



Walton County
Board of County Commissioners
AGENDA ITEM REPORT

22-1183

Meeting: Board of County Commissioners - Jul 26 2022
Department: Planning Department
Submitted by: Karen Owens
Staff Contact: Kristen Shell, Asst. Director

Consent Agenda **Regular Agenda** **Public Hearing**

TITLE/REQUESTED ACTION:

Second and Final Reading. Request to approve the Walton County Short Term Vacation Rental Registration and Neighborhood Compatibility Ordinance

PURPOSE / SUMMARY EXPLANATION OR HISTORY:

During the July 27, 2021, regular Board of County Commissioners meeting the Board directed the Planning Director and Legal staff to draft an enforceable ordinance limiting the occupancy of short-term rental units. This proposed ordinance was to be brought back in a month but due to the complexity of this program, it has taken much longer.

Public Workshops were held on October 7, 2021, and October 21, 2021. Two presentations were made for the Walton County Tourist Development Council, one of these was a public workshop held on January 28, 2022. Industry focus group meetings were held April 12 and 14, 2022, and additional meetings were held during April with life safety focus including Code Compliance, South Walton Fire District, and the Walton County Sheriff's Office.

On April 14, 2022, the Planning Commission recommended approval with the following changes: The Planning Commission recommended reducing the response time for the local responsible party from two hours to one hour as well as the inclusion of a building sign.

On June 27, 2022 the Board of County Commissioners conducted the first reading.

This project does have a fiscal impact including annual software costs and additional staffing. It is anticipated that these costs will be paid by fee revenue.

ATTACHMENTS:

[Staff Report -Short Term Vacation Rental Second Reading](#)

[July 26 BCC Draft](#)

[Ordinance 2022- . LDC Walton County Short Term Vacation Rental Registration and Compatibiliy Programfinal](#)



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MEMORANDUM

To: Walton County Board of County Commissioners

Project Manager: Kristen Shell, AICP, Deputy Director

Meeting Date: July 26, 2022

Project: Short Term Vacation Rental Ordinance

Applicant: Walton County Planning and Development Services Department

Request: Second and Final Reading of the Walton County Short Term Vacation Rental Ordinance

1) Summary & Background

- a. On July 27, 2021, the Board of County Commissioners took the following action (4-0) excerpted from the meeting minutes:

"Commissioner Glidewell addressed the long-term problem with monster homes. He spoke about the problems and impacts they create. He proposed instructing the Planning Director and Legal to draft an enforceable ordinance limiting occupancy to be brought back in a month.

Motion by Commissioner Glidewell, second by Commissioner Barker, to instruct the Planning Director and Legal to draft an enforceable ordinance limiting occupancy to be brought back in a month.

Further discussion was held regarding the problems. Several individuals spoke about issues that create the problems and suggestions to include in the ordinance that may help correct the problems."

- b. Public Workshops were held on October 7, 2021, and October 21, 2021. Two presentations were made for the Walton County Tourist Development Council, one of these was a public workshop held on January 28, 2022. Industry focus group meetings were held April 12 and 14, 2022 and additional meetings were held during April with life safety focus including Code Compliance, South Walton Fire District, and the Walton County Sheriff's Office.
- c. On April 14, 2022, the Planning Commission recommended approval with the following changes: The Planning Commission recommended reducing the response time for the local responsible party from two hours to one hour as well as the inclusion of a building sign.
- d. Staff has conducted research into what requirements and regulations other jurisdictions have implemented. Some of the identified issues with short term rental units are: 1) incompatibilities with existing neighborhood or residential context; 2) competition with traditional long-term leases; 3) potentially causing some supply issues with long term housing in certain markets where short term rentals are a construction priority. Various local governments across the Country have taken different regulatory approaches to address some of these issues.
- e. Incompatibilities with single family neighborhoods include nuisances (excessive trash and noise), parking in undesignated areas, blocking emergency ingress and egress, backed up traffic at entry gates, and constant turnover of occupants, materially affecting the character of the neighborhood.
- f. In 2011 the Florida Legislature essentially preempted non home rule local government regulation of short-term rentals:
 - i. No restriction on use or any prohibition of vacation rentals, and no treatment of them based on their classification, use or occupancy. If a community wanted to regulate them, they would essentially have to fall under a program that regulated all types of rentals, e.g., landlord licensing programs.
 - ii. The preemption prevented local governments from enacting any law, ordinance, or regulation that: restricted the use of vacation rentals; prohibited vacation rentals; or regulated vacation rentals based solely on their classification, use, or occupancy.
 - iii. No mandatory inspections of vacation rentals by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation ("DBPR") for compliance with state regulatory requirements. See, Fla. Stat. § 509.032(2)(a).
 - iv. DBPR regulations allowed up to 75 homes to be on one collective license and to be indexed under only the first named property location.
 - v. The occupancy limit was one person for 150 gross square feet. Twenty visitors could occupy a 3,000 square foot house and the square footage could be

computed by including enclosed garages or other spaces. Rooms were converted into bedrooms, some without permits and without meeting Life Safety requirements.

- g. In 2014, the Legislature restored some authority back to local governments so they could address many of the problems they were seeing in their communities relating to parking, noise, trash, and life-safety issues. This legislation left in place existing statutory language stating that cities cannot “prohibit” short-term rentals or regulate the duration or frequency of the rental (Florida League of Cities). This amendment accomplished the following:
 - i. The definition of a vacation rental, sometimes called short term vacation rental or a resort dwelling, did not change. See, Fla. Stat. § 509.013(4)(a).
 - ii. “Vacation rentals” are a type of “transient public lodging establishment” which are rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.
 - iii. DBPR standards did not substantially change.
 - iv. Section 509.032(7)(a), F.S., provides that “the regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state.”
 - v. Current law does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206, F.S.13
 - vi. Section 509.032(7)(b), F.S., prohibits local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

The exact pre-emption language from Section 509.032, F.S. is as follows:

(7) **PREEMPTION AUTHORITY.** —

- (a) *The regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state. This paragraph does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206.*
- (b) *A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph*

does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

(c) Paragraph (b) does not apply to any local law, ordinance, or regulation exclusively relating to property valuation as a criterion for vacation rental if the local law, ordinance, or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.

- h. The Division of Hotels and Restaurants within the Department of Business and Professional Regulation is the State agency charged with enforcing the provisions of Ch. 509, F.S., relating to the regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare. The term "public lodging establishments" includes transient and non-transient public lodging establishments. The principal differences between transient and non-transient public lodging establishments are the number of times that the establishments are rented in a calendar year and the duration of the rentals.

