

AGENDA
SHORT TERM RENTAL IMPACT COMMITTEE
FRIDAY, JUNE 16, 2023
11:00 AM

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES**
 - A. Approval of minutes of June 2, 2023, Short-Term Rental Impact Committee**
- 3. INTRODUCTION OF NEW MEMBERS**
- 4. NEW BUSINESS**
 - A. Charter / Goals and expected output from the committee / Report to be provided to the City Council - Discussion**
 - B. Review of Current Short-Term Rental Regulations**
 - C. Discussions on previously determined STR issues (parking, trash, noise, signs, and occupancy) and the outcome of the council placing STR Task Force recommendations into effect**
 - D. Use of Search Monkey**
- 5. PUBLIC COMMENTS**
- 6. NEXT MEETING DATE: Friday, June 30, 2023 at 11:00 AM**
- 7. PUBLIC COMMENTS** (Comments from the public on any matters considered at the meeting, or on any matters not on the agenda)

Persons with disabilities who require assistance to participate in City meetings are requested to notify the City Clerk's Office at (850) 837-4242 in advance. Hearing Impaired: TTY: 711. Assistance also available through Human Resources, Title VI Coordinator, at (850) 837-4242.

**MINUTES
SHORT TERM RENTAL
IMPACT COMMITTEE
JUNE 2, 2023 – 11:00 AM
CITY HALL BOARDROOM**

1. CALL TO ORDER:

The Short-Term Rental Impact Committee met in regular session with the following members and City staff present:

2. ROLL CALL:

Members Present

Patti Brown
Marcie Bell
Denise Owens
Ken Wampler
Todd Buhr (Via Telephone)

Members Absent

Casey Gates Ward

Staff Present

Rey Bailey, City Clerk
Louis Zunguze, Community Development Director
Troy Williams, Code Compliance Director
Kimberly Kopp, City Land Use Attorney
Billy Morales, Code Compliance Officer
Darlene Lebold, Administrative Assistant. Code Compliance

Visitors

Councilmember Torey Geile
Jeremy Fouquet

3. APPROVAL OF MINUTES: None

4. APPOINTMENT OF CHAIR AND VICE-CHAIR

Committee member Patti Brown was appointed as the Committee Chair by a vote of 4-0.

Committee member Marcie Bell was appointed as the Vice-Chair of the committee by a vote of 4-0.

5. NEW BUSINESS

A) Resolution 23-04 – Establishing the Short-Term Rental Impact Committee – Discussion

Code Compliance Director Troy Williams read the City of Destin Resolution 23-04 in its entirety:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, ESTABLISHING THE SHORT-TERM RENTAL IMPACT COMMITTEE, WHICH SHALL BE SUBJECT TO THE SUNSHINE LAW; AUTHORIZING THE COMMITTEE TO DESCRIBE THE IMPACTS OF SHORT-TERM RENTALS ON RESIDENTS IN RESIDENTIAL AREAS; PROVIDING FOR SUNSET; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, a 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, local governments apply design standards tailored for residential neighborhoods for their roads, driveways, parking areas, emergency services planning, public shelters, emergency evacuation plans, solid waste collection, utilities, buffers, and are also tailored in assessing their infrastructure impacts; and

WHEREAS, traditional lodging establishments (hotels, motels and bed and breakfasts) are restricted to non-residentially zoned areas where more intense uses are separated from less busy and quieter residential uses; and

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

WHEREAS, over the past several years, short-term vacation rentals have increased in popularity and it is estimated that there are over 600 short term rentals in the City of Destin, as advertised on various websites;

WHEREAS, some short-term vacation rental owners have now begun advertising their single and multi-family residential properties as destinations for events such as weddings, reunions, and other celebrations that attract large crowds in residential neighborhoods creating noise, traffic, and parking problems; and

WHEREAS, the City of Destin promotes tourism, including appreciation and enjoyment of the City's abundant preserved natural areas, pristine beaches, and walking and bicycling paths that make the City of Destin unique among Florida's coastal municipalities; and

WHEREAS, many local jurisdictions in the State of Florida including the City of Destin, and other local governments across the nation, have standards in place to minimize the impacts caused by short-term vacation rentals; and

WHEREAS, the City desires to encourage short-term vacation rentals that are safe, fit in with the character of the neighborhood, provide positive impacts for tourism, increase property values, and

achieve greater neighborhood compatibility; and

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

WHEREAS, the City Council desires to create a fact-finding committee for the purpose of describing actual and ongoing impacts from short-term rentals in residential areas located within the City of Destin;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DESTIN, that:

Section 1. Recitals. The foregoing recitals are true and correct, and incorporated into this Resolution.

Section 2. Establishment and Purpose of Short Term Rental Impacts Committee. The City Council of the City of Destin hereby establishes the Short-Term Rental Impacts Committee whose sole purpose is fact-finding. Specifically, the Committee will gather facts relating to the impacts of existing short-term rentals in residential areas within the City of Destin and provide a report setting forth such facts and findings to the City Council. This Committee shall not be responsible for making recommendations to the City Council with respect to additional or modified City regulations. However, upon completion of the Report, the City Council may forward findings of the Committee to legislators of the State of Florida, the Florida League of Cities, and/or other appropriate entities involved with State regulation.

