

**TUESDAY,  
MAY 9, 2023**

**REGULAR  
CITY COMMISSION MEETING**

**@ 6:00 PM**



# City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785

[www.indian-rocks-beach.com](http://www.indian-rocks-beach.com)

Administrative  
727/595-2517  
727/596-4759 (Fax)

Library  
727/596-1822

Public Services  
727/595-6889  
727/593-5137 (Fax)

## AGENDA

**CITY OF INDIAN ROCKS BEACH  
REGULAR CITY COMMISSION MEETING  
TUESDAY, MAY 9, 2023 @ 6:00 P.M.  
CITY COMMISSION CHAMBERS  
1507 BAY PALM BOULEVARD  
INDIAN ROCKS BEACH, FLORIDA 33785  
(ZOOM INSTRUCTIONS ON PAGE 3)**

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**CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
ROLL CALL**

**1. PRESENTATIONS.**

- A. **REPORT OF** Pinellas County Sheriff's Office.
- B. **REPORT OF** Pinellas Suncoast Fire & Rescue District.

**2. PUBLIC COMMENTS. [3-minute time limit per speaker.]**

(Any member of the audience may come forward, give their name and address, and state any comment or concern that they may have regarding any matter over which the City Commission has control, EXCLUDING AGENDA ITEMS. All statements made to the City Commission shall be made to the City Commission as a whole, not directed to any individual City Commission Member, and no personal, impertinent, or slanderous remarks shall be permitted. No speaker shall be interrupted, and no debate shall occur between the speaker and the City Commission.)

**3. REPORTS OF:**

- A. **City Attorney.**
- B. **City Manager.**
- C. **City Commission.**  
*[3-minute time limit per City Commission Member.]*

**4. ADDITIONS/DELETIONS.**

5. **CONSENT AGENDA:**
    - A. **APPROVAL OF** the March 1, 2023 City Commission Work Session Minutes.
    - B. **APPROVAL OF** the March 28, 2023 City Commission Meeting Minutes.
    - C. **ACCEPT/FILE** March 2023 Year-to-Date Financial Report.
    - D. **AUTHORIZING** the city manager to enter into a contract with Planeteria for the design and implementation of a new city website.
  
  6. **PUBLIC HEARINGS:**
    - A. **ORDINANCE NO. 2023-02 — SECOND AND FINAL READING.**

An ordinance of the city of Indian Rocks Beach, Florida, establishing a comprehensive regulatory scheme regarding the marketing and operation of short-term rentals within the city; creating a new Article V, "Vacation Rental Regulations," within Chapter 18 – "Businesses"; establishing a comprehensive ordinance regulating the registration, inspection, safety, and operation of vacation rentals within specified zoning districts in the city of Indian Rocks Beach; creating related definitions; making related findings; providing for codification, severability, and for an effective date.
  
  7. **OTHER LEGISLATIVE MATTERS:** None
  
  8. **WORK SESSION ITEMS [DISCUSSION ONLY]:** None
  
  9. **OTHER BUSINESS.**
  
  10. **ADJOURNMENT.**
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**APPEALS:** Any person who decides to appeal any decision made, with respect to any matter considered at such hearing, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per s. 286.0105, F.S. Verbatim transcripts are not furnished by the City of Indian Rocks Beach, and should one be desired, arrangements should be made in advance by the interested party (i.e., Court Reporter).

In accordance with the Americans with Disability Act and s. 286.26, F.S., any person with a disability requiring reasonable accommodation to participate in this meeting should contact the City Clerk's Office with your request, telephone 727/595-2517 [doreilly@irbcity.com](mailto:doreilly@irbcity.com), no later than FIVE (5) days before the proceeding for assistance.

POSTED: May 6, 2023

**NEXT REGULAR CITY COMMISSION MEETING**  
**Tuesday, June 13, 2023**

**MEETING HOST IS INVITING YOU TO A SCHEDULED ZOOM MEETING.**

Topic: May 9th Commission Meeting

Time: May 9, 2023 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/86339649176?pwd=VFF3a1cya3oxNkNMQnlRQ1psYWhrZz09>

Meeting ID: 863 3964 9176

Passcode: 578271

One tap mobile

+13052241968,,86339649176#,,,,\*578271# US

+19292056099,,86339649176#,,,,\*578271# US (New York)

Dial by your location

+1 305 224 1968 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

Meeting ID: 863 3964 9176

Passcode: 578271

Find your local number: <https://us06web.zoom.us/j/86339649176?pwd=VFF3a1cya3oxNkNMQnlRQ1psYWhrZz09>