A "**transient public lodging establishment**" is defined in s. 509.013(4)(a)1., F.S., as: any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which **is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less**, or which is advertised or held out to the public as a place regularly rented to guests.

A "**non-transient public lodging establishment**" is defined in s. 509.013(4)(a)2., F.S., as: any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which **is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less**, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.

Section 509.013(4)(b), F.S., exempts the following types of establishments from the definition of "public lodging establishment":

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.
2. Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072, F.S.;
3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;
4. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month,

- provided that no more than four rental units within a single complex of buildings are available for rent;
5. Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008-381.00895, F.S.;
 6. Any establishment inspected by the Department of Health and regulated by Chapter 513 F.S.;
 7. Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public.
 8. Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement; and
 9. Any rooming house, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, non-transient apartment, bed and breakfast inn, or transient apartment under s. 509.242, F.S.
- i. Public lodging establishments are classified as a hotel, motel, vacation rental, non-transient apartment, transient apartment, bed and breakfast inn, or timeshare project.

A "vacation rental" is defined in s. 509.242(1)(c), F.S., as: any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but is not a timeshare project.
 - j. The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation licenses vacation rentals as condominiums, dwellings, or timeshare projects. The Division may issue a vacation rental license for "a single-family house, a townhouse, or a unit or group of units in a duplex, triplex, quadruplex, or other dwelling unit that has four or less units collectively." The Division does not license or regulate the rental of individual rooms within a dwelling unit under the rooming house and boardinghouse exclusion from the definition of public lodging establishment under s. 509.013(4)(b)9., F.S.
 - k. **State Inspections:** The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation must inspect each licensed public lodging establishment at least biannually but must inspect transient and non-transient apartments at least annually. However, the division is not required to inspect vacation rentals, but vacation rentals must be available for inspection upon a request by the division. The division conducts inspections of vacation rentals in response to a consumer complaint.

The Division's inspection of vacation rentals includes matters of safety (for example, fire

hazards, smoke detectors, and boiler safety), sanitation (for example, safe water sources, bedding, and vermin control), consumer protection (for example, unethical business practices, compliance with the Florida Clean Air Act, and maintenance of a guest register), and other general safety and regulatory matters. The division must notify the local fire safety authority or the State Fire Marshal of any readily observable violation of a rule adopted under Ch. 633, F.S. (Fire Prevention and Control), which relates to a public lodging establishment.

Additionally, an applicant for a vacation rental license is required to submit with the license application a signed certificate evidencing the inspection of all balconies, platforms, stairways, railings, and railways, from a person competent to conduct such inspections.

I. Attorney General Opinions

The office of the Attorney General issued an Informal Legal Opinion on October 22, 2013, regarding whether Flagler County could intercede and stop vacation rental operations in private homes that were zoned, prior to June 1, 2011, for single-family residential use. According to the opinion, “due to an increase in the number of homes being used as vacation rentals in Flagler County, many permanent residents in neighborhoods with vacation rentals have raised concerns about the negative effects such rentals have on their quality of life and the character of their neighborhood.” Flagler County had no regulation governing vacation rentals before the grandfather date of June 1, 2011, in s. 509.032(7)(b), F.S. The Attorney General concluded that the county’s local zoning ordinance for single-family homes that predated June 1, 2011, did not restrict the rental of such property as a vacation rental and that the zoning ordinances could not now be interpreted to restrict vacation rentals.

The Attorney General also issued an opinion on November 13, 2014, to the City of Wilton Manors, concluding that s. 509.032(7)(b), F.S., does not permit the city to regulate the location of vacation rentals through zoning, and the city may not prohibit vacation rentals that fail to comply with the registration and licensing requirements in s. 509.241, F.S., which requires public lodging establishments to obtain a license from the division.

In addition, the Attorney General issued an advisory opinion on October 5, 2016, addressing whether a municipality could limit the spacing and concentration of vacation rentals through a proposed ordinance regarding vacation rentals. The Attorney General concluded that the preemption in s. 509.032, F.S., allows local governments some regulation of vacation rentals, but prevents local governments from prohibiting vacation rentals. Consequently, the Attorney General noted that a municipality may not impose spacing or proportional regulations that would have the effect of preventing eligible housing from being used as a vacation rental.

The Attorney General also opined that amending an ordinance that was enacted prior to June 1, 2011, will not invalidate the grandfather protection for the parts of the ordinance that are reenacted. The new provisions would be preempted by state law if they revised an ordinance in a manner that would regulate the duration or frequency of rental of vacation rentals, even when the new regulation would be considered “less restrictive” than the prior local law.

Primary Sources:

Short Term Vacation Rentals: The Getaway that Got Away! Florida Association of County Attorneys 2015 Continuing Education Legal Education Program June 17-18, 2015 – Al Hadeed County Attorney Flagler County Florida.

Florida Senate Bill Analysis and Fiscal Impact Statement – Commerce and Tourism Committee February 12, 2020 for CS/SB 1128 – primary authors Imhof and McKay.

2) Proposed Ordinance

- a. Builds on current provisions within the Walton County Land Development Code that allow short term vacation rentals in any zoning district where single family residential uses are permitted. Such units are currently not designated as single-family homes within Walton County.
- b. Creates a Short-Term Rental Vacation Certificate program. This program establishes minimum requirements such as: Obtaining a Florida Department of Revenue certificate of registration for purposes of collecting and remitting tourist development taxes, sales surtaxes, and transient rental taxes; Obtaining a Florida Department of Business and Professional Regulation license as a transient public lodging establishment; and maintaining initial and ongoing compliance with the Short-term Vacation Rental Standards to be placed in the Walton County Land Development Code plus any other applicable local, state, and federal laws, regulations, and standards to include, but not be limited to, Chapter 509, Florida Statutes, and Rule Chapters 61C and 69A, Florida Administrative Code.
- c. Requires that new short term vacation rental units proposed within zoning districts that do not allow multi-family residential and that are greater than 4,800 sq ft in size be reviewed as minor developments. Minor developments are subject to Technical Review Committee review and all the minor development standards including stormwater level of service standards. South Walton Zoning Districts allowing multifamily are as follows: Neighborhood Infill, General Commercial, Small Neighborhood, Traditional Neighborhood Development, Coastal Center Mixed Use, Coastal Village -1, Village Mixed Use, Town Center -1, Resort, Bay Walton Sector Plan Village Center, Town Center and Low Impact Residential. This essentially excludes the larger units within Residential

Preservation and Conservation Residential from the lesser review process. This does not mean the larger units cannot be built, but rather requires a more robust review requirement in Residential Preservation and Conservation Residential. The Minor Development process will allow for neighbor notification. New larger units located within these zoning districts may be subject to a less than minor review procedure based on the need for additional engineering review of larger buildings and greater site improvements in context.

