

AGENDA
SHORT TERM RENTAL (STR)
TUESDAY, OCTOBER 29, 2019
2:00 PM

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES**
 - A. Minutes of October 22, 2019 Short-Term Rental Task Force Meeting**
- 3. NEW BUSINESS**
 - A. Parking Ordinance**
 - B. Trash Collection**
 - C. Commercial Events Ordinance**
- 4. PUBLIC COMMENTS**
- 5. NEXT MEETING DATE: November 5, 2019**
- 6. ADJOURNMENT**

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 (STR)
TASK FORCE MEETING
OCTOBER 22, 2019 – 4:00 PM
CITY HALL BOARDROOM**

1. CALL TO ORDER:

The Short-Term Rental (STR) Task Force met in regular session with the following members and City staff present:

2. ROLL CALL:

Members Present

Jeff Marken
Bruce Craul
Ken Wampler
Marcie Bell
Patti Brown
Shaun Hickey

Staff Present

City Manager Lance Johnson
Deputy City Manager Webb Warren
Code Compliance Manager Joey Forgione
Community Dev. Director Louis Zunguze
Code Compliance Officer William Morales
Public Information Manager Catherine Card
City Clerk Rey Bailey
Land Use Attorney Kimberly Kopp

3. SUNSHINE LAW

The Land Use Attorney provided a brief explanation of the Sunshine Law; a term that encompasses the Public Meetings Law, Public Records Law and Ethics.

- Public Meetings - A public meeting is the convening of any governing body for which a quorum (required number of members present) exists to make or deliberate toward a decision on any matter, or to gather information. All public meetings must be opened to the public and minutes must be taken. No two or more members can discuss any issue that could conceivably come before them outside of a meeting that is properly advertised and open to the public. Sending an e-mail to a fellow member about an issue that may come before the group is prohibited. However, e-mail may be forwarded to the City Clerk who then may make proper distribution of information to other members of the committee. No member can use any individual to serve as a “conduit”; that is, providing information to a third party with the intent of passing that information to another member of the committee.

- Public Records – Any materials made or receive by any member of the committee relating to the business of the group are public records and should be placed on file with the City. These documents must be provided to the City Clerk immediately for proper distribution and filing.

4. MEETING SCHEDULE

The members discussed the time, frequency and location of subsequent meetings of the Tasks Force.

Motion by Ms. Patti Brown, seconded by Mr. Shaun Hickey, to schedule a two-hour meeting, from 2:00 to 4:00 p.m., every Tuesday, in the City Hall Boardroom, passed 6-0.

5. Proposed Topics for the Council Strategic Visioning Session

The City Manager noted that the City Council's Strategic Visioning Session is scheduled for Wednesday, November 7th; and that he is asking the Task Force to provide any topics relating to short-term rentals that they would like to be addressed at the visioning session. More importantly are those issues that could potentially result in budgetary changes or legislative action.

6. Primary Goals of the Task Force

According to the City Manager, what staff hopes to get from the Task Force are data points that they could measure to determine whether they are doing a good job enforcing the code and tracking the necessary data.

7. NEW BUSINESS

A. Short-term Rental (STR) Task Force Packet

Mr. Forgione provided copies and explained the purpose of the following documents to the Task Force.

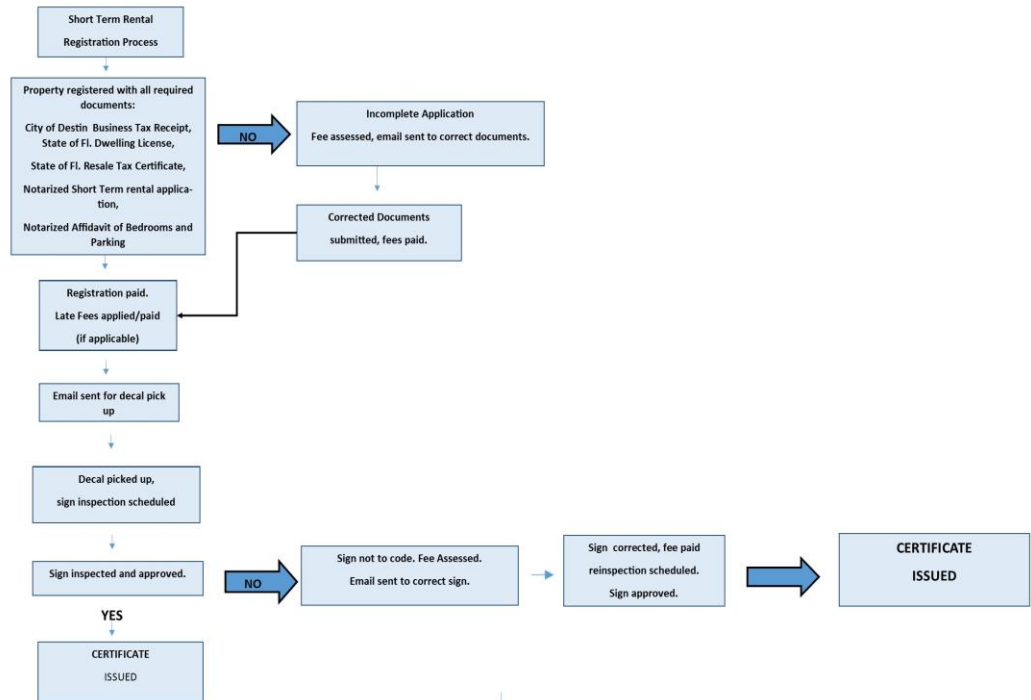
- STR Registration Guide
- STR Ordinance
- STR Registration Application
- STR Affidavit of Bedrooms/Parking Spaces
- STR Rental Process Mapping