**AGENDA ITEM NO. 1A**

**REPORT OF  
Pinellas County Sheriff's Office**



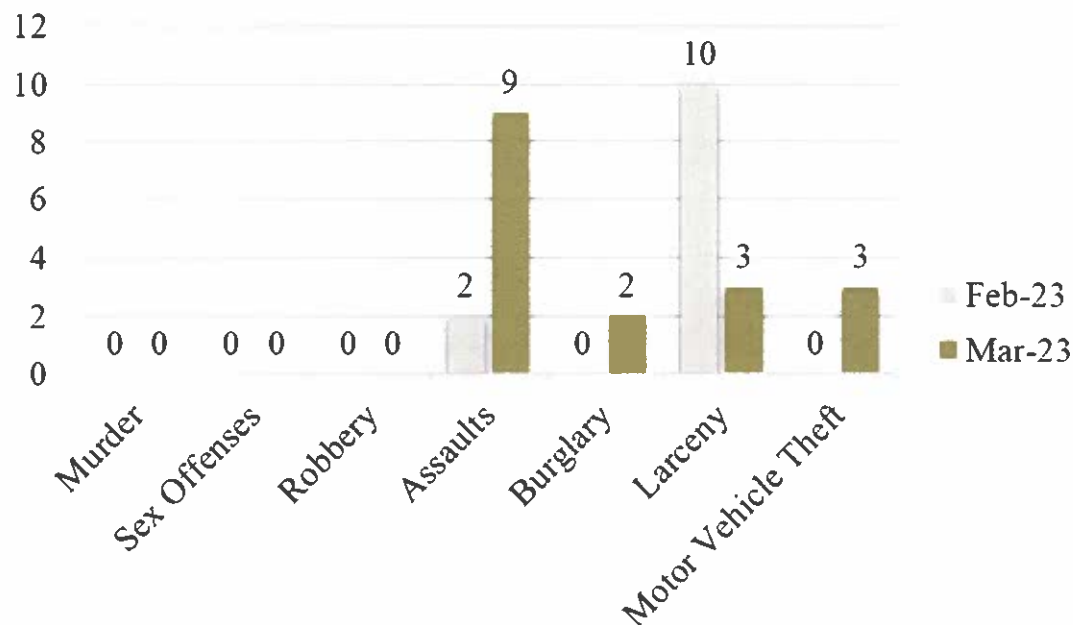
STRATEGIC PLANNING DIVISION

INDIAN ROCKS BEACH ANALYSIS

Select UCR Property & Person Crimes

March 2023

Select UCR Property & Person Crimes	February 2023	March 2023	March 2022 YTD	March 2023 YTD
Murder	0	0	0	0
Sex Offenses	0	0	0	1
Robbery	0	0	2	0
Assaults	2	9	12	13
Burglary	0	2	2	3
Larceny	10	3	21	34
Motor Vehicle Theft	0	3	0	4
<b>GRAND TOTAL</b>	<b>12</b>	<b>17</b>	<b>37</b>	<b>55</b>



## Arrests

### March 2023

There was a total of 21 people arrested in the City of Indian Rocks Beach during the month of March resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
<b>City Ordinance</b>	<b>1</b>
City Ordinance Violation	1
<b>Felony</b>	<b>7</b>
Counterfeit License Plates	1
Domestic Battery By Strangulation	1
Possession Of Controlled Substance	4
Violation Of Probation/Community Control-Adult	1
<b>Misdemeanor</b>	<b>12</b>
Assault-Domestic Related	1
Battery-Domestic Related	2
Disorderly Intoxication	1
Manufacture/Sell/Possess/Self Prop Knife	1
Obstruction-Disguised Person	1
Resist/Obstruct LEO Without Violence	3
Trespass After Warning	3
<b>Warrant</b>	<b>2</b>
Warrant Arrest	2
<b>Traffic Felony</b>	<b>1</b>
Felony Habitual Traffic Offender	1
<b>Traffic Misdemeanor</b>	<b>5</b>
Driver's License Suspended/Revoked	1
Driver's License Suspended/Revoked-2nd Conviction	1
Driving Under The Influence	1
Leave Scene (With Damage)	1
No Valid Driver's License	1
<b>Grand Total</b>	<b>28</b>

\*Information provided reflects the number of arrests (persons arrested) as well as the total charges associated with those arrests.

## Deputy Activity

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There was a total of **1,069** events in the City of Indian Rocks Beach during the month of March resulting in **1,469** units responding.

The table below reflects the top twenty-five events to include both self-initiated and dispatched calls in the City of Indian Rocks Beach for the month of March. *\*CAD data is filtered by problem type.*

### March 2023

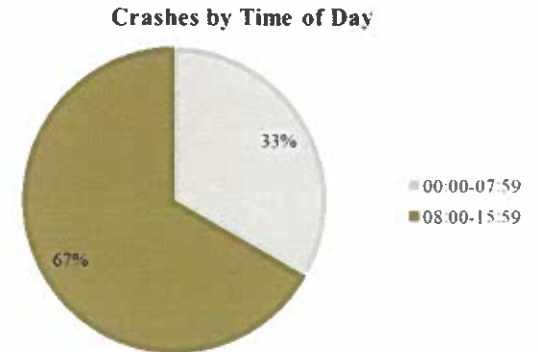
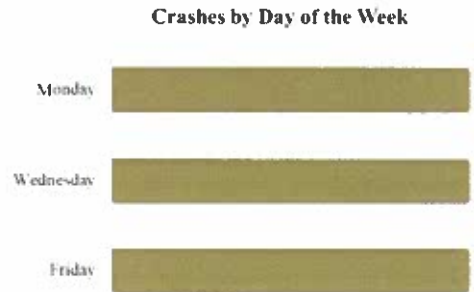
DEPUTY ACTIVITY	TOTAL
Traffic Stop	320
Directed Patrol	162
Vehicle Abandoned/Illegally Parked	111
House Check	89
911 Hang-up Or Open Line	85
Assist Citizen	35
Suspicious Person	33
Noise	19
Transport Prisoner	14
Trespass	14
Suspicious Vehicle	11
Lost/Found/Abandoned Property	11
Ordinance Violation	10
Information/Other	10
Assist Other Agency	9
Disorderly Conduct	9
Area Check	8
Accident	6
Contact	6
Animal Call	6
Theft-Not In Progress	5
Community Contact	5
Neighbor Problem	5
Domestic-In Progress	5
Juvenile Trouble	5