- d. Requires the designation of a local responsible party that is available at all times and can respond to the site within one hour.
- e. Establishes a maximum occupancy of one person per 150 square feet consistent with current life safety requirements found in the Florida Administrative Code.
- f. Includes minimum life safety requirements found within Chapter 69A-43, F.A.C
- g. Requires minimum rental / lease agreement inclusions and requirements.
- h. Requires posting of minimum vacation rental unit information such as: the maximum occupancy of the unit, the maximum number of vehicles which can be parked at the unit, trash collection requirements, quiet hours, sea turtle information, and beach safety system information among other requirements.
- i. Contains remedy and enforcement provisions.
- j. Other considerations should be related to the potential for legal challenge as well as the potential for future preemption by the Florida Legislature.

3) Implementation Challenges and Costs

There are approximately 6,369 identified short-term, single-family structure vacation rental units in the South Walton TDT District. Another 1,330 units have been identified in townhouse structures which could potentially be subject to the certificate requirements of the proposed ordinance. Initial registration will need to occur by geographic subdivision of South Walton. It is anticipated that this process will take up to one year.

Staffing considerations are the need for one full time employee in the Planning Department, potentially one to two new Code Compliance Officers and one to two employees within the South Walton Fire District. One employee in Planning should be funded prior to initial program implementation to stand the program up. Existing staff has no capacity.

To accomplish enforcement, software will be required to conduct online compliance monitoring. Staff is also recommending establishing a contractual relationship with a private entity to make a 24/7 hotline available. In addition, a platform that supports mobile permitting

and registration should also be procured. Annual costs associated with contracting these services are estimated to be \$350,000.00 per year.

The annual certificate fee should be set to cover these additional costs. Estimated revenue is \$3,198,000 minimally if the initial annual fee was \$500.00 per unit. This fee could be adjusted downward based on actual program implementation costs in year 2 or utilized to fund infrastructure related to the impacts of short- term vacation rental units to the community.

4) Next Steps

- a. Implementation estimated to take approximately one year.

Article 9 - Glossary

Short-term Vacation Rental: This definition shall apply to all primary uses defined as Short Term Vacation Rental Attached and Short Term Vacation Rental Detached within this Code. A public lodging establishment consisting of any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. The following are excluded from this definition:

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors;
2. Any hospital, nursing home, sanitarium, assisted living facility, or other similar place;
3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;
4. Any unit or group of units in a condominium, cooperative, or timeshare plan.
5. Group homes as defined in Chapter 419, F.S.

Chapter 1 – General Provisions

1.11.05. Notice Requirements.

A. Certified Mailed Notice.

1. Certified mailed notices are required for:

- a. The quasi-judicial hearings identified in Section 1.11.03;
 - b. Legislative hearings related to Future Land Use Map and/or Official Zoning Map amendments identified in Section 1.11.04; and
 - c. Development or deviation requests scheduled for a Design Review Board (DRB) meeting; and
 - d. Right of way abandonment request identified in Section 1.11.04.
- e. Bay Walton Sector Plan Exemption: For DSAPs within the Bay-Walton Sector Plan, Certified Notice shall only be given to owners of real property within 300 feet of the property directly affected by the proposed action who are located outside of the approved Bay-Walton Sector Plan Long Term Master Plan. Certified notice is not required for owners of real property located within the approved Bay-Walton Sector Plan Long Term Master Plan.
- f. Large scale short term vacation rental units located in zoning districts not allowing multi-family residential as a primary land use.

2. Content of Certified Mail Notice. Every required certified mailed notice shall include, without limitation: the date, time, and place of the hearing; a description of the substance of the subject matter that will be discussed at the hearing; location of property; identification of the body conducting the hearing; a brief statement of what action the body conducting the hearing may be authorized to take; and a statement that the hearing may be continued from time to time as may be necessary. Notices for public hearings before the Planning Commission or Board of County Commissioners on amendments to the Future Land Use Map or Official Zoning Map shall also contain a geographic location map which clearly indicates the area covered by the proposed amendment or rezoning. The map shall include major street names as a means of identification of the area.

3. Time and Distance Requirement for Certified Mail Notice: Each mailed notice shall be postmarked at least ten days in advance of the hearing by certificate of mailing to owners of real property within 300 feet of the property directly affected by the proposed action whose address is known by reference to the latest approved ad valorem tax roll. The applicant, or his/her designee, shall certify at the time of the public hearing that notice as herein required was given. The certification shall be conclusive of the giving of certified notice.

G. Notice Requirement Summary Table

	Certified Mail Notice	Notice Publication	Posted Sign Notice
Official Zoning Map Amendments not Requiring Future Land Use Map Amendment	PC BOCC	TRC PC BOCC	TRC PC BOCC
Comprehensive Plan Text Amendments		PC	

		BOCC	
Comprehensive Plan Future Land Use Map Amendments with Rezoning (Small Scale)	PC BOCC	TRC PC BOCC	TRC PC BOCC
Comprehensive Plan Future Land use Map Amendments with Rezoning (Large Scale)	PC BOC	TRC PC BOCC	TRC PC BOCC
Land Development Code Text Amendments		PC BOCC	
Major Development Plan Review (including Concurrency Determinations)	PC DRB (if scenic corridor) BOCC	TRC PC DRB (if scenic corridor) BOCC	TRC PC DRB (if scenic corridor) BOCC
Minor Development	DRB (if scenic corridor)	TRC DRB (if scenic corridor)	TRC DRB (if scenic corridor)
Major Platting and Re-Platting		BOCC	
Variances	ZBA	ZBA	ZBA
Vested Rights Determinations	BOCC	BOCC	BOCC
Appeals of Administrative Decisions	ZBA	ZBA	
Special Exceptions	ZBA BOCC	ZBA BOCC	ZBA BOCC
Conditional Uses	ZBA	ZBA	ZBA
Planned Unit Developments	PC DRB (if scenic corridor) BOCC	TRC PC DRB (if scenic corridor) BOCC	TRC PC DRB (if scenic corridor) BOCC
Detailed Special Area Plans	PC and BOCC Per Section 1.11.05 e	TRC PC BOCC	TRC PC BOCC
Right of Way Abandonment Requests	PC BOCC	TRC PC BOCC	TRC PC BOCC
Large Scale Short Term Vacation Rental Units or Single Family Attached and Detached Units - Minor DO Review	<u>TRC</u>		<u>TRC</u>

1.13.09. Administrative Developments. Administrative Decisions are ministerial decisions of the Director of Planning and Development Services or designee in the administration of this *Code*. Administrative decisions are the result of the enactment and application of this *Code* by the Director or designee. The Director shall be assisted by appropriate staff and, where applicable, members of the Technical Review Committee, in making such administrative decisions. A final administrative decision approving a request for development permit shall be issued by the Director only after s/he has made a finding that the request for permit complies with all applicable provisions of this *Code* and all other applicable County regulations.