Notwithstanding the Committee's role as a fact-finding Committee, the Committee shall be subject to the Sunshine Law, and all meetings of the Committee will be held in the Sunshine.

Section 3. Make up of Committee: The Committee shall consist of seven (7) residents, each of which shall be appointed by a different member of the City Council, such that every Council Member makes one appointment. The Committee shall choose one member to act as its Chairperson. Although the following individuals are not members of the Committee, the Community Development Director, Code Compliance Director, and City Land Use Attorney are encouraged to attend meetings of the Committee whenever possible.

Section 4. Sunset. The Committee shall automatically be sunsetted on October 1, 2023.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY OF DESTIN, FLORIDA THIS 6TH DAY OF MARCH 2023.

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B) Introduction

A brief introduction from each committee member and city staff present at the meeting:

- Patti Brown
 - Resident of Crystal Beach since 2005
 - Previously served at both Short-Term Rental Task Force appointed by the Destin City Council and provided recommendations to the council.
 - As member of the task force, personally researched resort areas all over the United States and was able to provide many factual information.

- Ken Wampler
 - Served as member of the previous Short-Term Rental Task Force
 - Served as member of the previous Business Tax Receipt Task Force
 - Member of the Tourist Development Council for Okaloosa County
- Denise Owens
 - Resident of Crystal Beach
 - Nominated to this committee by Councilmember Dewey Destin
 - Very interested to serve on this committee as there are many short-term rental properties on her neighborhood at Crystal Beach
- Marcie Bell
 - Served as member of the previous Short-Term Rental Task Force and attended all meetings of the initial Short-Term Rental Task Force
 - Current member of the city's Local Planning Agency and Public Works/Safety Committee
 - Resident of Holiday Isle
 - When the initial Short-Term Rental Task Force was formed they had 3 short-term rental units in her 20-unit street. Now 50% are short-term rentals.
- Todd Buhr
 - Resident of Crystal Beach
 - City of Destin resident since 2014
 - Owner of several short-term rental and long-term vacation rental condos.
- Jeremy Fouquet – Palm Resort Manager
- Kimberly Kopp – City Land Use Attorney
- Rey Bailey – City Clerk
- Troy Williams – Code Compliance Director
- Louis Zunguze – Community Development Director
- Billy Morales
 - Code Compliance Officer in charge of Short-Term Rental, Long-Term Rental, and Livery registrations.
- Darlene Lebold
 - Code Compliance Department Administrative Assistant
- Torey Geile
 - Member of the council and the legislative sponsor for the Short-Term Rental Impact Committee
 - Formation of this committee was not meant to be regulatory. The committee will research and report on the effect of short-term rentals to the community, both positive and negative, after certain short-term rental regulations were implemented so that the council can take appropriate actions, if necessary.

C) Sunshine Law/Public Records Law

The City Land Use Attorney provided a brief summary of the Florida Sunshine Law highlighting the following information:

- All committee meetings will be open to the public.
- The group cannot discuss committee business with one another, which includes texting and emails to one another, outside of an official meeting.
- Two or more members of the committee can meet in a social setting so long as they do not discuss any matter which could foreseeably come before this committee.
- Do not engage in any discussions or communications with other members of the committee regarding pending matters before the committee or any reasonably foreseeable matter that might come before this committee.
- Any member of the committee can privately communicate with city staff and city attorney regarding any committee business provided there are no other committee members present or copied on the communication.

The City Land Use Attorney provided a brief summary of the Public Records Law highlighting the following information:

- Anything this committee do whether electronic or in writing is subject to public disclosure and will be provided to anyone upon request.
- Any information relating to official business of this committee conveyed either via personal cell phones, social media, text messages, or email, both personal and city email account, is subject to public disclosure.
- Committee members are required to forward to the City Clerk any information relating to the official business of this committee they sent or received other than through their city email account.

DISCUSSION:

The Land Use Attorney advised that Mr. Jeremy Fouquet, who has not been formally appointed to this committee by the city council can fully participate in the discussion but will not be eligible to vote on any motion made by this committee tonight. Likewise, Committee member Todd Buhr, who is joining the meeting telephonically, can fully participate in the discussion but will be unable to vote.

Councilmember Geile inquired as to what extent is he allowed to participate at this meeting.

The Land Use Attorney stated that Councilmember Geile is allowed to participate as much as he wants since this is a public meeting. She advises Councilmember Geile not to make any commitment on behalf of the council until this committee provides a report to the council.

Code Compliance Director Troy Williams advises that each member of this committee conducts individual research on impacts of short-term rentals to the community and to be prepared to share that information with everyone at their scheduled meetings.