8. Code Compliance Short-Term Rental Review

Mr. Forgione provided the following Power Point presentation:

City of Destin Short-Term Rental Review (2019)

- Short-Term Rental Process Mapping



- Short-Term Rental Grandfathering Applications
 - ❖ Issued – 202
 - ❖ Modified Issued – 36
 - ❖ Pending Approval – 15
 - ❖ Denied – 2
 - ❖ Refunded – 9
- Short-Term Rental Registrations
 - ❖ Currently Registered – 1034
 - ❖ Notice of Violations Issued – 24
 - ❖ Projected Number of Registrations – 1058
- Rental Registrations
 - ❖ Long-Term – 393 (28%)
 - ❖ Short-Term – 1034 (72%)
- Short-Term Rental Notice of Violations
 - ❖ Compliance Rate – 98.72%
 - Notice of Violations Issued - 156
 - Voluntary Compliance – 153
 - Daily Fine/Lien (for non-compliance with registration requirements) – 3
- Short-Term Rental Parking Enforcement
 - ❖ Parking Violations – 1117 (Warning Tickets/verbal warnings Issued)
 - ❖ Complied (vehicles moved) – 1103 (99%)
 - ❖ Citations Issued (non-compliance) – 14 (1%)
- Total Short-Term Rental Activities – 2340
 - ❖ Parking Violations (Warning Tickets Issued) – 1103 (47%)
 - ❖ Sign Inspections – 867 (37%)

- ❖ Trash Violations – 182 (7%)
- ❖ Notice of Violations – 154 (6%)
- ❖ Parking Citations – 14 (.06%)
- ❖ Events – 10 (.04%)
- Sheriff's Office Short-Term Rental Complaints
 - ❖ Noise Violations – 206 (77%)
 - ❖ Parking Violations – 63 (23%)
- Ordinance Challenges
 - ❖ After hours emergency contacts
 - ❖ Excessive trash
 - ❖ Turnover days trash
- Ordinance Recommendations
 - ❖ Number is for emergency contact only/not for advertisement. Should be answered 24/7
 - ❖ Explore properties to acquire more cans either by floor or by bedroom
 - ❖ Require properties to have special pick-up on turnover days
- Department Challenges
 - ❖ Identifying unregistered short-term rentals
 - ❖ Decal identification for each property
 - ❖ Lost decals
 - ❖ Tracking events
 - ❖ Identification change of ownership/management
 - ❖ Parking violations
- Department's Recommendations
 - ❖ Continue search through websites
 - ❖ Each decal has registration number assigned to property
 - ❖ Fee of \$25 for replacement decal
 - ❖ Evening and weekend shift can assist in tracking events
 - ❖ Search property appraisers, track sign and website changes
 - ❖ More education of the guests by management and code compliance

DISCUSSIONS:

Ms. Brown suggests increasing the size of some of the short-term rental signs as they are hard to see from the right-of-way. She also recommends publicizing the afterhour emergency phone number for people to report violations; adding it was previously suggested they place it on refrigerator magnet and mail them to houses located in short-term rental areas.

According to the City Manager, they are already discussing putting a flag systems magnet out with the Technical Review Committee (TRC); and they could just add this recommendation into that discussion.

Ms. Brown noted that Major Jarvis previously suggested during a Council meeting that this Task Force addresses beach flags and try to work it in to their short-term rental discussions because of the problems they have had this year with people not understanding beach flags even though they are posted at some beach access points.

Mr. Forgione stated there was a suggestion to put an ad on Beach TV regarding beach flags since a lot of the guests usually watch Beach TV after checking in.

Ms. Brown asked how closely the short-term rental signs are being enforced in terms of parking and whether golf carts are allowed to be parked in the yard.

According to Mr. Forgione, nothing, including golf carts, can be parked on the grass. They are issuing parking citations if there are more vehicles parked on the property than the sign indicates.

Mr. Wampler asked if they could tow vehicles parked in the right-of-way.

The Land Use Attorney noted that State law requires a towing sign to be put in place in order to tow away vehicles.

Mr. Hickey asked if they could also cite short-term rental management company for any violations.

According to the Land Use Attorney, they are required by law to cite the property owner for the violation; and the property owner could then in turn deal with their rental management company.