- A. The Director of the Department of Planning and Development Services shall make a final administrative decision (pursuant to procedures and requirements set forth for each particular type of request), for the following matters:
1. Building Plans and Floodplain Review (BPFR)
 2. Sign Permits
 3. Land Clearing Permits
 4. Less than Minor and Minor Development Plans
 5. Lot Splits, Fusions and Shifts: Changes to lots that are not part of a platted subdivision such as lots splits where one single parcel of land is being divided into only two separate lots or parcels one time; minor common lot line shifts or adjustments; or where two or more parcels of land are being fused into one single lot or parcel. Such applications may be accomplished as part of a BPFR review.
 6. BPFR with Usage of Multiple Lots: Applications where a single family detached residential use is being constructed over two or more lots within a platted subdivision, using common front and rear setbacks and outside lot side setbacks, where Section 1.13.12 B. would not require a re-plat and other applications where a single family detached residential use is being constructed over two or more lots.
 7. Neighborhood scale short term vacation rental unit review (defined as less than 4,800 square gross square feet of primary unit space) when such units are located in any zoning district.
 8. Larger scale short term vacation rental uses, new construction or conversion of existing single family attached, or single family detached units for occupancies greater than 32 persons or more than 4,800 square feet of gross floor area (one occupant per 150 square feet) when located in zoning districts that allow multi-family uses as a primary use and that meet all standards applicable to Minor Development Plans.
 9. ~~7.~~ Any other matter as to which this *Code* does not specify any necessity of review and final action by the Walton County Board of Commissioners or by a Board appointed by the County Commissioners.

1.13.10 Minor Development Plan

- A. Minor Development Plan is a proposed development that is not exempt from development plan review by this Chapter and meets one or more of the following:
1. A division of land into more than two (2) parcels, but fewer than twenty (20) parcels;
 2. Multi-family residential projects of fewer than thirty (30) dwelling units and does not involve platting;
 3. Non-residential projects involving a combined total building square footage of less than 20,000 square feet;
 4. Individual project approvals within an approved DSAP, regardless of size.
 5. Modifications to an adopted DSAP that do not meet the criteria in Section 1.13.10.A.6.a.
 6. New construction larger scale short term vacation rental uses, new construction

or conversion of existing single family attached or single family detached units greater than 4,800 square feet of gross floor area when located in zoning districts that do not allow multi-family uses as a primary use.

1.13.16 Short Term Vacation Rental Certificate Requirements.

A. Short-Term Vacation Rental Certificate Required. To verify compliance with the short-term vacation rental standards contained within this Code, any property owner who wishes to rent a residential unit as a short-term vacation rental must first apply for and receive a *Short-Term Vacation Rental Certificate* from Walton County and shall renew the certificate annually for as long as the unit is used as a short-term vacation rental. Each dwelling unit used as a short-term vacation rental requires a separate *Short-Term Vacation Rental Certificate*. An annual certificate fee shall be paid for each dwelling unit certified as a short-term vacation rental, in an amount to be determined by resolution of the board of county commissioners, to cover the cost of administration and enforcement of the certificate program. Failure to comply with any of the requirements of this section shall be subject to the remedies and enforcement provided in Subsection H.

B. Exemptions.

1. Condominiums as defined in Chapter 718, F.S.
2. Single Family attached or detached 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.
3. Cooperatives and Homeowner's Associations as defined in Chapters 719 and 720, F.S. may elect to apply for a community certificate for the entire community or units under their control.
4. In single family attached dwellings under common ownership where one of the dwellings (a) is occupied on a full-time basis by the owner of the dwellings as an on-premises, permanent resident and (b) has been declared and continues to be declared as homestead by the Property Appraiser.

C. Compliance affidavit and certificate requirement for short-term vacation rentals.

1. An affidavit of compliance with this Section is required prior to issuance of an initial *Short-Term Vacation Rental Certificate*. 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 County shall have the right to reasonably inspect the premises to assure compliance; and

- c. 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 subsection H.
 - 2. Once a certificate is issued, a short-term vacation rental unit must be operated and maintained in accordance with the short-term vacation rental standards herein and must be re-certified annually or, in the event of a Certificate transfer, re-certified at the time of transfer.
- D. *Interior Inspections.* Routine interior inspections shall not be performed. Interior Inspections may arise from a request from the Department of Business and Professional Regulation as provided for in Florida Statute.
- 1. If an inspection documents violations, all violations must be corrected and re-inspected within thirty (30) calendar days. Failure to correct such inspection deficiencies in the timeframes provided shall result in enforcement as provided in Subsection K until such time as the violation(s) is/are corrected and re-inspected.
 - 2. County initiated inspections shall be made by appointment with the short-term vacation rental responsible party. If the inspector has made an appointment with the responsible party to complete an inspection and the responsible party fails to admit the officer at the scheduled time the owner shall be charged a "no show" fee in an amount to be determined by resolution of the Board of County Commissioners to cover the inspection expense incurred by the County and/or any entity authorized under F.S 633.118 to enforce the laws and rules of the State Fire Marshal.
 - 3. If an inspector is denied admittance by the short-term vacation rental responsible party or if an inspector fails in at least three (3) attempts to complete an initial or subsequent inspection of the rental unit, the inspector(s) shall provide notice of failure of inspection to the owner to the address provided in the existing Short-Term Vacation Rental Certificate or the application for Short-Term Vacation Rental Certificate.
 - 4. Inspections may be conducted by any person authorized under Florida Statute to enforce the laws and rules of the State Fire Marshal for issues pertaining to life safety requirements. Such persons are defined in Section 633.118, F.S as follows: The chiefs of county, municipal, and special-district fire service providers; other fire service provider personnel designated by their respective chiefs; and personnel designated by local governments having no organized fire service providers are authorized to enforce this chapter and all rules prescribed by the State Fire Marshal within their respective jurisdictions. Such personnel acting under the authority of this section shall be agents of their respective jurisdictions, not agents of the State Fire Marshal.