Committee Chair Patti Brown stated that they need to brainstorm how they would gather factual information on the impacts of short-term rentals to the community to present to the council. Her understanding of their task was to report how short-term rentals have impacted the community, negatively or positively, over the years. She stated that issues that were primarily covered by previous short-term rental task force included trash, parking, registration, and occupancy standards. She also noted that she has owned her property on Shirah Street since 2005. Out of the 35 houses in that neighborhood, six were short-term rentals. There were long-term renters with a year type lease. There are also owners like herself that lived out of state that do not rent their home. Now, they have only 3 residents on that street that are not short-term renters, which has been a pretty dramatic change to their neighborhood from 2005 to 2023.

Committee member Marcie Bell stated that she has been doing research of other communities which are also trying to figure out the impacts of short-term rentals to their community and which are having this type of discussion. She stated that she is trying to limit her research to the State of Florida because their legislature pretty much control what they can and cannot do. She asked whether a particular legislature on short-term past during this previous session.

According to the Land Use Attorney, she was not aware of any bill on short-term rental that have passed this year, but she will verify and report back. She then explained that the current law states that local governments cannot regulate the frequency or durations of short-term rentals, and they cannot prohibit them in other residential areas; unless they have a code in place that predates the statute which is 2011. Duration means they cannot regulate how long and how often the property can be rented. She continued that there are zoning districts in certain areas of the city, mostly north of US Hwy 98, that existed before 2011 that prohibit short-term rentals, and which are then “grandfathered.” She also noted that Crystal Beach and Holiday Isle are zoning districts on south of US Hwy 98 that have allowed short-term rentals, and so the same restrictions do not apply to them. Also, according to their code, anything less than 180 days is considered a short-term rental. The city currently regulates trash, parking, and noise. Short-term rentals are required to register with the city and pay a fee to the city. They have a maximum occupancy limit in effect of 2 people per bedroom plus 4. However, there are some exemptions to this rule as the city has approved settlement agreements with over 60 private property owners that have been renting beyond that occupancy restrictions for many years and therefore have been “grandfathered in.” She added that new short-term rentals will not have the benefit of exceeding the occupancy ordinance.

Committee member. Bell expressed concern over the lack of fire protection in larger homes which she believes needs to be reported to the state as an issue to have the law change to require some type of fire suppression system in these facilities.

Committee member Wampler agrees this is a big concern, stating that condominiums are having discussions on fire safety measures all the time. He also stated there is nothing much they could do at this point unless they change the building code and require these facilities to retrofit, which is a very hard thing to do.

According to the Land Use Attorney, there is a building code that dictates what fire suppression is required based on the building type and size. When short-term rentals are of a

certain size they are being treated as commercial structures for the purpose of fire suppression. The newer facilities are being sprinkled.

Committee member Buhr noted that during his limited research on this topic, he learned there are different jurisdictions around the state that have addressed this issue, and that there are several different solutions from different municipalities and counties. Some have safety provisions in their short-term rentals, and others even require annual safety inspections.

Councilmember Geile noted there are hotel owners in the area that claim they are being held to a different standard of safety. There are safety criteria they are required to abide by that short-term rental properties are not required to follow, which is impacting their businesses and the way they need to operate.

Councilmember Geile also stated there are pros and cons with regards to short-term rentals and their impact to the community. He continued that the League of Cities have made several attempts to meet with Congress about short-term rentals and how they are impacting different communities. However, their approach is 100 percent home rule or nothing, and Congress is not abiding by it. A lot of people prefer that home rule being population based. If this committee determines that the positive outweighs the negative, then the public needs to be educated on the positive impacts of short-term rentals. However, if they determine that the opposite holds true and that they find there are negative aspects that are overbearing and crippling, and starting to affect people's livelihood, he would be willing to make the stand with the League of Cities for a population-based home rule system.

Committee member Bell commented that there are so many golf carts or Low Speed Vehicles (LSV) on city roads, and that a lot of them are not street legal (i.e., no license plates, no lights), and some are being driven on city sidewalks. She also believes they passed a legislation this past session that operators of these vehicles need to be of legal age and must have a valid driver's license.

Committee member Bell also noted that while the city does not allow electric scooters, visitors are bringing them and riding them on the city's sidewalks, and that she had seen a lot of them on Holiday Isle. She added that a lot of their sidewalks are not wide enough for people who are walking and people riding their bicycles. There are short-term rentals that have bicycles on their property and there are people that are renting them. She stated that there is a state law that requires bicycle lights and a helmet for riders, and none of these items are available on short-term rental bicycles.

Mr. Wampler recommends they come up with a list of the areas on which to conduct their research at their next meeting.

Next, the committee discussed meeting frequency. After a brief discussion the committee agreed to meet every other Fridays at 11:00 AM, at City Hall; with their next meeting scheduled for June 16th.

Committee member Buhr noted that the resolution itself is very much about impacts of short-term rentals on residents. This committee's responsibility is to describe the impact of short-term rentals on residents in residential areas, which can be positive or negative impacts. It

is outside of their charter to describe the impact of short-term to out-of-town owners. He also stated that they need to be careful in describing impacts. There are operators who are not following the rules, and that there are rules that are simply hard to enforce based on the way they are written. For instance, parking is a challenge for their code compliance officers. They do not have enough staff to enforce them, and that there are rules that can only be enforced at certain period of time when no officers are available.