Ms. Brown asked if they have discussed how to regulate condominiums because of the increasing problems with condominiums previously brought to the attention of the Council.

According to the Land Use Attorney, it was her understanding this is one of the major issues the Task Force will discuss prior to the visioning session so that it can be addressed at that session.

Mr. Wampler noted that in the three years he had done the analysis, there had not been reports of any code violations involving condominiums; adding that condominium associations normally handle any problems that may arise.

Ms. Brown noted that at a Council meeting, the Sheriff alluded to the number of calls they have been receiving related to condominium issues and the number of officers that have had to be dispatched to these condominiums.

Mr. Wampler argues that the Sheriff did not say that a lot of their resources are responding to condominium calls; he merely made a general statement that a lot of their resources are responding to Destin.

Ms. Brown noted that the issue regarding the required number of trash cans was previously addressed and was met with a lot of resistance. She continued there was a study done on the amount of trash people put out. The first three bedrooms require one trash can, and then another one per two additional bedrooms. She added that at a minimum, there should be one trash can for every two bedrooms.

Mr. Hickey suggests predicating the number of trash cans on the number of people a house is approved for rather than on the number of bedrooms.

Mr. Craul suggests requiring properties to have a special pick up during the afternoon on turnover days (Tuesdays/Saturdays) and reminding their tenants about the turnover day trash. Special garbage pickups on turnover days are currently happening before the trash are put out. Trash companies such as Waste Management should not come out until at least noon on turnover days.

Ms. Brown noted there are a lot of problems with remote check-ins because there are many more cars than the signs on these houses indicate.

Mr. Craul stated they cannot prohibit people from remotely checking in if that option is available.

With regards to registration stickers, Mr. Hickey suggests using different color stickers each year; similar to vehicle registration stickers.

Ms. Bell commented there are property managers that do the right thing; and there are those that are problematic and creating most of the problems. People are not required to be licensed to be property managers. If allowed by law, the City should make sure they have some sort of a registration process for property management company to make sure they are legitimate.

Mr. Wampler noted that property management companies should register as a sales tax collector and a bed tax collector and obtain a business tax receipt/permit from the City of Destin.

9. PUBLIC COMMENTS

Ms. Karen Shelton, a Destin resident, commented on the following:

- 9 of every 10 short-term rental signs are in the right-of-way
- The 10 events that were reported under short-term rental activities all happened in one property so far this year
- Grandfathering short-term rental property should only apply to occupancy. There is a City ordinance that prohibits parking in the right-of-way so they should not be grandfathering allowing parking in the right-of-way
- Parking in the right-of-way should be cited for each occurrence
- There are a lot of short-term rental houses that from the right-of-way to the street are concrete or asphalt.

10. NEXT MEETING DATE: Tuesday, October 29, 2019, 2:00 PM

11. ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 5:12 PM.

Rey Bailey, City Clerk

DIVISION 2. - STOPPING, STANDING AND PARKING^[2]

Footnotes:

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Editor's note— Ord. No. 137, §§ 1—6, adopted July 17, 1989, has been codified herein at the discretion of the editor as Div. 2, §§ 19.5-51—19.5-56.

Sec. 19.5-51. - Authority.

The authority for the enactment of this division is Section 316.008, Florida Statutes, Section 166.021, Florida Statutes, and Section 1.01(b), (e), and (k) of the City Charter.

(Ord. No. 137, § 1, 7-17-89)

Sec. 19.5-52. - Definitions.

For the purpose of this division the following terms, phrases, words, abbreviations and their derivations shall have the meaning herein given. 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 common and ordinary meaning, or for those so included, the meaning found in Ordinance 001 [section 1-2].

Authorized emergency vehicles shall mean vehicles of any fire department or police department and ambulances and emergency vehicles of governmental entities, public service corporations, and public utilities.

Motor vehicle shall mean any self-propelled vehicle not operated upon rails or guideways, but not including any bicycle or moped.

Park or parking shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

Roadway shall mean that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

Safety zone shall mean the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or so marked by adequate signs or authorized pavement marking as to be plainly visible at all times while set apart as a safety zone.

Sidewalk shall mean that portion of a street between the curblin, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

Stand or standing shall mean the halting of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of, and while actually engaged in, receiving or discharging passengers.

Street or highway shall mean the entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for the purposes of vehicular traffic.

Vehicle shall mean every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

(Ord. No. 137, § 2, 7-17-89)

Sec. 19.5-53. - Stopping, standing or parking prohibited in specified places.

- (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a law enforcement officer or official traffic control device, no person shall:

(1) Stop, stand or park a vehicle:

- a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- b. On a sidewalk.
- c. Within an intersection.
- d. On a crosswalk.
- e. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the Division of Road Operations of the Florida Department of Transportation, Okaloosa County, or the city indicates a different length by signs or markings.
- f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- g. Upon any bridge or other elevated structure upon a street.
- h. On a bicycle path.
- i. At any place where official traffic control devices prohibit stopping.
- j. At any place where official signs prohibit stopping, standing or parking.