## Crash & Citation Analysis

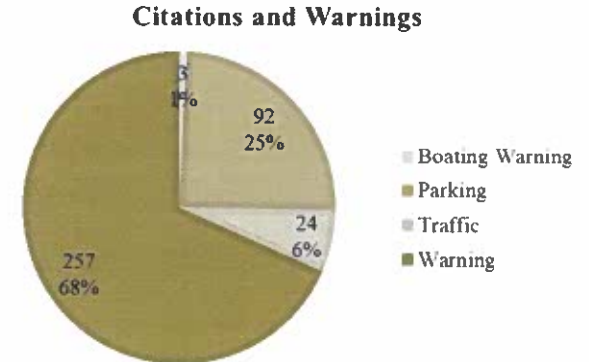
There were 3 crashes in the City of Indian Rocks Beach during March 2023. \*Crash data is filtered by disposition type and may include "accident and hit and run" problem types.

CRASH LOCATIONS	TOTAL
1701 Gulf Blvd	1
East Gulf Blvd/6th Ave	1
412 1st St	1



There were a total of 376 citations and warnings issued in the City of Indian Rocks Beach during March 2023.

TOP 10 TRAFFIC CITATION LOCATIONS	TOTAL
E Gulf Blvd & 6th Ave	5
1313 Gulf Blvd	2
1211 Gulf Blvd	2
Gulf Blvd & 10th Ave	2
506 Gulf Blvd	1
Bay Blvd & 2nd St	1
15th Ave & Gulf Blvd	1
15th Ave & 1st St	1
1st Ave & Gulf Blvd	1
1st St & 5th Ave	1



**AGENDA ITEM NO. 1B**

**REPORT OF  
Pinellas Suncoast Fire & Rescue  
District**

**AGENDA ITEM NO. 2**  
**PUBLIC COMMENTS.**

**AGENDA ITEM NO. 3A**  
**REPORTS OF City Attorney**

**AGENDA ITEM NO. 3B**  
**REPORTS OF City Manager**

**AGENDA ITEM NO. 3C**

**REPORTS OF City Commission**

**AGENDA ITEM NO. 4**

**ADDITIONS/DELETIONS**

**AGENDA ITEM NO. 5A  
CONSENT AGENDA**

**APPROVAL OF the  
March 1, 2023  
City Commission Work Session  
Minutes**



**MINUTES — MARCH 1, 2023**  
**CITY OF INDIAN ROCKS BEACH**  
**CITY COMMISSION WORK SESSION**

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The Indian Rocks Beach Regular City Commission Work Session was held on **WEDNESDAY, MARCH 1, 2023**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 5:00 p.m., followed by the Pledge of Allegiance and a moment of silence in remembrance of two the city's residents Butch Brown and Burton Schoepf.

**PRESENT:** Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Denise Houseberg, Commissioner Bond, Commissioner Philip J. Hanna, Commissioner Joseph D. McCall, and City Manager Brently Gregg Mims.

**OTHERS PRESENT:** City Attorney Randy D. Mora, City Clerk Deanne B. O'Reilly, MMC, Captain Michael Leiner of the Pinellas County Sheriff's Office, Fire Chief Jeffrey Davidson of the Pinellas Suncoast Fire and Rescue District, Assistant Fire Chief Doug Higley of the Pinellas Suncoast Fire and Rescue District, and Brian McCarty, IT Consultant.

*(To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.)*

**1. DISCUSSION OF ORDINANCE NO. 2023-02 — Vacation Rental Regulations.**

City Attorney Mora stated the city commission had a work session on January 24, 2023, wherein the city commission talked more abstractly about the general policy direction the city commission wished to move into regarding short-term rentals in their regulations and operation in the city.

During that discussion, he received consensus direction from the city commission and public feedback through written submissions and statements made through Zoom or in person. He took that all into account and produced an ordinance for the city commission's review and discussion this evening.

City Attorney Mora stated since the January 24, 2023, City Commission Work Session, there has been another development in the form of a legislative bill, SB 714, filed by Senator DiCeglie, that would change some of the landscape as it relates to short-term rentals. For example, if SB 714 were adopted, registration fees would be capped at \$50 for processing an individual registration application or \$100 for processing a collective

registration application. The statute explicitly contemplates the municipality's power to have a registration program and operate and condition it on various elements. SB 714 states that cities may adopt a local law, ordinance, or regulation that requires the registration of vacation rentals. A local law, ordinance, or regulation may not require a registration renewal more than once a year.

City Attorney Mora stated as a condition of registration; SB 714 sets forth a list of items that a municipality may only require of the owner or operator of a vacation rental.

City Attorney Mora stated that SB 714 also has some of the contexts for a license application.

City Attorney Mora stated in addition to independently regulating advertising platforms, it also has a provision for the Division of Business of Profession and Regulation to revoke or refuse to issue or renew licenses.