Committee Chair Brown noted there are good operators that follow the rules who really watch their units and provide the right information to their guests. There are those that do not above by the rules and are negatively impacting the community. She continued there need to be some basic guidelines on how short-term rental agents should operate.

Committee member Buhr commented there may be some correlations between the problems areas and repeat offenders to occupancy number and size of the building; adding there may be some way for the Code Compliance Department to statistically point out that as facilities go up in size and occupancy, there is an increase in the amount of attention that is required.

Some members of the committee expressed the need to revisit the short-term rental signs. Some houses are being rented from out of state, and that the contact numbers on the signs are out of state numbers. There is also a request to go over the existing short-term rental ordinances and regulations.

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 12:10 PM.

Patti Brown, Chair

RESOLUTION 23-04

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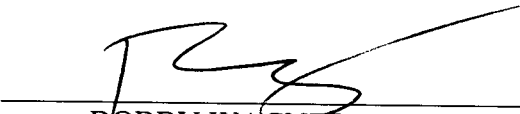
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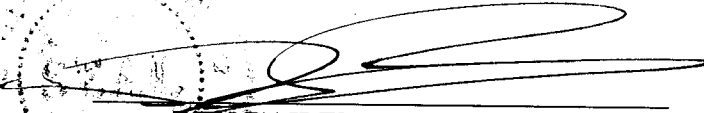
Section 4. Sunset. The Committee shall automatically sunset on October 1, 2023.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY OF DESTIN, FLORIDA THIS 6TH DAY OF MARCH, 2023.


BOBBY WAGNER, MAYOR

ATTEST:


KEY BAILEY, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
CITY OF DESTIN, ONLY:


KIMBERLY ROMANO KOPP
CITY LAND USE ATTORNEY

ARTICLE VI. - REGISTRATION OF SHORT-TERM RENTALS

Footnotes:

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Editor's note— Ord. No. 17-03-CC, § 3, adopted February 21, 2017, amended article VI in its entirety to read as herein set out. Former article VI, §§ 13-103—13-117, pertained to similar subject matter. See Code Comparative Table for complete derivation.

Sec. 13-103. - Purpose.

The City Council of the City of Destin recognizes that the unregulated rental of single-family detached dwelling units by seasonal residents uniquely impacts certain neighborhoods within the City of Destin. Therefore, it is necessary and in the interest of the public health, safety, and welfare to monitor and provide reasonable means for citizens of the City of Destin to mitigate impacts created by such rental of single-family dwelling units within the City of Destin as set forth by this article.

(Ord. No. 17-03-CC, § 3, 2-21-17)

Sec. 13-104. - Definitions.

For the purpose of this article, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined shall be given their meaning as provided in section 1-2, Definitions and rules of construction, of the City of Destin Code of Ordinances.

Condominium shall mean the form of ownership of real property, created pursuant to F.S. Ch. 718.103, which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements.

Dwelling, single-family shall mean for the purposes of this article a residential structure that may either be detached from any other residential structure or be attached to a wall of another residential structure such as townhomes, duplexes, and triplexes.

Garbage shall mean every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including, but not by way of limitation, used tin cans and other food containers); and all other putrescible or easily decomposed animal or vegetable waste matter which is likely to attract flies or rodents.

Owner shall mean the person in whom is vested the ownership, dominion, or title of property.

Responsible party shall mean for the purposes of this article, the owner or the person designated by the owner of the property to be called upon to answer for the maintenance of the property and the conduct and acts of seasonal residents of single-family dwelling units.

Seasonal resident shall mean people, guests, tourists, lessees, vacationers, or others who lease or rent a single-family dwelling unit for valuable consideration for a period of time between one (1) day to no more than six (6) months.

Short-term rental shall mean for the purposes of this article, any occupancy of a single-family dwelling unit for a period of time between one (1) day to no more than six (6) months.

(Ord. No. 17-03-CC, § 3, 2-21-17)

Sec. 13-105. - Registration required.

It shall be unlawful for any person to allow another person to occupy any single family dwelling unit as a seasonal resident within the City of Destin, or offer such rental services within the City of Destin, unless the person has been registered with the City of Destin in accordance with the provisions of this article. Once registration is complete, the applicant will receive a city-issued annual sticker which must be displayed in a conspicuous location at the front of the rental property.

Additionally, the applicant shall post a sign on the property in accordance with section 13-114 of this Code within seven (7) days following the completion of the registration process.

(Ord. No. 17-03-CC, § 3, 2-21-17; Ord. No. 18-10-CC, § 3, 6-18-18)

Sec. 13-106. - Formal application required.

Every person required to procure a registration under the provisions of this article shall submit a new application for such registration each year to the city manager or his designee. Submission of an incomplete registration application form shall result in rejection of the application.

(Ord. No. 17-03-CC, § 3, 2-21-17)

Sec. 13-107. - Application for registration.