(2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- a. In front of a public or private driveway.
- b. Within fifteen (15) feet of a fire hydrant.
- c. Within twenty (20) feet of a crosswalk at an intersection.
- d. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway.
- e. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of such entrance (when properly sign-posted).
- f. On an exclusive bicycle lane.
- g. At any place where official traffic control devices prohibit standing.
- h. Upon any median strip.
- i. At any place where official signs prohibit parking.
- j. On any roadway.

- (b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

- (c) A law enforcement officer or parking enforcement specialist who discovers a vehicle parked in violation of this section or any part of this division may:

- (1) Issue a ticket or citation and attach it to the parked vehicle in a conspicuous location on said vehicle;

- (2) Tow said vehicle if the violation causes a safety hazard to other vehicles or pedestrians, or is a liability to city interests such as roadway repairs, right-of-way maintenance, public utility repair or maintenance, or if the violation occurs in an area where official signs prohibit parking.

(Ord. No. 137, § 3, 7-17-89; Ord. No. 16-32-CC, § 3, 12-5-16)

Sec. 19.5-54. - Other prohibited parking.

At any public parking lot, no person shall park:

- (1) In violation of signs prohibiting parking.
- (2) On any area not intended for vehicular traffic, whether officially signed or not.
- (3) In any direction other than, or outside the clearly marked lines of, a parking area. All vehicles must stay within the designated, painted lines and may not use more than one (1) parking space per vehicle.
- (4) In any metered (pay-for-parking) lot without paying for parking with appropriate U.S. currency, whether through a physical meter, pay station, mobile pay for parking system, or by purchase of a validly issued parking permit that is clearly displayed in the parked vehicle.

(Ord. No. 137, § 4, 7-17-89; Ord. No. 17-14-CC, § 3, 6-19-17)

Sec. 19.5-55. - Liability for fines and towing fees.

- (a) Under authority of F.S. § 316.1967, the registered owner of a vehicle is responsible and liable for payment of any parking ticket violation unless the owner can furnish evidence that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. In such instances, the owner of the vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the appropriate law enforcement authorities the name and address of the person who leased, rented, or otherwise had the care, custody, or control of the vehicle. The owner of a vehicle is not responsible for a parking ticket violation if the vehicle involved was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle. Prima facie evidence that the vehicle involved was, at the time, stolen or in the care, custody or control of some person who did not have permission of the owner to use the vehicle, shall be in the form of a report from the appropriate law enforcement official that the said vehicle was not under the care, custody or control of the owner of the vehicle.
- (b) Any vehicle towed by an appropriate law enforcement authority acting under the provisions of this division shall be at the expense of the registered owner, or person having care, custody or control of the vehicle towed.

(Ord. No. 137, § 5, 7-17-89; Ord. No. 17-14-CC, § 4, 6-19-17)

Sec. 19.5-56. - Penalty for violations and for nonpayment.

- (a) The penalty for violation of this division shall be thirty dollars (\$30.00), as established by the city council and may be modified by the city council, payable within thirty (30) days.
- (b) After adjudication of guilty by a court of competent jurisdiction, or a written plea of guilty to any violation in this article, it shall be a separate violation for any person to fail or refuse to pay the required fine. The penalty for a violation of this section shall be a fine of not more than one hundred dollars (\$100.00) or imprisonment of not more than five (5) days, or both, at the discretion of the court.

(Ord. No. 137, § 6, 7-17-89; Ord. No. 154, § 1, 11-16-89; Ord. No. 06-20-CC, § 3, 10-2-06; Ord. No. 17-14-CC, § 5, 6-19-17)

Sec. 19.5-57. - No parking areas.

Those areas designated as "no parking" areas shall be posted with "no parking" signs spaced at such intervals as to place a motorist on notice of that area's designation. After a public area has been designated and posted as a "no parking" area, no vehicle shall be permitted to park therein. However, this section shall not apply to law enforcement, fire or ambulance, or city vehicles that are parked in furtherance of their public service responsibilities.

(Ord. No. 16-32-CC, § 4, 12-5-16)

Sec. 19.5-58. - Impoundment of vehicle in violation of article.

(a) *Authority of law enforcement and designated parking enforcement personnel.*

- (1) When any vehicle is parked or left standing in violation of this article on any city or publicly owned property, including city streets, highways, roads, alleys, parking lots or any other premises of the city, any law enforcement officer or city manager designee is authorized to take possession of such vehicle and to remove such vehicle from such property and to tow, store, or possess such vehicle in conformity with this section.
- (2) When any vehicle is parked or left standing in violation of this chapter on any private property, any law enforcement officer or city manager designee is authorized, after receiving a written complaint from the owner, owner's agent, or any other lawful possessor of such property, to tow, store, or possess such vehicle in conformity with this section.