E. *Short-term vacation rental responsible party.*

1. 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.
2. The property owner may serve in this capacity or shall otherwise designate a locally available 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 provided they can perform the duties listed in subsection E.3 below.
3. In addition to serving as the local emergency contact, the duties of the short term vacation rental responsible party are to:
 - a. Be available by landline or mobile 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;
 - b. If necessary, be willing and able to come to the short-term vacation rental unit within one (1) hours following notification from an occupant, the owner, or the County to address issues related to the short-term vacation rental;
 - c. Authorized to receive service of any legal notice on behalf of the owner for violations of this section; and
 - d. Otherwise monitor the short-term vacation rental unit at least once weekly to assure continued compliance with the requirements of this section, including parking and trash requirements.
4. 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 one (1) short-term vacation rental responsible party for each short-term vacation rental at any given time. To change the designated responsible party, the property owner shall notify the County in writing via a completed form provided by the County.

F. *Short-term vacation rental/lease agreement minimum provisions and requirements.* The rental/lease agreement shall be retained by the responsible party. The responsible party shall retain all rental/lease agreements for a period of one (1) year following the end of the rental period; and No rental/lease agreement shall be provided to or retained by the County except as part of an enforcement investigation, emergency, or other action by the County. At the County's request, the responsible party shall immediately provide the County with the rental/lease agreement. The rental/lease agreement or online agreement must contain the following information at a minimum:

1. Maximum occupancy of the short-term vacation rental unit as permitted on the Short-Term Vacation Rental Certificate for the property defined as one person per 150 square feet of gross floor area OR lower agreed upon maximum occupancy established during the certificate process.

2. Notice regarding the County's Noise Ordinance (Article 5 – Noise, Walton County Code of Ordinances) and potential civil infraction fines up to \$500.00 and/or potential criminal offense violation between the hours of 10:00 p.m and 6:00 a.m.
3. The days of trash pickup and recycling along with instructions requiring all trash to be kept in provided containers.
4. A statement that all transient occupants must evacuate from the short-term vacation rental upon posting of any emergency evacuation order issued by local, state, or federal authorities.
5. The maximum on- site parking available (maximum number of vehicles allowed) for the unit along with a sketch of the location of the usable off-street parking spaces and notice regarding areas where parking is prohibited.

G. Required posting of the following short-term vacation rental unit information.

1. On the back of or next to the main entrance door or on the refrigerator the following information shall be provided:
 - a. The address of the short-term vacation rental unit in case of emergency.
 - b. The name and phone number of the short-term vacation rental locally available responsible party.
 - c. The maximum occupancy of the unit defined as one person per 150 square feet of gross floor area as follows OR lower agreed upon maximum occupancy established during the certificate process:

“Maximum Occupancy is (X) by order of the State Fire Marshal. In accordance with Florida Administrative Code 69A-43.018 the maximum occupancy load permitted for one and two family dwellings licensed as public lodging establishments shall be computed at 150 square feet gross floor area per person.”
 - d. The maximum on- site parking available (maximum number of vehicles allowed) for the unit along with a sketch of the location of the usable off-street parking spaces and notice regarding areas where parking is prohibited.
 - e. Notice regarding the County's Noise Ordinance (Article 5 – Noise, Walton County Code of Ordinances) and potential civil infraction fines up to \$500.00 and/or potential criminal offense violation between the hours of 10:00 p.m and 6:00 a.m.
 - f. The days of trash pickup and recycling along with instructions requiring all trash to be kept in provided containers.
 - g. If the short-term vacation rental unit is located within the Walton County Wildlife Protection Zone, notice of sea turtle nesting season restrictions and sea turtle lighting usage.
 - h. The location of the nearest hospital or emergency room; and

- i. Information describing beach safety specifically the flag notification system and penalties for violation.
 2. If the short-term vacation rental unit includes three (3) or more occupied floors, on the third floor above ground level and higher floors there shall be posted, next to the interior door of each bedroom, a legible copy of the building evacuation map — Minimum 8½" by 11" in size.
 3. Building sign for any registered SVR meeting the following requirements:
 - a. The sign must be prominently placed on the wall or property of the short term vacation rental unit so that the required content of the sign shall be legible as viewed from the public right-of-way; however, signage shall not be placed in the public right-of-way.
 - b. Such signs shall not be larger than eighteen (18) by twelve (12) inches;
 - c. The sign must indicate the name, and twenty-four (24) hours per day, seven (7) days a week emergency contact phone number or the locally available responsible party or the County's short term vacation rental hotline number clearly identified as such and easily distinguishable from any rental related phone number if different.
 - d. The sign must indicate the units Short Term Vacation Rental Certificate Number.
- H. Remedies/enforcement. Violations of this section shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal actions. To accomplish a safe and effective vacation rental program it is key that short-term 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 Chapter 7 of this Code.
1. Warnings. Warnings shall be issued for first-time violations and have a correction/compliance period associated with it. These warnings may include notice to the Department of Business and Professional Regulation, the Department of Revenue, the Walton County Tax Collector and the Walton County Property Appraiser, as applicable. Non-compliance with a correction compliance period shall result in the issuance of a citation.
 2. The County may utilize Part 1 of Florida Chapter 162 to prosecute these violations. Alternatively, the County may utilize Part 2 of Florida Chapter 162 and pursue violations by way of a civil citation system as provided in its Code of Ordinances. The civil citation fines per violation shall be set by Resolution of the Board of County Commissioners for first (1st), second (2nd), third (3rd) and further repeat violations. Regardless of whether the County utilizes Part 1 or 2, the County may also utilize an appropriate enforcing agency at the state or local level. Each day a violation exists shall constitute a separate violation.

3. *Additional remedies.* Nothing contained herein shall prevent Walton County 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.

Chapter 2: Zoning Districts

Section 2.02.00 Zoning Districts Established

Q. Short Term Vacation Rental Units: All Short term vacation rental unit hosts must complete the registration process annually as defined in Section 1.13.16 of this Code and receive a Walton County Short Term Rental Certificate as a condition of approval to construct a new short term vacation rental unit, convert, or operate an existing unit. This section shall apply to short-term vacation rental as defined Article 9 of the Land Development Code which is rented to guests more than three times in a calendar year for periods of less than 30 days or 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 short-term vacation rentals within a multi-family residential building, or a group of multi-family residential buildings, which includes four (4) or more individual dwelling units within such building or group of buildings (Multi-family residential) or to Condominiums as defined in Chapter 718, F.S.. This section shall also not apply to any facilities that are occupied on a full-time basis by the owner as an on-premises permanent resident manager.