Applications for registration shall include:

- (1) Address, lot, block and subdivision name of single-family dwelling unit offered for rental.
- (2) Name, address, and phone number of owner of said single-family dwelling unit.
- (3) Email of owner of said single-family dwelling unit.
- (4)

Name, address and emergency contact phone number of a responsible party who resides within thirty (30) miles of said single-family dwelling unit. The contact number shall be a twenty-four-hour, seven (7) days a week contact number.

- (5) Emergency contact phone number for a responsible party shall be answered twenty-four (24) hours a day, seven (7) days a week, and the Responsible party shall have authority to address and correct violations associated with the single-family dwelling unit including but not limited to authority to evict tenant(s).
- (6) Acknowledgement signed by the owner or agent of the owner, understanding and agreeing to the initial and on-going compliance with the City of Destin's short-term rental regulations and standards contained herein and all other applicable local, state, and federal laws, regulations, and standards to include, but not limited to F.S. ch. 509, and Rules, Chapter 61C and 69A, of the Florida Administrative Code.
- (7) Valid and current City of Destin Business Tax Receipt.
- (8) Valid and current Florida Department of Revenue Annual Resale Certificate under F.S. ch. 212, and a valid current department of business and professional regulation vacation rental dwelling license under F.S. ch. 509.
- (9) Signage must be displayed in accordance with City of Destin Code of Ordinances chapter 13, article VI, section 13-114.
- (10) Application fee is required at the time of application and is non-refundable. Applications submitted without an application fee will be deemed incomplete.
- (11) Applications deemed incomplete will be rejected/returned to the owner/applicant and are subject to a reapplication fee and late fees.
- (12) Applications in a paper format may be subject to an additional administrative fee.

(Ord. No. 17-03-CC, § 3, 2-21-17; Ord. No. 18-10-CC, § 3, 6-18-18)

Sec. 13-108. - Local responsible party required.

Whenever any property is required to be registered under this article, the owner shall appoint a person to serve as the local responsible party for service of notices as are specified herein, and notices given to the responsible party shall be sufficient to satisfy any requirement of notice to the owner. The owner shall notify the city manager or his designee in writing of the appointment within five (5) days of being required to make such appointment, and shall thereafter notify the city manager or his designee of any change of the local responsible party within fifteen (15) days of such change.

The designation of a local responsible party does not relieve the owner of the responsibility to comply with all state and local statutes and ordinances. Further, a local responsible party who accepts the designation to act on behalf of a property owner is held to the same standard as the property owner with

respect to compliance with all statutes and ordinances and may be cited for non-compliance with any code, rule or ordinance applicable to the property.

Further, it is hereby made the affirmative duty of the local responsible party to:

- (1) Inform all seasonal residents prior to occupancy of the single family dwelling unit of applicable City of Destin ordinances concerning noise, vehicle parking, garbage and common area usage.
- (2) Maintain all properties under their control in compliance with the occupancy limits, as specified in the City of Destin Code of Ordinances.
- (3) Ensure that the provisions of this article are complied with and promptly address any violations of this article or any violations of law, which may come to the attention of the responsible party.
- (4) Post a sign outside the residence that clearly identifies the management company responsible for the property and the phone number of the local responsible party that is located within thirty (30) miles of the residence, in accordance with sections 13-107 and 13-114 of this Code. The name and address of the responsible party shall be listed on the annual registration form. The responsible party shall immediately notify the city if the responsible party changes during the year. The responsible party shall be available with authority to address and correct violations with the rental of the single family dwelling unit twenty-four (24) hours a day, seven days a week. No guest may stay in the residence until the sign is erected with the necessary information.
- (5) Be familiar with the city's short term rental regulations and provide acknowledgement that the applicant will comply with the city's regulations for short-term rentals at the time of registration.
- (6) Be situated close enough to the single family dwelling unit to be able to and have the capacity to service emergency calls within one (1) hour of notification, including but not limited to evicting tenants.
- (7) Maintain the entire property of the single-family dwelling unit free of garbage and litter. Provide however, that this section shall not prohibit the storage of garbage and litter in authorized private receptacles for collection.

(Ord. No. 17-03-CC, § 3, 2-21-17; Ord. No. 18-10-CC, § 3, 6-18-18; Ord. No. 18-29-CC, § 3, 1-22-19)

Sec. 13-109. - General regulations/standards.

- (1) All vehicles shall only be parked in the improved accessway/vehicle use area as defined per Land Development Code, Section 3.00.01 and/or within the garage area of the single-family dwelling unit. Garage area parking shall only be counted as provided parking if the area is open and free from obstructions. Vehicles shall not be within the right-of-way, including the grassy/unimproved

areas and sidewalk sections for pedestrian traffic pursuant to City of Destin Code of Ordinances, Chapter 19.5, Traffic and Motor Vehicles and Land Development Code, Section 8.01.00.6. Vehicles found in violation of the City of Destin's applicable codes may be subject to citation or impoundment;