(b) *Impoundment.*

- (1) Any law enforcement officer or city manager designee, acting pursuant to subsections (a)(1) or (a)(2) shall impound the vehicle in the manner prescribed in subsection (b)(2).
 - (2) Impoundment of vehicles pursuant to subsection (b)(1) shall be accomplished by means of removal of the vehicle to the nearest facility. It shall be at the city's discretion to utilize the Okaloosa County Sheriff's Office rotation wrecker program, Destin Zone, or to execute a written agreement for towing services with a local company. In the event the city utilizes the Okaloosa County Sheriff's Office rotation wrecker program, the costs of towing or removing a vehicle impounded under this section and the cost of storing the same shall be in accordance with the provisions of the rotation wrecker program. In the event the city contracts with a local company, the costs of towing or removing a vehicle impounded under this section and the cost of storing the same shall be in accordance with City of Destin Ordinance 15-02.
- (c) *Cost.* The cost of towing or removing a vehicle impounded under this section and the cost of storing the same shall be chargeable against the owner and shall be a lien upon the vehicle. The owner of the vehicle shall pay these charges and any outstanding administrative delinquency, or collection fees owed, before the vehicle will be released by the city or by the city's agent or designee.
- (d) *Registration.* The registered owner of such vehicle shall be entitled to recover such vehicle only after making payment for the charges and expenses of the towing company for the cost of towing such vehicle, plus the cost of storage and any outstanding administrative delinquency, or collection fees owed of such vehicle herein specified. The registered owner of such vehicle shall be responsible for paying the charges and fine as herein provided whether such registered owner was the person who unlawfully parked or left standing such vehicle or not, and in each instance the towing company shall require payment of the sums herein provide for before restoring to the registered owner possession of such vehicle.

- (e) *Action for sale of unredeemed vehicles.* If the impounded vehicle is not claimed and all charges paid within thirty (30) days after the law enforcement officer or city manager designee have taken possession of such vehicle, an action may be commenced in the county court or in any other court by the city attorney in the name of the city as plaintiff and against the name of the owner as defendant for the amount of the charges due and after judgement is obtained in favor of the city the vehicle may be levied upon and sold for the purpose of satisfying the judgement as required by law. The city shall be entitled to recover its reasonable attorneys' fees and costs, associated with enforcement of this subsection, including attorneys' fees and costs incurred in litigating entitlement to attorneys' fees and costs, as well as in determining or quantifying the amount of recoverable attorneys' fees and costs. The reasonable costs to which the city is entitled shall include costs that are taxable under any applicable statute, rule, or guideline, as well as non-taxable costs, including, but not limited to, costs of investigation, copying costs, electronic discovery costs, telephone charges, mailing and delivery charges, information technology support charges, consultant and expert witness fees, travel expenses, court reporter fees, and mediator fees, regardless of whether such costs are otherwise taxable.

(Ord. No. 16-32-CC, § 5, 12-5-16)

Secs. 19.5-59—19.5-70. - Reserved.

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)

ARTICLE IV. - GARBAGE COLLECTION

Sec. 12-81. - Authority.

The authority for the enactment of this article is Section 1.01(b) and (k) of the City Charter, and Section 166.021, Florida Statutes.

(Ord. No. 141, § 1, 10-2-89)

Sec. 12-82. - Definitions.

For the purposes of this article, the following terms, phrases, words, abbreviations, and their derivations shall have the meaning herein given. 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 common and ordinary meaning, or for those so included, the meaning found in section 1-2.

Commercial establishment shall mean any public or private place, building or enterprise devoted in whole or in part to business purposes, whether for profit or not-for-profit; except where such place, building or enterprise constitutes a single-family residence or multiple dwelling of four (4) units or less. A multiple dwelling of five (5) units or more shall be considered a commercial establishment unless there is no homeowner's association for such structure or if there is insufficient room for a commercial container. Duplexes, triplexes and condominiums/townhouses with four units or less where the individual units are privately owned and used for commercial purpose are not commercial establishments within this definition unless commercial containers are used.

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 putrescible or easily decomposable animal or vegetable waste matter which is likely to attract flies or rodents.

Multi-family residence shall mean multiple dwelling units of five (5) units or more.

Rubbish shall mean non-recyclable solid wastes or refuse, excluding garbage consisting of both combustible and noncombustible trash.

Single-family residence shall mean and include a detached single-family structure designed for occupancy by one (1) person or by one (1) family. Each mobile home, trailer, townhouse or condominium (if located in a building with four (4) or less connected units) shall be deemed a "residence" and each such

townhouse/condominium unit shall be deemed a single-family structure unless the townhouse/condominium building uses commercial containers. Each unit of a residential duplex or triplex shall be deemed a "residence" unless the duplex or triplex uses commercial containers.

In the event that, subsequent to the effective date of this ordinance (October 15, 2001), any definition above conflicts with the same definition in an adopted and accepted solid waste disposal franchise ordinance, the definition in the solid waste disposal franchise ordinance shall prevail.

(Ord. No. 141, § 2, 10-2-89; Ord. No. 141.1, § 1, 10-15-01)

Sec. 12-83. - Mandatory collection.

