

ORDINANCE NO. 2010-24

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-159 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO ESTABLISH REGULATIONS FOR REGISTRATION AND PERMISSIBLE ACTIVITIES FOR “SHORT TERM” RENTAL UNITS IN SINGLE FAMILY RESIDENTIAL ZONING CATEGORIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 166.041, Florida Statutes, provides procedures for adoption of ordinances by municipalities; and

WHEREAS, the rental of single family homes or legally existing non-conforming two-family dwelling units for periods of a week or longer in residentially zoned neighborhoods does not constitute a motel as defined by the City Code; and

WHEREAS, the Residential, Single-family-one (RS-1) and the Residential, Single-family-two (RS-2) zoning districts govern those neighborhoods designated for single-family dwellings and uses compatible with low density single-family uses in order to create and maintain a stable low intensity residential character; and

WHEREAS, the rental of single family dwelling units in the RS-1 and RS-2 zoning districts for periods of one week or more but less than a long term, approximately three (3) months or more, creates an environment which does not maintain a stable, low intensity residential character unless such rentals are regulated; and

WHEREAS, large gatherings, twenty (20) or more persons, at a single family residential dwelling unit are not uncommon in a single family residential neighborhood on an occasional basis, but the short term rental of a single family dwelling unit encourages such activities more frequently than generally experienced in a stable, low intensity residential neighborhood; and

WHEREAS, on August 3, 2010, the Planning and Zoning Board (PZB) for the City of St. Augustine made recommendation to the City Commission for adoption of an ordinance to recognize and regulate short term rentals of dwelling units in the Residential, Single-family-one (RS-1) and Residential, Single-family-two (RS-2) zoning districts; and

WHEREAS, the City Commission for the City of St. Augustine finds that providing for the public health, safety and general welfare requires creation of Section 28-159 in Division 2, Residential Uses, of the City Code;

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

Section 1. Creation of Section 28-159. Section 28-159 of the Code of the City of St. Augustine is hereby created in Division 2, Residential Uses, to read as follows:

“Sec. 28-159. Short term rental of dwelling units in RS-1 and RS-2.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Short term rental unit means a one or two family dwelling unit which is rented more than four (4) times in any calendar year.

Large gathering means a group of twenty (20) or more people at one location.

(a) The owner of a short term rental unit in the Residential, Single-family-one (RS-1) or Residential-Single-family-two (RS-2) zoning district shall register said short term rental unit with the Planning and Building Department on forms provided by the Department. Registration forms shall include the rental unit property address, parcel identification number, owner's name, owner's address and a notarized statement by the owner that the owner understands and agrees to the terms of these regulations.

(b) Each day the owner rents a short term rental unit without a valid registration as required by this section constitutes a separate violation of this section.

(c) Large gatherings are prohibited at short term rental units located in the RS-1 and RS-2 zoning districts.

(d) Registration of a short term rental unit shall be voided and shall be no longer valid in the event a prohibited large gathering occurs at the location of the short term rental unit."

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or relettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2010.

ATTEST:

Joe Boles, Jr., Mayor-Commissioner

City Clerk

(SEAL)

Coding: Words ~~stricken~~ are deletions; words underlined are additions.