City Attorney Mora stated this legislation was filed on February 12 or 13, 2023. The legislative session does not start until Tuesday, February 21, 2023, when the committees are meeting. The 2023 Legislative Session runs from March 7 through May 5, 2023. There is plenty of time for this bill to be amended, adopted, rejected, denied in community, or any number of things. He advises the city commission to forge ahead to whether the city commission desires to move in policy direction, and if the city needs to adapt to the state of the law, the city will do that.

City Attorney Mora stated this is a work session and no formal decisions will be made this evening. He said once the city commission had an opportunity to deliberate and provide consensus directions, the work session would be opened to the public.

City Attorney Mora stated that a first and second reading would be scheduled after this work session.

The city commission reviewed Ordinance 2023-02 page by page.

#### ORDINANCE NO. 2023-02

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, ESTABLISHING A COMPREHENSIVE REGULATORY SCHEME REGARDING THE MARKETING AND OPERATION OF SHORT-TERM RENTALS WITHIN THE CITY; CREATING A NEW ARTICLE V, "VACATION RENTAL REGULATIONS," WITHIN CHAPTER 18 – "BUSINESSES"; ESTABLISHING A COMPREHENSIVE ORDINANCE REGULATING THE REGISTRATION, INSPECTION, SAFETY, AND OPERATION OF VACATION RENTALS WITHIN THE CITY OF INDIAN ROCKS BEACH; CREATING RELATED DEFINITIONS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

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

WHEREAS, the 2011 Florida Legislature enacted House Bill 883 (Florida Chapter 2011-119, Laws of Florida) ("HB 883") which preempted the local regulation of a specific land use commonly called short term vacation rentals; and

WHEREAS, HB 883 prevented local communities from enacting new regulations necessary to address any consequential or negative impacts caused by short-term vacation rentals; and

WHEREAS, following the enactment of HB 883 the city of Indian Rocks Beach (the "city") adopted Ordinance 2011-03, modifying its ordinances concerning the regulation of short term vacation rentals; and

WHEREAS, a little more than a year later the city adopted Ordinance 2012-08, further amending its restrictions regarding short term vacation rentals; and

WHEREAS, the 2014 Florida Legislature enacted Senate Bill 356 (Florida Chapter 2014-71, Laws of Florida) ("SB 356") which rescinded HB 883's preemption on local regulation of short term vacation rentals, but provided that local laws, ordinances or regulations adopted after June 1, 2011, may not prohibit short term vacation rentals or regulate the duration or frequency of rental of vacation rentals; and

WHEREAS, SB 356 returned some local control back to municipalities to mitigate the effects of short term vacation rentals in an attempt to make them safer, more compatible with existing neighborhood regulations, and accountable for their proper operation; and

WHEREAS, SB 356 does not allow local governments to prohibit short term vacation rentals in any community or zoning district; and

WHEREAS, Florida Statutes § 509.013, provides a distinction between "transient public lodging establishments" which are rented, or advertised or held out for rental to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less; and "nontransient public lodging establishments" which are rented, or advertised or held out for rental to guests for periods of at least thirty (30) days or one (1) calendar month, whichever is less; and

WHEREAS, Florida Statutes § 509.242(1)(c) further provides for a subset of transient public lodging establishments, called "vacation rental" which is any unit or group of units in a condominium or cooperative or any individually or collectively owned single-

family, two-family, three-family or four-family house or dwelling unit that is also a transient public lodging establishment, but that is not a timeshare project; and

WHEREAS, single-family residential neighborhoods and their required infrastructure are generally designed to accommodate typical single-family residential homes with two (2) or (3) persons per household, on average; and

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

WHEREAS, short-term vacation rental occupants, due to the transient nature of their occupancy, are unfamiliar with local hurricane evacuation plans, the location of fire extinguishers, residence exit routes, pool and home safety features, and other similar safety measures that would ordinarily be provided to guests in traditional lodging establishments; and

WHEREAS, the occupants of short-term vacation rentals located within established neighborhoods can disturb the quiet enjoyment of the neighborhood; and

WHEREAS, traditional lodging establishments (hotels, motels and bed and breakfasts) are typically restricted to commercial and other non-residentially zoned areas where intensity of uses is separated from less busy and quieter residential uses; and

WHEREAS, many local jurisdictions in the state of Florida, and across the nation have standards in place to minimize the negative impacts caused by short-term vacation rentals; and

WHEREAS, the city commission finds that while the Florida Legislature has equated short-term “vacation” renting with traditional long-term occupation of a residence by families who live, work, recreate, and raise families in the community, the reality is that the practice of short-term “vacation” renting of residential homes situated next to and among homes occupied by families who live in those homes can and, though not universally, does create negative effects suffered by those families; and

WHEREAS, those negative effects engaged in by vacation renters include regular noise disturbances, vandalism, trespass, public urination, and failure to obey parking, solid waste, and litter rules; and

WHEREAS, residents living within their residential dwellings are inherently familiar with the local surroundings, local code restrictions, local weather disturbances, local hurricane evacuation plans, and means of egress from their residential dwellings, thereby minimizing potential risks to themselves and their families; and

WHEREAS, in contrast, transient occupants of vacation rentals, due to their transient nature, are typically not familiar with local surroundings, local code restrictions, local weather disturbances, local hurricane evacuation plans, and means of egress from the vacation rentals in which they are staying, thereby increasing potential risks to themselves and their families, and putting an additional burden on, and potentially putting at risk, emergency personnel in the event of an emergency situation; and