- (a) Garbage collection is mandatory for each residential unit and commercial establishment in the city.
- (b) Except as otherwise provided herein, all garbage and rubbish accumulated within the city shall be collected and disposed of by such sanitation disposal companies as are authorized by the city.

(Ord. No. 141, § 3, 10-2-89; Ord. No. 11-26-CN, § 3, 12-5-11)

Sec. 12-84. - Exceptions to mandatory collection.

Any person shall be permitted to:

- (1) Remove trash, horticultural trash and construction debris to a site or facility legally empowered to accept same by paying the rates currently in effect; or
- (2) To sell recyclables to any legally established facility.

(Ord. No. 141, § 4, 10-2-89)

Sec. 12-85. - Payment of collection fees.

Payment of collection and disposal fees shall be made directly to the sanitation disposal company authorized by the city to service the subject property, in the amounts approved by the city.

(Ord. No. 141, § 5, 10-2-89)

Sec. 12-86. - Exception to payment of collection fees.

The following persons are exempt from payment of collection fees:

- (1) Property occupiers who, upon application to the city, are determined to be unable to pay the collection and disposal fee, due to financial hardship or inability, procedures for

which shall be established by the city manager; or

- (2) Persons occupying multi-family dwelling units or commercial establishments, where a common dumpster is installed for persons sharing occupancy of the property, and fee paid to the authorized sanitation disposal company.

(Ord. No. 141, § 6, 10-2-89)

Sec. 12-87. - Notice.

The authorized sanitation disposal company shall notify residential and commercial customers, in accord with the provisions of their franchise agreement, when there is nonpayment for services rendered. After proper notification pursuant to the franchise agreement, if payment is not timely made, service may be terminated as set forth in the franchise agreement.

(Ord. No. 141, § 7, 10-2-89; Ord. No. 141.1, § 2, 10-15-01)

Sec. 12-88. - Penalty.

Any person found in violation of this article shall be punished by a fine of fifty dollars (\$50.00). Each day any violation of any provision of this article continues shall constitute a separate offense.

(Ord. No. 141, § 8, 10-2-89)

Sec. 12-89. - Construction site maintenance.

- (a) All construction sites shall be maintained in a clean, sanitary and trash-free condition at all times. Each construction site shall be provided with refuse containers adequate in size and sufficient in number to accommodate the accumulation of trash and debris during the interval between scheduled removal of trash and debris from the project site.
- (b) During the construction phase, the building official may, at his discretion, issue a written order to stop work on a construction project for failure to maintain the construction site in a clean, sanitary and trash-free condition.
- (c) Trash and debris shall be removed from the construction site, and the area properly cleaned to the satisfaction of the building official, within five (5) workdays following completion and final inspections of the work performed under the building permit, and in all instances prior to the issuance of the certificate of occupancy.
- (d) It is expressly understood that a property owner, builder, construction contractor or other legally constituted firm may enter into separate agreements with any qualified firm, including grantee, so that the requirements of this subsection can be met.

(Ord. No. 141.1, § 3, 10-15-01)

ORDINANCE NO. 18-30-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO COMMERCIAL ACTIVITY IN RESIDENTIAL AREAS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; CREATING DEFINITIONS FOR COMMERCIAL USES, COMMERCIAL SPECIAL EVENTS, AND COMMERCIAL SPECIAL EVENT VENUES; PROVIDING FOR AMENDMENTS TO ARTICLES 3, 7, AND 9 OF THE LAND DEVELOPMENT CODE; AMENDING TABLE 7-2, TABLE OF ALLOWABLE USES IN ZONING DISTRICTS TO PROHIBIT COMMERCIAL SPECIAL EVENT VENUES IN ALL RESIDENTIAL DISTRICTS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is Article I, Section 1.01(b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Pan II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, there has been an over-proliferation of special events, including but not limited to weddings or wedding receptions, spring break parties, bachelor parties, family reunions, class reunions, company banquets, company retreats and/or company picnics, and other similar events or celebrations) in residential zoning districts within the City of Destin, beyond which can reasonably and typically be expected to occur in residential areas; and

WHEREAS, the City has received complaints from citizens in residential areas regarding the over-proliferation of such special events in residential areas; and

WHEREAS, the City Council desires to amend its City Codes by limiting the number of special events that may occur on a single property annually within the City of Destin; and

WHEREAS, the conducting of commercial activity in residential areas has become a topic of concern within the City of Destin; and

WHEREAS, the City Council desires to obtain compliance with existing City codes by clarifying the existing code with respect to specified commercial activities; and

WHEREAS, Section 7.12.04(A) of the City's Land Development Code prohibits the use or occupation of buildings, structures, or land except in conformance with all of the regulations of the zoning district within which it is located; and

WHEREAS, each of the residential zoning districts within the City specifically prohibit commercial activities; and

WHEREAS, the presence of commercial activities within established residential neighborhoods can create negative compatibility impacts, among which include, but are not limited to, excessive noise, on-street parking, accumulation of trash and diminished public safety; and

WHEREAS, advertising for special events in residential areas encourages events and activities that are not consistent with, or compatible with, residential uses, and as such, such advertising should be prohibited in all residential zoning districts; and