- (2) It shall be unlawful to allow or make any noise or sound which exceed the limits set forth in Chapter 14, Article 2;
- (3) Signage will be posted and maintained on the single-family dwelling unit in accordance with section 13-116, of this article;
- (4) No garbage container shall be located at the curb for pickup before 12:00 p.m. of the day prior to pick up, and garbage container shall be removed before midnight of the day of pickup. Additionally, by 5:00 p.m. the day after the last day of the contracted short-term rental period, all garbage shall be removed. The owner shall be required to obtain one (1) trash can for the first three (3) bedrooms; and one (1) can per two (2) bedrooms thereafter, and to acquire special valet garbage service from the city's solid waste removal provider in order to ensure all garbage is properly contained and removed. The owner, in lieu of acquiring valet garbage service from the city's solid waste removal provided, may utilize a third party valet garbage service removal provider, but such private service shall not excuse continuing to accept and pay for regular services of the city solid waste service provider;
- (5) Whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance of a single-family dwelling unit, or, having been authorized, licensed, or invited is warned by the owner or lessee, to depart the single-family dwelling unit and refuses to do so, commits the offense of trespass in a structure or conveyance;
- (6) Recreational amenities, such as exercise facilities, hot tubs and swimming pools, may not be jointly shared commodities and should not be considered available for use unless the right to use such facilities is clearly stated in the rental agreement for the dwelling unit;

(Ord. No. 17-03-CC, § 3, 2-21-17; Ord. No. 18-10-CC, § 3, 6-18-18)

Sec. 13-110. - Fees for registration.

The City of Destin is authorized and shall charge reasonable fees for registration to compensate for administrative expenses. The fees for registration shall be provided for, from time to time, by resolution adopted by the City Council of the City of Destin. If a property owner fails to register their short term rental unit in a timely manner, fines will be imposed consistent with the schedule of fees as amended. If a property owner fails to register their short-term rental unit within ninety (90) days of receipt of the notice to register, the property owner is subject to code enforcement proceedings.

(Ord. No. 17-03-CC, § 3, 2-21-17; Ord. No. 18-10-CC, § 3, 6-18-18)

Sec. 13-111. - Registration not transferable.

No registration issued under the provisions of this article shall be transferred, assigned, used by any person, owner, or agent of the owner other than the one to whom it is issued, or at any location other than the one for which it is issued. No registration issued under this article creates any vested right.

(Ord. No. 17-03-CC, § 3, 2-21-17)

Sec. 13-112. - Renewals and expiration of registration.

All short-term rental registrations issued under the provisions of this article shall be valid for a period not to exceed twelve (12) months and expiring on the last day of February of each calendar year.

Renewal applications must meet the requirements of the City of Destin's Code of Ordinances, Chapter 13, Article 6, Section 13-107. Short-term rental registration renewals may be renewed between January 1 and March 1 of each year. Short-term rental registrations are due March 1 of each year; any such renewal registration received after March 1 of each year is considered late and is subject to a late fee of fifty (\$50.00) and must be paid in addition to any other applicable fees prior to a renewal approval, except as otherwise approved by the city manager or their designee.

(Ord. No. 17-03-CC, § 3, 2-21-17)

Sec. 13-112.5 - False information.

It shall be unlawful for any person to give any false or misleading information in connection with the application for registration required by this article.

(Ord. No. 17-03-CC, § 3, 2-21-17)

Sec. 13-113. - Territory embraced.

The provisions of this article shall apply within the City of Destin.

(Ord. No. 17-03-CC, § 3, 2-21-17)

Sec. 13-114. - Posting of signage.

Prior to the owner of the single-family dwelling unit allowing another person to occupy the single-family dwelling unit as a seasonal resident, owner shall post a sign on the property meeting the following requirements:

- (a) The sign must be prominently placed on the property of the single family dwelling 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 sign shall be eighteen by eighteen (18×18) inches in size;
- (c) The sign must clearly indicate the name, and twenty-four (24) hours a day, seven (7) days a week emergency contact phone number of the local responsible party for said single-family dwelling unit. If the responsible party phone number and the rental contact phone number are different, the sign shall clearly indicate both phone numbers;
- (d) The sign must clearly indicate the occupancy limit and maximum available parking;
- (e) The sign must be continuously on the property of the single-family dwelling unit during any period a local business tax or registration has not expired;
- (f) A current City of Destin annual decal must be displayed in the top right hand corner of the sign. The city will provide the property owner with such annual decal at the time of annual registration of the short-term rental.

(Ord. No. 17-03-CC, § 3, 2-21-17; Ord. No. 18-29-CC, § 3, 1-22-19)

Sec. 13-115. - Preemption of homeowner's association.

All regulations regarding the posting of a sign on the property of the single-family dwelling unit shall preempt any homeowner's association restrictions on the posting of signs to the extent that any such homeowner's association restrictions or regulations conflict with this article.

(Ord. No. 17-03-CC, § 3, 2-21-17)

Sec. 13-116. - Enforcement.

