Florida Fire Prevention Code, Life-Safety Code, NFPA 101 in Section 28-150 "Life-Safety."

Please place Ordinance 2021-12 on the agenda for second reading at the July 12, 2021 City Commission meeting.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk (*with original*)

Agenda Title:

Amendments to Chapter 28, Division 2, Vacation Rentals

ORDINANCE NO. 2021-12

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 28, ARTICLE III, DIVISION 2, SECTION 28-146 PROVIDING REQUIREMENTS FOR REGISTRATION; AMENDING SECTION 28-147 CLARIFYING ANNUAL INSPECTIONS; AMENDING SECTION 28-150 CLARIFYING REQUIRED NFPA LIFE-SAFETY CODE REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and,

WHEREAS, the City Commission found that regulation of Short-Term Rentals is in the best interest of public health, safety and general welfare by passage of Ordinance 2019-50; and

WHEREAS, in order to clarify the intent of the regulations, the City wishes to adopt an amendment of terms to clearly define the applicable law as the Florida Fire Prevention Code, Life-Safety Code, NFPA 101; and

WHEREAS, the amendment clarifies the intent of the City, and avoids any potential confusion on required registration information, required inspections, the practice of the City, and compliance with state law; and

WHEREAS, after review, the Planning and Zoning Board recommended approval of this ordinance at its June 1, 2021 regular meeting; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety and general welfare that the following amendments be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending Chapter 28, Article III, Division 2., Section 28-146. Chapter 28, Article III, Division 2., Sections 28-146 of the Code of the City of St. Augustine, are hereby amended as follows:

Sec. 28-146 – Registration

Every vacation rental shall register with the City on forms provided for this purpose and shall pay the required administrative fee, as set by resolution, at the time of

registration and thereafter annually. The information provided on each listing of a vacation rental must accurately reflect the information submitted on the registration form. All information provided in the required registration application will be verified on site prior to approval of registration. Listings that inaccurately reflect information on the registration form information will be considered a separate violation of this code. The registration will include the following:

- (i) Address of the vacation rental.
- (ii) Name, address, and contact information of the property owner.
- (iii) Name, address, and contact information of the property manager if different than the property owner.
- (iv) Number of rental units offered to the public for rent at this location.
- (v) Number of bedrooms.
- (vi) Floor plan identifying the location of bedrooms, emergency exits or egress, and number and location of fire extinguishers, carbon monoxide and smoke detectors.
- (vii) Site plan or other document depicting approved parking spaces provided.
- (viii) Property owner authorization providing for inspection pursuant to Section 28-147 of this code.
- (ix) The zoning designation of the vacation rental to determine whether the vacation rental is monthly, weekly, or requires a submerged land lease.

Section 2. Amending Chapter 28, Article III, Division 2., Section 28-147. Chapter 28, Article III, Division 2., Sections 28-147 of the Code of the City of St. Augustine, are hereby amended as follows:

Sec. 28-147 – Annual Inspection

At the time of registering a vacation rental, and thereafter annually, the applicant shall be required to allow reasonable access to the property by City officials for an inspection of the Florida Fire Prevention Code, ~~life~~Life-safety Safety codeCode, NFPA 101, as amended and adopted by the State Fire Marshal from time to time. zoning code, and property maintenance code.

Section 3. Amending Chapter 28, Article III, Division 2., Section 28-150. Chapter 28, Article III, Division 2., Sections 28-150 of the Code of the City of St. Augustine, are hereby amended as follows:

Sec. 28-150 Life-Safety

- (i) All vacation rentals shall meet life-safety standards as established by local, state, and federal regulations.
- (ii) Each vacation rental will provide a smoke ~~detector~~alarm, a carbon monoxide ~~detector~~ alarm, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the Florida Fire Prevention

~~Code, life~~Life-safety Safety Code, NFPA 101, as amended and adopted by the State Fire Marshal from time to time~~or building code.~~

- (iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the Florida Fire Prevention Code, Life Safety Code, NFPA 101, as amended and adopted by the State Fire Marshal from time to time~~building code~~. Each means of egress must be maintained, unobstructed, and operable.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

Section 4. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 5. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 7. Effective Date. This ordinance shall become effective upon passage.

PASSED by the City Commission of the City of St. Augustine, Florida, this ____ day of _____, 2021.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)