WHEREAS, the City Council has determined that the holding of more than five special events within a calendar year at the same property in a residential neighborhood is not consistent with the character of residential areas and should be prohibited, even if it is not shown that a profit, monetary compensation, event fee, or other commercial gain was obtained by the property owner or property owner's agent, and the City Council recognizes that such profits or compensation may be included in general rental payments and other fees to avoid enforcement of City Codes; and

WHEREAS, the provisions of this Ordinance will serve to further address the concerns of the City and its residents related to illegal commercial activities in residential zoning districts, to preserve the quality of life in all City neighborhoods, and to provide clarification to residents of the City's intent in enforcement of its existing ordinances; and

WHEREAS, the City Council has deemed it in the best interest of its citizens and residents to adopt additional regulations for short-term rental units; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted Comprehensive Plan and is in the best interest of the City and its citizens; and

WHEREAS, public hearings have been conducted by the City Council after due public notice; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in sections three (3), four (4) and five (5) of this ordinance that is ~~strike thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol *** represents sections of the Land Development Code that have been skipped and remain unchanged.

SECTION 3. AMENDMENT OF LAND DEVELOPMENT CODE ARTICLE 3: Article 3 of the Land Development Code is hereby amended as follows:

* * *

Article 3 Definitions.

* * *

3.00.01 DEFINITIONS.

For the purpose of this Code, the following terms, phrases, words and their derivations shall have the meaning contained herein, except where the context clearly requires otherwise.

* * *

Commercial special events: Any wedding or wedding reception, spring break party, bachelor party, family reunion, class reunion, company banquet, company retreat and/or company picnic, or other similar event or celebration for which a property owner, property owner's agent, or occupant of the property obtains a profit, monetary compensation, event fee, or other commercial gain. Commercial special events are commercial uses, as defined herein.

- a. The holding of two or more weddings or wedding receptions at the premises within any given twelve (12) month period is prima facie evidence that the events are commercial special events or
- b. The holding of two or more company banquets, retreats, and/or picnic at the premises within any given twelve (12) month period is prima facie evidence that such events are commercial special events.

Commercial special event venue: Any building, structure or land that is used or occupied for one or more commercial special events within a year. The advertising of a building, structure or land for commercial special events is prima facie evidence that the building, structure or land is a commercial special event venue.

Commercial uses: Activities within land areas, which are predominantly connected with the sale, rental and distribution of products, or performance of services. Evidence that a property owner or authorized occupant of a property owner has obtained a profit, monetary compensation, event fee, in-kind exchange, or other commercial gain by the property owner's (or property owner's authorized agent's or occupant's) use of the building, structure or land is prima facie evidence that this definition has been met and the use of the building, structure or land is a commercial use. Home occupations permitted pursuant to section 9.06.06 of this code are specifically excluded from this definition.

* * *

SECTION 4. AMENDMENT OF LAND DEVELOPMENT CODE ARTICLE 7:

Article 7 of the Land Development Code is hereby amended as follows:

* * *

Article 7 - LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS

* * *

7.12.04. Compliance with Zoning District Regulations. The regulations set forth in this section within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- A. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

* * *

N. Prohibition on Advertising for Special Events in Residential Zoning Districts. Advertising

for special events (including but not limited to weddings or wedding receptions, spring break parties, bachelor parties, family reunions, class reunions, company banquets, company retreats and/or company picnics, or other similar event or celebration) in a residential area and/or residential zoning district is prohibited. Residential zoning districts include Bay Estates (BE); Low Density Residential- Village (LDR-V); Low Density Residential – Holiday Isle (LDR-HI); Low Density Residential – Harbor (LDR-H); Medium Density Residential – Village (MDR-V); Medium Density Residential- Holiday Isle (MDR-HI); High Density Residential (HDR); Crystal Beach Neighborhood (CBN); Residential, Office and Institutional – General Development (ROI -GD); Residential, Office and Institutional – Tourist Development (ROI-TD); Residential, Office and Institutional- Village Residential (ROI-VR); and Residential, Office and Institutional – Crystal Beach Residential (ROI-CBR). Violations are subject to enforcement pursuant to Chapter 14 of the City Code of Ordinances and to enforcement by any other means available to the City at law or in equity.

- O. **Commercial Special Events Prohibited in Residential Areas.** Commercial special events are prohibited in all residential zoning districts. Residential zoning districts include Bay Estates (BE); Low Density Residential- Village (LDR-V); Low Density Residential – Holiday Isle (LDR-HI); Low Density Residential – Harbor (LDR-H); Medium Density Residential – Village (MDR-V); Medium Density Residential- Holiday Isle (MDR-HI); High Density Residential (HDR); Crystal Beach Neighborhood (CBN); Residential, Office and Institutional – General Development (ROI -GD); Residential, Office and Institutional – Tourist Development (ROI-TD); Residential, Office and Institutional- Village Residential (ROI-VR); and Residential, Office and Institutional – Crystal Beach Residential (ROI-CBR). Violations are subject to enforcement pursuant to Chapter 14 of the City Code of Ordinances and to enforcement by any other means available to the City at law or in equity.