The provisions of this article shall be enforced as provided in Chapter 14, Offenses and Miscellaneous Provisions, of the Code Ordinances of the City of Destin, and by such other means as are specified herein below:

- (1) *Code enforcement*: The code enforcement division may enforce the terms of this article by bringing a case to the code enforcement special magistrate or code enforcement board, whichever is applicable, as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Board or Special Magistrate, of the Code of Ordinances of the City of Destin and F.S. Ch. 162, Pt. I.
- (2) *Civil citation*: The code enforcement division, or other duly authorized officer or authority, may enforce the terms of this article through issuance of civil citation as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code of Enforcement Citation Program and Procedures, of the Code of Ordinances of the City of Destin and F.S. Ch. 162, Pt. II.
- (3) *Denial/Suspension/Revocation*: Any registration issued pursuant to this article may be administratively denied, revoked, or suspended by the city for failure to satisfy the requirements for registration or for violation by the owner of this article, any City of Destin

Ordinance, or state law. Such denial, revocation or suspension is in addition to any penalty provided herein. Any appeal of administrative action taken pursuant to this subsection shall be as provided in City of Destin Land Development Code Section 2.22.00, Appeals.

- (4) *Criminal penalties:* A violation of this article shall be punishable as a misdemeanor by a fine of up to five hundred dollars (\$500.00) per violation and a definite term of imprisonment of not more than sixty (60) days as provided in F.S. § 162.22.

It is the legislative intent of the city council in enacting this article to provide an additional or supplemental means of obtaining compliance with the requirements stated herein. Nothing contained in this article shall be deemed to prohibit the City of Destin from seeking enforcement by any other means provided by law, including, but not limited to, filing an action for declaratory and injunctive relief in a court of competent jurisdiction.

(Ord. No. 17-03-CC, § 3, 2-21-17)

Sec. 13-117. - Maximum occupancy based on site capacity/grandfathering.

- (a) The maximum overnight occupancy of a short-term rental shall be stated in the short-term rental registration form, and shall be limited to the lesser occupancy of the following two (2) options:
- (1) Two (2) persons for each bedroom plus four (4) additional persons. The number of bedrooms shall be based upon the property appraiser's residential profile of the property, and other documents of record, as needed. In no case shall the maximum total occupancy for any dwelling unit exceed the occupancy limits permitted by the Florida Fire Prevention Code or Florida Building Code; or
 - (2) A total of twenty-four (24) persons per short-term rental. In the event that there is more than one (1) building or dwelling on one (1) platted lot, the maximum occupancy shall be capped at twenty-four (24) occupants per lot or structure, whichever is less.
- (b) Before the hours of 7:00 a.m. or after 10:00 p.m., the occupancy load of the unit may not exceed the maximum allowed number of overnight tenants.
- (c) Reasonable verification must be given to the designated local responsible party in accordance with section 13-108 of this article within thirty-six (36) hours of rental guest arrival to confirm compliance with the maximum overnight occupancy requirement. The maximum number of allowable occupants and parking shall be posted on signage in front of the rental property in accordance with section 13-114 of this article.
- (d) All marketing and/or advertising for short-term rental units must contain (i) information concerning the occupancy limit of the short-term rental unit, and (ii) the maximum parking available on the property. Advertising for more than the allowable occupancy or allowable

parking is prima facie evidence of a violation of the City Code. Further, failure to include such occupancy limits and maximum parking availability is prima facie evidence of a violation of the City Code.

- (e) Minimum provisions for short-term rental agreements: Short term rentals shall be rented, leased or occupied pursuant to a written rental agreement which contains, at a minimum, the following information:
 - (1) Maximum occupancy of the short-term rental that is consistent with the short-term rental registration.
 - (2) The maximum number of vehicles that will be allowed to park at the short-term rental. Such number of vehicles shall not exceed the number of legal parking spaces that the short-term rental owner can show are available to the short-term rental.
 - (3) A statement that all occupants must promptly evacuate from the short-term rental upon posting of any evacuation order issued by state or local authorities.
 - (4) As a courtesy, a copy of a document to be supplied by the city which includes excerpts from the City of Destin's ordinance provisions of general application relevant to short-term rentals to include regulations related to solid waste and trash, prohibited parking, and the city's noise ordinance. Failure of the city to provide this courtesy document does not relieve any short-term rental owner or other person of their obligation to comply with any city ordinance.
- (f) Notwithstanding the above, the owner (or authorized agent) of a short-term rental that either (a) has a pending development order application as of the effective date of this ordinance (January 22, 2019), or (b) has a structure that has been used as a short-term rental as of the effective date of this ordinance (January 22, 2019), may apply for the status of grandfathered for a period of five (5) years, as to occupancy limitations, and may cap its occupancy based upon the criteria and procedures set forth herein. Short-term rentals that have an occupancy of twenty-four (24) hours or less, and that otherwise comply with the occupancy restrictions set forth in section 13-117(a) above, will not require grandfathering to maintain that occupancy.
 - (1) The short-term rental owner, or agent, as applicable ("grandfathering applicant") shall complete a grandfathering application as prescribed by the city, which shall be submitted under oath and upon penalty of perjury, and provide verifiable written proof of the following criteria:
 - a. The use as a short-term rental was existing and legally established as of January 22, 2019.
 - b. The number of bedrooms in the short-term rental was existing and legally established as of January 22, 2019. The number of bedrooms shall be based upon the property appraiser's residential profile of the property, and other documents of record, as needed.
 - c. The short-term rental must be registered with the city and must be in compliance with all applicable City of Destin codes and ordinances.
 - (2)

The grandfathering application and supporting proof shall be submitted to the city for review by the city staff in consultation with the city land use attorney. If city staff determines that all of the criteria set forth in the above subsection 13-117(f)(1) are met, staff shall confirm the requested occupancy of such short-term rental. If all of the criteria are not met, then the City of Destin shall notify the grandfather applicant of that fact, and the occupancy level that can be approved, in writing.