WHEREAS, the regulation of vacation rentals will contribute to the stability of the city's existing residential neighborhoods; and

WHEREAS, the regulation of vacation rentals will protect visitors to the city by assuring that fire and safety inspections are periodically conducted, that they receive necessary information about the dwelling which they have rented, and notifying them of the owner of the dwellings obligation to provide for their safety and welfare; and

WHEREAS, in September 2018, the city commission adopted Ordinance 2018-01, initially regulating aspects of the operation of short term vacation rentals; and

WHEREAS, after multiple public work sessions and upon significant public comment by various interested shareholders that reside in, own property, or visit the city, the city commission now desires to amend its code of ordinances to enhance its protection and preservation of the health, safety and welfare of all persons residing in and visiting the city; and

WHEREAS, it is not the intent of this ordinance, whether de facto or de jure, to prohibit vacation rentals, or to regulate the duration or frequency of rental of vacation rentals but rather it is the intent of this ordinance to regulate vacation rentals in a manner that ensures their safe and lawful operation; and

WHEREAS, the city commission finds that it is necessary to create a registration fee for short-term rental properties in the city which will be periodically established by the city commission, and which will be commensurate with the cost to the city of the regulatory activities required by this ordinance, to the extent permitted by law; and

WHEREAS, the regulation of vacation rentals is necessary to protect the public health, safety and welfare of the city, its residents and its visitors; and

WHEREAS, the city commission finds that it is therefore in the interest of the city and its citizens to adopt the regulatory provisions set forth in this ordinance.

NOW, THEREFORE BE IT ORDAINED by the City commission of the City of -Indian Rocks Beach, Florida, that:

There were no additions or deletes by the city commission.

## CHAPTER 18. BUSINESSES

### ARTICLE V. VACATION RENTAL REGULATIONS

#### DIVISION 1. GENERAL PROVISIONS

##### Sec. 18-200. Definitions.

The following terms as used in this article are defined as set forth hereinafter:

*Bedroom* means any room in a vacation rental which has a bed or other place for sleeping and a separate closet that is an integral part of the permanent construction within the bedroom or an ensuite bathroom, and which has been reflected as a bedroom on the construction plans approved by the city's building official, and which complies with the Florida Fire Code and Florida Life Safety Code as a bedroom, but shall not include a bathroom, garage, a kitchen, a dining room, a family room, a sunroom, a closet, a utility room, a laundry room, or any main living area. If a room has been added, altered, or converted without any required building permit having been granted, where applicable, such room shall not be deemed a bedroom. For purposes of this article, staff shall have discretion in the registration process to determine the number of bedrooms within traditional cottages that exist within the city, but may not have a built in closet owing to their historical design.

*City code* shall mean the city's codified code of ordinances including the zoning code, all uncodified ordinances, the city's comprehensive plan, and the future land use map.

*Code compliance magistrate* shall mean any person or persons designated to adjudicate alleged violations of the city's code of ordinances, pursuant to Fla. Stat. § 162.01 et seq. The terms code compliance board, code enforcement board, or magistrate are used interchangeably within this article.

*Living area.* The area under roof designated primarily for habitation and specifically excluding garages. As used in this article, the total living area shall be computed as follows: The exterior dimensions of all enclosed spaces within the framework of the building unit (length and width), multiplied and totaled, as follows:

- (1) Any room or area accessible from any other room or area within the framework shall constitute living area.
- (2) A room or area must be totally enclosed by walls and covered by roofing.
- (3) A room or area must be protected from the elements.

- (4) A utility room within the framework of the main building and accessible within the main living area constitutes living area.

Occupant means any person who occupies a vacation rental. There is a rebuttal presumption that, when the dwelling unit occupied is not the primary residence of the guest, the occupancy is transient.

Overnight means being present in the vacation rental at any time between the hours of 10 p.m. and 7 a.m.

Owner occupied means the vacation rental is then occupied by person(s), at the vacation rental owner's consent, who do not pay rent for the occupancy of the vacation rental, when such persons are also members of the family of the vacation rental owner. Family member shall mean spouses, former spouses, non-cohabitating partners, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time. A property shall not be deemed owner-occupied where the owner of the property allows a friend, acquaintance, employee, or other person not considered a family member, as defined here, to occupy the property unaccompanied by a family member.

Peer-to-peer platform/entity shall mean any person, service, business, company, marketplace, or other entity that, for a fee or other consideration, provides property owners and responsible parties a platform or means to offer vacation rentals to transient occupants whether through the internet or other means.

Responsible person shall mean the owner, or a natural person 18 years of age or older designated by the owner of the vacation rental to be called upon to answer for the maintenance of the vacation rental and the conduct and acts of vacation occupants of residential properties. A corporation, partnership, or other legal entity cannot be a responsible person.

Transient public lodging establishments means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

Vacation rental shall mean a vacation rental as defined by Florida Statutes § 509.242(1)(c).

Vacation rental registration or "VRR" shall refer to the licensure or certification issued by the City of Indian Rocks Beach to a property owner authorizing the lawful operation of a transient public lodging establishment as a vacation rental within the City.