- P. **Limit on Number of Other Special Events In Residential Zoning Districts.** Special events (including but not limited to weddings or wedding receptions, spring break parties, bachelor parties, family reunions, class reunions, company banquets, company retreats and/or company picnics, or other similar events or celebrations) that are not “commercial special events”, as defined in this Code, shall be limited to five or fewer in any twelve (12) month period in residential zoning districts. Residential zoning districts include Bay Estates (BE); Low Density Residential- Village (LDR-V); Low Density Residential – Holiday Isle (LDR-HI); Low Density Residential – Harbor (LDR-H); Medium Density Residential – Village (MDR-V); Medium Density Residential- Holiday Isle (MDR-HI); High Density Residential (HDR); Crystal Beach Neighborhood (CBN); Residential, Office and Institutional – General Development (ROI -GD); Residential, Office and Institutional – Tourist Development (ROI-TD); Residential, Office and Institutional- Village Residential (ROI-VR); and Residential, Office and Institutional – Crystal Beach Residential (ROI-CBR). Violations are subject to enforcement pursuant to Chapter 14 of the City Code of Ordinances and to enforcement by any other means available to the City at law or in equity.

- Q. **Pre-existing Contracts.** Notwithstanding any other provision of this ordinance, contracts for a commercial special event or other special event (including but not limited to weddings or wedding receptions, spring break parties, bachelor parties, family reunions, class reunions, company banquets, company retreats and/or company picnics, or other similar events or celebrations) that were pre-existing as of the enactment of this Ordinance 18-30-LC, (hereinafter “Pre-existing Contracts”) 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.

Any defense under this subsection shall be determined based upon the following information, and upon any additional information supplied by the property owner or otherwise determined by the fact finder:

- i. Copy of deposit or payment information evidencing that the agreement was a Pre-existing Contract.
- ii. Copy of e-mail or other communication evidencing a binding Pre-existing Contract.
- iii. Information from the property owner confirming that there was a binding agreement in a time frame to make the agreement as Pre-existing Contract under this section.

If it is reasonably determined by the City staff, and confirmed by the City's Special Magistrate, 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 Contract, 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.

* * *

TABLE 7-2: TABLE OF ALLOWABLE USES																												
	B E	L D R - V	L D R - H	L D R - V	M D R - H	H D R	C B N	C L	C G	C T S	R O I - G D	R O I - T D	R O I - V R	R O I - C B R	C B R	T C M U	C M U	S H M U	N H M U	G H M U	H R M U	B R M U	I N	A	I N S T	R E C	C O N	
Sector 53 Real Estate and Rental and Leasing																												
531 Real Estate services									P	P	P	P	P		P	P	P	P	P	P	P	P	P					
531120 Commercial Special Event Venue									P						P	P	P	P	P	P	P	P	P					

* * *

SECTION 5. AMENDMENT OF LAND DEVELOPMENT CODE ARTICLE 9: Article 9 of the Land Development Code is hereby amended as follows:

* * *

ARTICLE 9. HOUSING.

* * *

9.06.06. Home Occupations -Standards.

* * *

C. Prohibited home occupations.

The following uses are specifically prohibited in residential zones and are not, by definition, permitted home occupations:

- (1) Beauty/barber shops.
- (2) Appliance and motor repair.
- (3) Automotive/vehicle repairs/paint and body work.
- (4) Florist.
- (5) Veterinary clinic.

- (6) Radio/television repair.
- (7) Work involving hazardous materials.
- (8) Restaurants, bars, lounges or bottle clubs.
- (9) Fortunetellers or similar occupations.
- (10) Wholesale sales.
- (11) Retail sales.
- (12) Commercial special event venues.
- (13) Any other occupation which does not meet the standards set forth herein.

SECTION 6. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Code of Ordinances and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 7. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin. City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

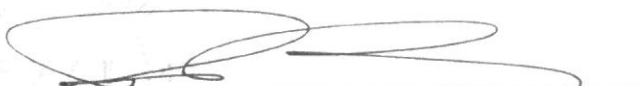
SECTION 8. SEVERABILITY. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 9. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

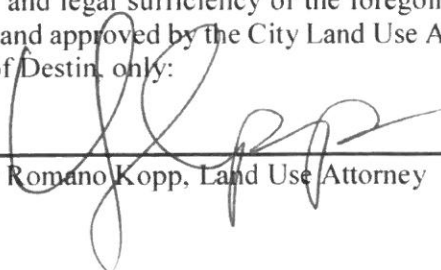
ADOPTED THIS 6TH DAY OF MAY, 2019 .


By: Gary Jarvis, Mayor

ATTEST:


Rey Bailey, City Clerk

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney, for the City of Destin, only:


Kimberly Romano Kopp, Land Use Attorney

First Reading: April 15, 2019

Second Reading: