

City of Palm Coast, Florida

Agenda Item

Agenda Date: December 17, 2024

Department	COMMUNITY DEVELOPMENT	Amount
Division	CODE ENFORCEMENT	Account #
Subject: ORDINANCE 2024-XX AMENDING CITY OF PALM COAST ORDINANCES, CHAPTER 17, COMMUNITY DEVELOPMENT; AS AMENDED, TO ADD ARTICLE V, SHORT-TERM VACATION RENTALS		
Presenter: Jason DeLorenzo, Chief of Staff		
Attachments: <ol style="list-style-type: none"> 1. Ordinance 2. Business Impact Estimate 		
Background: Council Priority: B. Safe and Reliable Services		
<p><u>UPDATED BACKGROUND FROM THE DECEMBER 10, 2024, WORKSHOP MEETING:</u></p> <p>The following changes were made to the Ordinance, per Council direction at the December 10, 2024, Workshop Meeting:</p> <ul style="list-style-type: none"> • Sec 17-68 (8) (C) Added - "The background check can be done through a vacation rental platform such as Airbnb, Vrbo, etc;" • Sec 17-71 (B) Deleted - "twelve" and added "ten" • Sec 17-72 (G) added - "...to comply with the provisions of Section 35-53, Sound Level Limits, of the Code of Ordinances for the City of Palm Coast and..." • Sect 17-73 added - "The background check can be done through a vacation rental platform such as Airbnb, Vrbo, etc." 		
<p><u>UPDATED BACKGROUND FROM THE SEPTEMBER 24, 2024, BUSINESS MEETING:</u></p> <p>Council requested the following changes to the Ordinance:</p> <ul style="list-style-type: none"> • Deleted language that the STR does not apply to Single family dwellings 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. • Sec. 17-71 – Subsection 5. <ul style="list-style-type: none"> ◦ Deleted "of primary exit." from "Battery powered emergency lighting of primary exit. Battery powered emergency lighting which provides illumination automatically in the event of loss of power shall be provided for a period of not less than 90 minutes to illuminate the primary exit." - At the last meeting the Council wanted the STR owner to be required to have some sort of emergency lighting. I believe the language now meets their intent. • Sect 17-71(B) <ul style="list-style-type: none"> ◦ Updated the language to Maximum occupancy so it does not apply to <ul style="list-style-type: none"> ▪ Transient occupants that are one-year of age or younger; 		

- In Sec. 17-72 –Required Postings - added
 - All animals must be on a leash when not on owner’s property in accordance with Sec 8-31(f) City of Palm Coast Code of Ordinances.

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

Council requested the following changes to the Ordinance:

- Section 17-67 - Definitions
 - Added
 - Short term rentals do not apply to Single Family Dwelling occupied on a full-time basis by the owner as an on-premises, permanent resident and that has been declared and continues to be declared as homestead by the Property Appraiser.
- Section 17-68 -
 - (A)
 - Effective Date March 3rd, 2025
 - (A)(2)(E)
 - Added
 - A statement that recreational vehicles, boats and trailers may not be parked in the front of the house, except for temporary loading, unloading and cleaning.
 - (A)(3)(E)
 - Changed one (1) responsible party's to (3) three.
 - (A)(8)(C)
 - Added
 - Has completed a background check on the occupant who is renting the unit and said occupant certifies that all guests in the rented unit shall not be registered as a sex offender.
- Section 17-71
 - (B)
 - Changed to maximum limit of ten (10) transient occupants
 - (C)
 - Added
 - Recreational vehicles, boats and trailers may not be parked in the front of the house, except for temporary loading, unloading and cleaning.
- Section 17-72
 - (D)
 - Added
 - The parking prohibition of RV's, boats, and recreational trailers except for temporary loading, unloading and cleaning;
- Section 17-73
 - Changed language to state
 - The Responsible Party shall be required to obtain confirmation of a nationwide background search that the prospective renter is not a registered sexual offender and also the prospective renter certifies that all guests in the rented unit are not registered sex offenders.

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

On June 4, 2024, City Council directed the City Attorney to provide new legislation to all of

City Council regulating short-term rentals, aka Airbnbs within the areas of the City's jurisdiction. Section 509.032(7), Florida Statutes in which prevents a local law, ordinance, or regulation prohibiting vacation rentals or regulating the duration or frequency of rental of vacation rentals.

Single-family residential neighborhoods and their required infrastructure are generally designed to accommodate typical single-family residential homes with two (2) to three (3) persons per household on average. Local governments apply design standards tailored for residential neighborhoods for their roads, driveways, emergency services planning, public shelters, emergency evacuation plans, solid waste collection, utilities, and buffers, and also tailored in assessing their infrastructure impacts and their corresponding fair and proportionate impact/connection fees. Permanent single-family home residents inherently understand and know their physical surroundings, to include any safety gaps and potential risks to their families, because they have daily familiarity.

Short-term vacation rental occupants, due to the transient nature of their occupancy, are unfamiliar with local hurricane evacuation plans, the location of fire extinguishers, and other similar safety measures that would readily be provided to guests in traditional lodging establishments. Short-term vacation rental owners may live elsewhere and not experience the quality-of-life problems and negative impacts associated with larger, unregulated short-term vacation rental units on residential neighborhoods.

Short-term vacation rentals with no application of mitigating standards when located in residential neighborhoods can create disproportionate impacts related to excessive occupancy, noise, trash, and parking. Short-term vacation rentals locating within established neighborhoods can disturb the quiet enjoyment of the neighborhood, lower property values, and burden the design layout of a typical neighborhood.

Short-term vacation rentals with no application of mitigating standards when located in residential neighborhoods can create disproportionate impacts related to their size, excessive occupancy, and the lack of proper facilities if left unregulated. The City desires to encourage short-term vacation rentals that are safe, fit in with the character of the neighborhood, provide positive impacts for tourism, increase property values, and achieve greater neighborhood compatibility.

The City seeks to balance respect for private property rights and incompatibility concerns between the investors/short-term vacation rentals and families/permanent single-family residences in established residential neighborhoods through the use of reasonable development standards.

These regulations are deemed necessary by the City Council to preserve property values and to protect the health, safety, and general welfare of permanent residents, lot/parcel owners, investors and transient occupants and visitors alike.

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

These regulations do not regulate duration or frequency of rentals but are intended to address the frequent change of many transient occupants housed within a single-family dwelling within an established residential neighborhood. This ordinance additionally

establishes an enforcement mechanism for those short-term vacation rentals which do not adhere to the standards on an initial or continuing basis, with the overall goal of the short-term vacation rental program being compliance with the standards and not punitive in its scope.

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

Recommended Action:

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