- (3) Within twenty (20) days after such notice, an evidentiary hearing may be requested by the grandfathering applicant before the city council to provide the grandfathering applicant an opportunity to provide evidence and/or testimony in support of the occupancy requested. A determination by the city council after such evidentiary hearing shall be final. If no hearing is requested during that time period, the occupancy level shall be set at the level determined by the city staff upon initial review.
 - a. Written notice of the date, time, place and purpose of the hearing shall be mailed by the city clerk to all owners of property located within one hundred and fifty (150) feet of the boundaries of the property for which the grandfathered rights are sought, according to the latest certified tax roll. Such notice shall be mailed not later than fifteen (15) days prior to the date of the scheduled hearing. Additionally, notice will be published in a local newspaper of general circulation at least ten (10) days prior to the public hearing.
 - b. The city council shall render a decision to either issue or deny the grandfathering application.
 - c. The decision shall be mailed to the grandfathering applicant and shall include findings of fact and conclusions of law, and shall state specifically the maximum occupancy that is grandfathered for a five-year period.
- (4) An application for grandfathering shall be submitted, if at all, by no later than the time of registration of the short-term rental, but not later than July 22, 2019. If the city extends the date that registration is required, the deadline for the application for grandfathering shall also be extended to the same extended date. If a short-term rental has been registered, but a final determination as to the occupancy level based upon grandfathering has not yet been made, such short-term rental may allow occupancy up to the occupancy requested in the grandfathering application until such time as a final determination as to occupancy has been made.
- (5) If it is reasonably determined by the city staff that any information supplied to the City of Destin in support of an application for grandfathering was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to a fine as set by the city council by resolution. If there is such a determination by city staff, the City of Destin shall notify the grandfathering applicant of that fact, and within twenty (20) days after such notice, an evidentiary hearing may be requested by the grandfathering applicant before the

city council to provide the grandfathering applicant an opportunity to provide evidence and/or testimony to show that the information supplied in support of the application for grandfathering was not intentionally false or fraudulent. The determination by the city council after such evidentiary hearing shall be final. If no hearing is requested during that time period, the initial determination by the city staff shall be final.

- (6) If a short-term rental is not registered for a period in excess of twelve (12) months, any grandfathering determination shall be deemed abandoned, and shall no longer be applicable to that short-term rental.
- (7) If a grandfathered use ceases for a period of six (6) months, then the grandfathering shall be considered to have lapsed and the short-term vacation rental will be subject to all occupancy requirements as set forth herein.
- (8) An applicant may only submit one grandfathering application per short-term rental.
- (9) An appeal of a city council decision on a grandfathering application shall be by petition for certiorari review to the circuit court of Okaloosa County, based solely on the record of the hearing before the city council. The applicant is responsible for providing a verbatim transcript of the record of that hearing. Such an appeal must be filed within thirty (30) days after the city renders its decision.

(Ord. No. 18-29-CC, § 3, 1-22-19)

Sec. 13-118. - Exemption for pre-existing agreements.

Notwithstanding any other provision of this ordinance, rental agreements with prospective occupants for short-term rental units that were pre-existing as of the enactment of this Ordinance No. 18-29-CC, (hereinafter "pre-existing agreements") are exempt from the provisions of this ordinance for a period of one (1) year. All bookings made subsequent to the enactment of this ordinance are subject to the provisions of this ordinance. All advertising must be compliant within one hundred twenty (120) days of the effective date of this ordinance.

If a short-term rental unit is cited for a violation of this chapter, (that would not be a violation if it were not for this section), when the short-term rental unit is occupied under the terms of a pre-existing agreement, the short-term rental owner may defend such violation based on the fact that the short-term rental unit was exempt from this section due to it being occupied pursuant to a pre-existing agreement. Such defense shall be determined based upon the following information, and upon any additional information supplied by the short-term rental owner or otherwise determined by the fact finder:

- (1) Copy of deposit or payment information evidencing that the agreement was a pre-existing agreement.
- (2) Copy of e-mail or other communication evidencing a binding pre-existing agreement.
- (3) Information from the occupant confirming that there was a binding agreement in a time

frame to make the agreement as pre-existing agreement under this section.

If it is reasonably determined by the city staff, and confirmed by the city council, that any information supplied to the City of Destin in support of an application for exemption, or in support of a defense based upon pre-existing agreement, was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to a fine as set by the city council by resolution.

(Ord. No. 18-29-CC, § 3, 1-22-19)

Sec. 13-119. - Reserved.