1. Restriction and Limitation. No person shall rent or lease all or any portion of a dwelling unit as a short-term vacation rental without initially and then on a continuing basis:

- a. Obtaining a Short-Term Vacation Rental Certificate from the Walton County pursuant to Section 1.13.16. The requirements for obtaining such certificate shall be provided in an easily accessible guidebook and are as follows:
 - i. Obtaining a Florida Department of Revenue certificate of registration for purposes of collecting and remitting sales surtaxes and transient rental taxes, if required by law;
 - ii. Proof of registration for collecting and remitting tourist development tax ("TDT") through Walton County Clerk of Courts & Comptroller;
 - iii. Obtaining a Florida Department of Business and Professional Regulation license as a transient public lodging establishment, if required by State law; and
 - iv. As demonstrated through an affidavit, maintaining initial and ongoing compliance with the Short-term Vacation Rental Standards contained herein, plus any other applicable local, state, and federal laws, regulations, and standards to include, but not be limited to, Chapter 509, Florida Statutes, and Rule Chapters 61C and 69A, Florida Administrative Code or such successor statutes or Rules as may be applicable.

The zoning district related review requirements for new construction or proposals to increase the size of an existing short term vacation rental unit are as follows:

2. New construction and converted neighborhood scale short term vacation rental unit uses are permissible in every zoning district allowing single family residential detached, single family residential attached, and multi-family residential land uses including Residential Preservation provided that such units are compatible with the neighborhood and surrounding residential land use. Compatibility in this case is defined as:
 - a. Having no more than 4,800 square feet of gross floor area and / or a maximum occupancy of thirty-two (32) persons. Occupancy is calculated using 150 square feet gross floor area per person.
 - b. Parking for new conversions or new construction short term vacation rental units shall be required at a rate of one (1) parking space per four (4) occupants and utilizing the above 150 square feet gross floor area per person maximum occupancy requirement (one (1) parking space per 600 square feet).
 - c. Residential character may be determined utilizing adjacent or other structures within the neighborhood vicinity of the new structure, including the use of similar fenestration, building orientation, and site design features such as fences, walls, driveways and parking areas.
 - d. New short term vacation rental units must include architectural articulation in wall design, step backs, or the fragmentation of form and surface in order to break large uninteresting or oppressive mass into smaller components.
 - e. New short term vacation rental uses shall be designed internally to include common gathering areas, common kitchen areas, and at least one shared or common bathroom, so as not to facilitate the rental of individual rooms.
3. Larger scale short term vacation rental units in excess of subsection 2.a. above, are only allowable in zoning districts which do not allow multi-family residential uses following the review procedures for "Minor Development Plan" as provided for in Chapter 1 of this Code, Specifically Section 1.13.10. Such units shall also meet the requirements of Section 2.b. through d. above related to compatibility and shall also follow this more stringent review process.
4. Units in excess of 4,800 square feet of gross floor area, located in any zoning district, shall be subject to all standards related to Minor Development Plans even if undergoing the Administrative Review process described in Section 1.13.09.

Chapter 5 – Design and Development Standards

5.02.02. Offstreet Parking Requirements Chart.

A. Residential Uses:		
1.	Detached single-family up to 3 bedrooms	Minimum of 2 spaces per dwelling unit
2.	Detached single-family 4 or more bedrooms	Minimum of 4 spaces per dwelling unit, plus one additional space for each additional bedroom over 4 bedrooms
3.	Short term vacation rental <u>attached and detached unit up to 4 bedrooms</u>	<u>Maximum of 4 spaces per dwelling unit, Minimum of 2 spaces per dwelling unit One space per 600 square feet of gross floor area of primary unit</u>
4.	Detached short term vacation rental unit 4 or more bedrooms	<u>Maximum of 6 spaces per dwelling unit; Minimum of 2 spaces per dwelling unit</u>
<u>43.</u>	Multifamily--Efficiency or 1 bedroom	Minimum of 1.5 spaces per dwelling unit

Section 5.07.00 Supplemental Standards

5.07.03 Short-Term Vacation Rental Standards. The following Standards shall govern the use of any short-term vacation rental as a permitted use:

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 of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.
2. Sleeping rooms. All sleeping rooms shall meet the single-family and two-family dwelling minimum requirements of the Florida Building Code.
3. Automatic smoke detection requirements. All short term vacation rental units are required to meet the requirements of Chapter 69A-43, F.A.C.
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 unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.
5. Battery powered emergency lighting of primary exit. Battery powered emergency lighting which provides illumination automatically in the event of any interruption of normal lighting shall be provided for a period of not less than one (1) hour to illuminate the primary exit. For purposes of this requirement, short-term vacation rentals with Short-Term Vacation Rental Certificates issued prior

to the enactment of the ordinance providing for the codification of this standard shall have a period of six (6) months to demonstrate compliance with the emergency lighting standard either through affidavit or inspection.

6. Maximum occupancy of the short-term vacation rental unit as permitted on the Short-Term Vacation Rental Certificate for the property defined as one person per 150 square feet of gross floor area.
- B. On-Site Parking Standard for New Construction and Existing Construction. For new construction and new conversions, based on the maximum short-term transient occupancy permitted or other self-imposed limit through the Certificate process, minimum off-street parking shall be provided as one (1) space per four (4) transient occupants. This is computed using 150 square feet gross floor area per person (one space per 600 square feet of gross floor area). This provision shall not apply to any adopted Neighborhood Plan, Development Order, or area controlled by an active Homeowner's Association (HOA) or similar owners' association having other controlling mandatory parking requirements. In such cases, the Development Order, Neighborhood Plan, or HOA requirements shall govern.
 1. Garage spaces shall only count if the space is open and available, and the transient occupants are given vehicular access to the garage. Failure to keep garage areas usable for vehicular parking if counted towards meeting the requirement shall result in a Code violation.
 2. On-street parking shall not be permitted within public rights of ways and may be limited on private rights of ways per the maintaining entity.
 3. On-site parking shall not be permitted in areas not otherwise designated for on-site parking spaces.
 4. Golf carts, RVs, trailers etc. may not occupy any designated on-site parking spot with reliance on on-street parking for other vehicles. All spaces designated towards achieving the required on-site minimum must be available to registered motor vehicles only unless fewer registered motor vehicles are on site in exchange for golf carts, RVs, trailers etc. being parked on site.
 5. Existing short term vacation rentals at the time of this ordinance shall either limit occupancy based on available parking, increase parking onsite through the applicable permitting process, or limit the number of vehicles that are on site at any given time through guest communication. In all cases, the maximum occupancy is limited to 1 person per 150 square feet.
- C. On-Site Sewage Treatment and Disposal System Limitations: For structures utilizing on-site sewage treatment and disposal systems (OSTDS), the maximum number of occupants allowed shall be restricted in accordance with any OSTDS permit and the assumed occupancy/conditions the permit was issued under by the Walton County Health Department.

- D. *Maximum occupancy.* The maximum occupancy load permitted for single family attached and single family detached short term vacation rental units shall be computed at 150 square feet gross floor area per person OR lesser as agreed upon during the certificate process.
- E. *Solid waste handling and containment.* Based on the maximum transient occupancy permitted, thirty-five (35) gallons or greater of fully enclosed container capacity shall be provided-per four (4) transient occupants or fraction thereof. Appropriate screening and storage requirements for trash storage containers shall apply per any development approval or local neighborhood standard, whichever is more restrictive, and be incorporated into the Certificate. For purposes of this section, containers must have a lid that securely fastens to the container to prevent spills and animal access, with the container to be placed at curbside on the day of solid waste pickup and to be removed from curbside no later than sunrise the following day. Permanent structures for screening and storage of trash storage containers shall not be permitted within any designated scenic corridor overlay district. Private concierge service is highly encouraged, specifically on Saturday or high-volume change over days.
- F. *Minimum short-term vacation rental/lease agreement wording.* The short-term vacation rental/lease agreement shall contain the minimum information as provided for in Subsection 1.13.16 D.
- G. *Minimum short-term vacation rental information required postings.* The short-term vacation rental shall be provided with material to be posted within the rental unit as required by the County as prescribed in Subsection 1.13.16 D.
- H. *Minimum short-term vacation rental lessee information.* The short-term vacation rental lessee shall be provided with a copy of the information required in Subsection 1.13.16 D.
- I. *Responsible Local Party.* Designation of a short-term vacation rental responsible party capable of meeting the duties provided in subsection and capable of addressing issues locally within a short response time is required.
- J. *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 and parking. All advertising shall include the Short Term Vacation Rental Certificate Number as well as the TDT Registration Number.

ORDINANCE 2022-_____

AN ORDINANCE AMENDING THE WALTON COUNTY LAND DEVELOPMENT CODE, SUBSTANTIVELY AMENDING CHAPTER 1 GENERAL PROVISIONS ESTABLISHING THE WALTON COUNTY SHORT TERM VACATION RENTAL CERTIFICATE PROGRAM AND REQUIREMENTS; CHAPTER 2 ZONING DISTRICTS ESTABLISHING COMPATIBILITY REQUIREMENTS; CHAPTER 5 DESIGN AND DEVELOPMENT STANDARDS AMENDING PARKING STANDARDS AND INSTALLING SUPPLEMENTAL STANDARDS; AND CHAPTER 9 GLOSSARY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR MODIFICATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizens; and

WHEREAS, the County desires to amend certain provisions of the Land Development Code to provide definitions and amend certain provisions of the Code to provide for the regulation of short term vacation rentals within the unincorporated areas of the County; and

WHEREAS, prior to 2011, Florida's local governments freely regulated local land use issues and decisions under the Home Rule authority granted them by the Florida Constitution and the Florida Statutes; and

WHEREAS, the 2011 Florida Legislature enacted House Bill 883 (Chapter 2011-19, Laws of Florida) which preempted the local regulation of a specific land use commonly called short term vacation rentals; and

WHEREAS, the 2014 Florida Legislature enacted Senate Bill 356 (Chapter 2014-71, Laws of Florida) which revised the preemption on local regulation of short term vacation rentals to return some local control back to local governments to mitigate the effects of short term vacation rentals in an attempt to make them safer, more compatible with existing neighborhood regulations, and accountable for their proper operation; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Walton County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code amendments on April 14, 2022 and the Walton County Board of County Commissioners held a public hearing on June 27, 2022 to consider the adoption of the proposed amendment to its Land Development Code; and

WHEREAS, through SB 356 short term vacation rentals cannot be prohibited from a community and would be permitted in all zoning districts; 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, some short term vacation rental owners will make investments in upgrading building safety measures of their rental properties, whereas other owners will not make such investments without local requirements; 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, some short term vacation rentals will likely be created in single family homes that were built before more current building codes that require minimum life/safety improvements; and

WHEREAS, short term vacation rentals locating within established neighborhoods can disturb the quiet enjoyment of the neighborhood and burden the design layout of a typical neighborhood; and

WHEREAS, the presence of short term vacation rentals in established residential neighborhoods can create negative compatibility impacts, among which include, but are not limited to on-street parking and diminished public safety; and

WHEREAS, traditional lodging establishments (hotels, motels, and bed & breakfasts) are

generally restricted to commercial and other non-residentially zoned areas where intensity of uses is separated from less busy and quieter residential uses; and

WHEREAS, traditional lodging establishments have stricter development standards, undergo annual inspections, and have more stringent operational and business requirements; and

WHEREAS, multi-family dwellings with short term vacation rental units are typically constructed to more stringent building code requirements and other fire/life safety measures than single- and two-family homes often do not have to meet, including sprinkler systems, interconnected fire alarm systems, fire alarm panels, emergency lighting, exit signs, fire extinguishers, and fire wall separation between occupancies; and

WHEREAS, multi-family dwellings with short term vacation rentals are routinely (often annually) inspected for fire/life safety code compliance to include inspections for the fire sprinkler system, interconnected fire alarm systems, fire alarm panels, fire pumps, emergency lighting, exit signs, backflow prevention, elevator operation, elevator keys and communication; and

WHEREAS, many multi-family dwellings with short term vacation rentals have onsite property managers and employees or other contracted vendors that oversee the maintenance, upkeep, security and/or operation of the property on a frequent basis; and

WHEREAS, the majority of complaints the County has received to date have been from single- and two-family neighborhoods and not for short term vacation rentals located within multifamily dwellings; and

WHEREAS, short term vacation rentals located in multi-family dwellings with onsite management, or governed by or subject to property owners, condominium owners association, or homeowners association, are not regulated locally at this time, but may be in the future if deemed necessary by the Board of County Commissioners under the County's home rule authority granted within the Florida Constitution and Florida Statutes; and

WHEREAS, whenever at least one (1) property owner permanently resides at a short term vacation rental located within the same structure, the number of renters is minimized and the owner can directly manage the property when it is under a short term vacation rental; and

WHEREAS, an on-site owner permanently residing at a short term vacation rental which also serves as the owner's principal residence will likely manage any vacation rental more restrictively than any local regulation because the owner has a direct, vested interest in how the property the owner resides in is used and maintained; and

WHEREAS, permanent residents within residential neighborhoods often establish long-term friendships, social norms and a sense of community which often leads to mutual respect among property owners on an ongoing basis; and

WHEREAS, a single-family dwelling home is typically the largest investment a family will make in their lifetime, with the home held sacred in popular culture as the heart and the center of the family unit; and

WHEREAS, permanent residents within established residential neighborhoods deserve the right to tranquility and peaceful enjoyment of their home without over intrusion by an excessive number of transient occupants in the neighborhood; and

WHEREAS, U.S. Census Bureau data indicated the average household size in Walton County (2016-2020) was 2.42 persons; and

WHEREAS, the operation of some short term vacation rentals in established neighborhoods in the County create a huge disparity in short term vacation rental impacts, with up to nine (9) times the average occupancy of an existing single-family residence, making the higher occupancy of the rental homes incompatible with established neighborhoods; and

WHEREAS, utility usage by short term vacation rentals may exceed the usage levels anticipated at the time of initial permitting as a single-family residence, creating a disparity between the connection fees or mitigation fees paid and the system impacts caused by their increased demand; and

WHEREAS, current vacation rental industry practice is to set maximum limits upon the number of transient occupants within a short term vacation rental unit, but lacking provisions for verification and enforcement when overcrowding occurs; and

WHEREAS, current vacation rental industry practice is to charge a flat rental fee for the term of the lease, regardless of the transient occupant count, which incentivizes the common practice for lessees of oversized structures used as short term vacation rentals to increase the transient occupant count so as to spread out the cost burden for the rental term among as many payers as possible; and

WHEREAS, the County 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 County 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 Board of County Commissioners 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 the Board of County Commissioners 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 associations or similar; 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 attached or detached dwelling within an established residential neighborhood; and

WHEREAS, the application of minimum life/safety requirements to short term vacation rentals, along with other minimum standards and requirements concerning issues such as the designation of responsible parties ensures that transient occupants are provided with a similar level of protection as is required by the current statutes and codes for residences utilized as hotels, motels and other similar lodging establishments; and

WHEREAS, because of the high occupancy and transient nature of occupants within many short term vacation rentals, fire safety becomes important; and

WHEREAS, site-specific short term vacation rental standards, like minimum parking standards, solid waste handling and containment, and compliance with ordinances regulating noise, serve to maintain the decorum that exists among owners in established neighborhoods and are better assured by having these same standards conveyed to transient occupants through the duration of their rental; and

WHEREAS, short term vacation rentals operate as commercial enterprises, subject to additional regulatory requirements beyond those normally required of single family attached and detached residences, including business licensing by the State of Florida Department of Business and Professional Regulation's Division of Hotels and Restaurants, obtaining a local business tax receipt, and collecting and remitting various sales taxes to state and local government; and

WHEREAS, a vacation rental is a commercial lodging activity; and

WHEREAS, some vacation rentals in the County are being used exclusively as rentals by investors/owners; and

WHEREAS, the establishment of minimum business practices, such as the provision of both lease-specific and property-specific information to lessees, and the designation of a local short term vacation rental responsible party, ensures that the private property rights of the short term vacation rental owner are balanced with the needs of the County to protect visitors and tourists and to preserve the general welfare through its limited regulatory power; and

WHEREAS, the County, through this regulatory framework, will issue certificates to short term vacation rentals conforming to these standards, which will in turn provide a level playing field amongst all providers of short term vacation rental units; and

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, County staff held community workshop meetings on October 7, 2021 and October 21, 2021 to hear, discuss, and consider the concerns of the general public and stakeholders, including representatives of the vacation rental industry and members of communities affected by vacation rentals, regarding vacation rentals and potential amendments to the Land Development Code addressing vacation rentals; and

WHEREAS, the County conducted an informal, non-scientific survey, ending February 1, 2022, of the general public, including short term vacation rental operators, to identify concerns related to short term vacation rentals and areas of potential local regulation; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 14, 2022 and recommended approval of this ordinance with changes to responsible party response time and signage, and

WHEREAS, the Board of County Commissioners and County staff have received and reviewed hundreds of pieces of correspondence from the general public and stakeholders, including vacation rental operators/managers, other representatives of the vacation rental industry, and members of communities affected by vacation rentals, expressing their concerns regarding the ordinance; and

WHEREAS, after due public notice having been provided, the Walton County Board of County Commissioners held a first reading public hearing on June 27, 2022 to consider the adoption of the proposed amendment to its Land Development Code, in accordance with Section 163.3184, Florida Statutes; and

WHEREAS, after due public notice having been provided, the Walton County Board of County Commissioners held a public hearing on July 26, 2022 to consider the adoption of the proposed amendment to its Land Development Code, in accordance with Section 163.3184, Florida Statutes; and

WHEREAS, the Walton County Board of County Commissioners considered all oral and written comments received during such public hearings, including the date and analyses provided for this amendment, the recommendations of the Planning Commission; and

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Walton County, Florida, that:

SECTION I. PURPOSE AND INTENT.

This Ordinance is hereby enacted to carry out the purpose and intent of, and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Chapter 163, Part II, Florida Statutes, as amended.

SECTION II. TEXT AMENDMENTS.

ATTACHED

SECTION III. CONFLICT WITH OTHER ORDINANCES OR CODES.

All Ordinances or parts of Ordinances of the Code of Ordinances of Walton County, Florida, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION IV. SEVERABILITY.

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction, the other provisions of this ordinance shall remain in full force and effect.

SECTION V. SCRIVENER'S ERRORS.

It is the intention of the Board of County Commissioners of Walton County, Florida and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Walton County, Florida and to that end, the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section" or "article" or other appropriate designation. Additionally, corrections of typographical errors which do not affect the intent of this Ordinance may be authorized by the County Attorney without public hearing, by filing a corrected or re-codified copy with the Clerk of Courts.

SECTION VI. ORDINANCE TO BE LIBERALLY CONSTRUED.

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION VII. MODIFICATIONS.

It is the intent of the Board of County Commissioners of Walton County, Florida, that the provisions of this ordinance may be modified as a result of considerations that may arise during a public hearing. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board.

SECTION VIII. EFFECTIVE DATE.

The effective date shall be as provided by law.

Duly enacted by the Board of County Commissioners of Walton County, Florida, at a regularly scheduled public hearing on the 26th day of July 2022.

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

ATTEST:

By: _____

Michael Barker, Chairman
Board of County Commissioners

Alex Alford
Clerk of Court

DRAFT