Vacation rental owner is the fee simple owner of the vacation rental, whether an individual, partnership, corporation, limited liability company, trust, or other entity. In the event the vacation rental owner is not an individual, the vacation rental owner shall designate a responsible natural person to perform the functions and duties of a vacation rental owner herein. The duties and functions of a vacation rental owner may, at the option of the vacation rental owner, be performed by an agent of the vacation rental owner, so long as the vacation rental owner notifies the city in writing, on a form provided by the city, of the identity and contact information of such agent, and the specific duties that the agent will be performing for the vacation rental owner. The vacation rental owner may change the designation of agent at any time through the filing of a new form and the payment of an administrative fee in an amount as set by resolution by the city commission. The vacation rental owner shall be held responsible for all actions of such designated agent with respect to the applicable vacation rental.

City Attorney Mora stated under the definition of a bedroom, a citizen pointed out that there are historic cottages, and some do not historically have closets. A closet is part of the definition of a bedroom. He stated the following language has been added to the definition of bedroom: "*For purposes of this article, staff shall have discretion in the registration process to determine the number of bedrooms within traditional cottages that exist within the City, but may not have a built-in closet owing to their historical design.*"

City Attorney Mora stated under the definition for owner-occupied, as a result of feedback from residents and the city commission, the following language was added: "A property shall not be deemed owner-occupied where the owner of the property allows a friend, acquaintance, employee, or other person not considered a family member, as defined here, to occupy the property unaccompanied by a family member."

**Sec. 18-201.**            **Scope.**

(a) This article shall apply to vacation rentals within each of the city's zoning districts. To the extent applicable within the city's CT zoning district, this provision shall not extend to the operation of any legally established and permitted timeshare properties or timeshare units subject to a timeshare instrument, as those terms are defined in Fla. Stat. § 721.05, in existence at the time of the adoption of this ordinance.

City Attorney Mora stated this code section applies to vacation rentals within each of the city's zoning districts. There is a narrow carve out for one property within the CT zoning district that is historically a timeshare property.

City Attorney Mora stated there was substantial feedback from the city commission and the public on which districts should or should not be incorporated into the scope of this ordinance.



City Manager Mims stated Ordinance 2018-01 only applies to properties on the east side of Gulf Boulevard north of 5th Avenue to 28th Avenue and applies to all structures used for short-term vacation rentals when operating within the single-family, medium-density, and medium-density residential districts. Ordinance 2018-01 does not apply to commercial properties fronting Gulf Boulevard on the east side of Gulf Boulevard.

City Manager Mims stated the proposed ordinance would include all properties in Indian Rocks Beach, i.e., both sides of Gulf Boulevard.

Mayor-Commissioner Kennedy stated when this issue was discussed during the January 24, 2023 City Commission Work Session, the city commission was very hesitant about including the west side of Gulf Boulevard in the proposed ordinance.

Mayor-Commissioner Kennedy stated she had received much feedback from residents about including the west side of Gulf Boulevard in the proposed ordinance. Her thought is that the best thing for this ordinance is to exclusively do the residential district, i.e., mirror Ordinance 2018-01.

Commissioner McCall asked how this would impact the condominiums that line the gulf since they have their own rules and condo boards.

City Attorney Mora stated to the extent that the condominiums have their condo association board, the city does not enforce those restrictions. That is for them to enforce, which is why they have condo association boards, i.e. They are responsible for administering any of their restricted covenants in their condo documents.

City Attorney Mora stated as far as how it applies to its present iteration, it applies in those districts. There is another narrow carve out in the current draft in the parking section where condominium buildings have assigned parking by unit arrangements must somehow alternate their parking arrangement to accommodate the requirements of this ordinance.

Commissioner Bond asked if the city commission removes the CT zoning district from this ordinance, would it allow the state to preempt the decisions of the condo association boards? If the CT zoning district is not included, the condo association board can make its own rules and regulations.

City Attorney Mora stated he does not know because that is not his client's identity.

Commissioner Bond stated that if the condo association rules and regulations prohibit short-term rentals, that is not allowed.

City Attorney Mora said if short-term rentals are restricted by a condo association, that is beyond the city's calculus. The city commission is here as the city, and the city is enforcing

its code of ordinances, charter, and comprehensive plan. But, restrictive covenants within its deeds are for the property owners and their associations to administer, not for the city.

Vice Mayor-Commissioner Houseberg stated she is the one who thought it would be a good idea to include the whole island and not separate the CT zoning district from the residential zones. She feels that most of the residents in the CT zoning district already operate by a set of rules because they are used to renting their places as short-term rentals, so their noise is under control, and their problem customers are under control. Her only concern is that the city is missing the opportunity for inspection.

City Manager Mims stated the only opportunity for the city to inspect a vacation rental is under Ordinance 2018-01. Since the November City Commission Meeting, he has directed the code enforcement officers to inspect all new short-term vacation rentals before issuing a business tax receipt. The city does not have any ability to inspect properties on the west side of Gulf Boulevard because they were not included in Ordinance 2018-01.

City Manager Mims stated the fire district intends to inspect all vacation rentals throughout the city. There is a difference between what the city and the fire district are trying to do.

Mayor-Commissioner Kennedy clarified that all short-term rentals are required to have a business tax receipt whether on the east or west side of Gulf Boulevard.

City Manager Mims responded affirmatively. He stated the staff is aware that there is a large number of vacation rentals on the west side of Gulf Boulevard that do not have business tax receipts. He said that issue would be addressed either way if the city commission includes or does not include the west side of Gulf Boulevard in the proposed ordinance.

City Manager Mims stated the staff has plans to address the lack of business tax receipts with the properties on the west side of Gulf Boulevard.

Commissioner McCall stated he was not a proponent of including the CT zoning district in the proposed ordinance. Without limitations, be it occupancy, the cottages, or everything the city has tried to save over the last ten years, it will be gone. The cottages are being taxed out of the world at the highest and best use, and their insurance is through the roof. The cottage owners will sell out at some point. Does the city want developers to come in as they have in other cities and construct ten bedrooms with ten bathrooms Airbnbs along the beach on a 50' X 100' lot?

City Attorney Mora advised that development permissions and requirements are separate and distinct from regulating the operation within that structure.

City Manager Mims stated particularly in the CT zoning district, a developer is only allowed to develop a certain number of units based on the size of the property. There is also a square footage requirement for each unit.

Commissioner McCall stated that one of his concerns regarding his original thought process with the CT zoning district is that it operates how it should. The CT zoning district has single-family homes, cottages, condos, and an array of different variations of structures. However, some "problem children" on the west side of Gulf Boulevard need to be dealt with from a compliance standpoint. He asked if the CT zoning district is not included in the proposed ordinance, does the city have the teeth to rectify those situations?

City Manager Mims asked what those situations were.

Commissioner McCall stated situations that deal with noise and trash. Some of the same items and issues that residents deal with on the east side of Gulf Boulevard in the neighborhoods.

City Manager Mims stated the city has the tools in the current ordinance to deal with those, and the staff does deal with those.

Mayor-Commissioner Kennedy asked if there was a consensus to delete the west side of Gulf Boulevard from the proposed ordinance.

Commissioner Hanna stated there are many single-family homes on the west side of Gulf Boulevard, and developers are coming in and building structures specifically to become Airbnbs. When the short-term law took effect, that the condo association boards excluded short-term rentals, which might have changed that. He does think it is important to call into this residential zoning if it is a single-family home in the CT zoning district, it should fall under these same guidelines. If not, he does not think the city does not have any power to affect them. If there was another cutout, maybe it specifies that unless a condo association covers them, would that simplify it?

Mayor-Commissioner Kennedy stated that would make it more difficult.

Commissioner Bond stated that a beach cottage was torn down and is being built into two separate condos. But there was a cottage on the beach, and now there are two significant buildings. Commissioner McCall's concern is reasonable, given that it is part of the town's fabric and nature that everybody loves. The city may not want to encourage short-term rental development on the beach side where the cottages are; that is something to consider. Maybe it is best to do less than more right now.

City Attorney Mora stated he wanted to make it clear for those who could not hear, the discussed issue is the scope to where the proposed ordinance will apply. There seems to be a general direction toward excising the CT zoning district, the business district triangle,

the business district, and the PUD (Holiday Inn Harbourside) from that scope. He stated the proposed ordinance would only apply to residential neighborhoods.

Vice Mayor-Commissioner Houseberg asked if the vacation rentals on the west side of Gulf Boulevard would only pay \$10 for a business tax receipt.

City Attorney Mora stated those vacation rentals would only pay a business tax receipt of \$10 because they would not be subjected to the vacation rental registration process as contemplated in the proposed ordinance.

***THE CONSENSUS OF THE CITY COMMISSION WAS TO EXCISE THE CT ZONING DISTRICT, THE BUSINESS DISTRICT TRIANGLE, THE BUSINESS DISTRICT, AND THE PUD (HOLIDAY INN HARBOURSIDE) FROM SECTION 18-201, SCOPE.***

**Sec. 18-202. Enforcement.**

- (a) **Generally.** Unless specified otherwise in this article, violations of this article shall be enforced in the manner set forth in Chapter 1, Section 1-14 of the code, and shall include, in addition to the imposition of daily fines, the suspension or revocation of the vacation rental's ability to operate under the conditions set forth in this article.
- (b) **Fines.** The magistrate's decision whether to impose a fine and the amount of the fine shall remain subject to the provisions, considerations, and limitations set forth in Fla. Stat. 162.09, as well as the following factors:
- (1) the gravity of the violation;
  - (2) any action(s) taken by the violator or property owner to correct the violation;
  - (3) any previous violations committed by the violator;
  - (4) the property owner or designated responsible party's efforts to resolve or avoid the violation;
  - (5) the temporal duration of the violation;
  - (6) whether the violation was a function of the property owner's action or inaction, or those of their transient guests;
  - (7) any evidence of the property owner's adjudication or admission to violations of a similar nature in the city;
  - (8) any evidence of deliberate misrepresentation by the owner(s) to the city or its agents in connection with the violation; and
  - (9) any documentation from an online rental platform of any warning, rebuke, censure, suspension, penalty, or prohibition of the property owner or owners' use of its of platform for the purpose of offering properties as transient public lodging establishments as a violation of the platform's policies, procedures, or terms of service.

- (c) **Rental Registration Suspension.** Upon a third adjudicated or admitted violation of the city's code of ordinances within a twelve (12) month period at the same rental unit or property, the Magistrate shall have the discretion to temporarily suspend the property owner or owners' vacation rental registration for the property or unit at issue. The Magistrate's decision whether to suspend a vacation rental registration and for what duration shall remain subject to consideration of the same factors evaluated when determining the imposition of the initial fine.

Nothing in this provision shall be construed to permit for the suspension of a registration based on mere complaint or, alleged and disputed or unadjudicated violations of the city's code of ordinances. The Magistrate's decision whether to suspend a vacation rental registration and for what duration shall be subject to the same considerations for the imposition of a fine as set forth in this article.

Upon the expiration of a suspension period imposed by the magistrate, the city manager or his/her designee shall reinstate the property or unit's vacation rental registration. A suspended vacation rental registration shall not, however, be reinstated while any fine imposed as against property owner as a result of an admitted or adjudicated determination of a violation of the city's code of ordinances at the subject property for which reinstatement is sought remains due and owing.

- (d) **Rental Registration Revocation.** Upon a third imposed and legally sustained suspension within a three (3) year period, the magistrate shall have the discretion to revoke a property owner or owners' vacation rental registration for the property or unit at issue. The magistrate's decision of whether to revoke a rental registration for a property shall be subject to the same considerations for the imposition of a fine and suspension of a vacation rental registration.

Any revoked vacation rental registration for a specific unit or property shall not be re-issued for the same unit or property to the property owner(s) who had his/her/its registration revoked, or to any entity in which he/she/it has any financial or ownership interest.

- (e) **Reservation of Rights.** Nothing herein shall prevent the city from seeking all other available remedies which may include, but shall not be limited to, suspension or revocation of a vacation rental registration upon adequate due process, injunctive relief, liens and other civil and criminal penalties as provided by law as well as referral to other enforcing agencies.

City Attorney Mora stated there was a general consensus direction that fines as contemplated in Chapter 162 of the Florida Statutes, as well as potential suspension and revocation. He has codified that general understanding, but he has couched it in this draft

much in the same way that most code ordinances operate, which is the city will have a quasi-judicial hearing before a special magistrate.

City Attorney Mora stated the city had received RFP responses for a special magistrate, and staff is working toward that stage. Once the city hires a special magistrate, the better practice than feathering them to a very specific penalty every single time is to allow discretion based on enumerated criteria. The city has enumerated criteria in Code Section 18-202, Enforcement.

City Attorney Mora specifically read into the record Code Section 18-202(c): "Nothing in this provision shall be construed to permit for the suspension of a registration based on a mere complaint or alleged and disputed or unadjudicated violations of the city's code of ordinances. The Magistrate's decision whether to suspend a vacation rental registration and for what duration shall be subject to the same considerations for the imposition of a fine as set forth in this article."

City Attorney Mora stated so, making it clear that just because somebody calls a violation in does not count toward that tally. The violation has to be either admitted in the form of clear admission, a disputed paid violation, or a magistrate adjudicating a disputed violation, and it is upheld.

**Sec. 18-203.**            **Appeals.**

An aggrieved party, including the local governing body, may appeal a final administrative order of the magistrate to the circuit court, in the manner set forth in Fla. Stat. § 162.11. Any such appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

**DIVISION 2.**  
**VACATION RENTAL REGISTRATION, RESPONSIBLE PERSONS,**  
**AND ADVERTISEMENTS**

**Sec. 18-204.**            **Registration required.**

As of [June 1, 2023], a vacation rental registration shall be required to operate a vacation rental within the city, utilizing forms promulgated by the city. The city manager may extend the date that such registration is required by notice on the city's website should the city not publish forms and fees for registration by [May 15, 2023].

Prior to the issuance of a vacation rental registration, the owner or primary responsible person has the affirmative duty to ensure that the dwelling unit and property in or on which the vacation rental is or will be located, is in full compliance with the city

code, Florida Statutes Chapter 509, the Florida Building Code, the Florida Administrative Code, and the Florida Fire Prevention Code. A separate vacation rental registration shall be required for each vacation rental unit. The operation of a vacation rental without registration after the date registration is required shall be a violation of this article, except in the instance of providing accommodations to fulfill a rental contract existing as of the effective date of this ordinance.

**Sec. 18-205. Vacation Rental Registration Fee.**

All fees to be charged under the provisions of this article shall be set forth in a resolution to be adopted by the city commission. There shall be no differentiation in the fee required for an initial rental registration, renewed rental registration, or transferred rental registration. The commission may require a reduced rental registration fee for a change of ownership or amended rental registration as set forth in 18-207(a).

City Attorney Mora stated this was a substantive change from the last draft. There is not an explicit number in the vacation rental registration fee. Generally, speaking and keeping an eye on the way that the Florida Legislature continues to preempt or otherwise regulate registration fees, not just for short-term rentals, but otherwise, the city's better bet is to have its fees in a resolution separate from an ordinance. A resolution does not require two readings and a legal advertisement like an ordinance.

City Attorney Mora stated the city commission during the January 24, 2023 City Commission Work Session, by consensus, established the vacation rental registration fee at \$400 annually.

Commissioner Bond asked if the \$400 fee would be applied to each unit if it was a multi-unit complex.

City Attorney Mora stated the question was in a multi-unit where multiple units are being registered. Is that \$400 per unit or per building? He noted this issue warrants being addressed explicitly in the resolution as contemplated, it would be per unit or per structure.

City Attorney Mora stated in the current draft of SB 714, registration fees would be capped at \$50 for processing an individual registration application or \$100 for processing a collective registration application.

***THE CONSENSUS OF THE CITY COMMISSION WAS TO ESTABLISH A \$400 VACATION RENTAL REGISTRATION FEE FOR PROCESSING EACH VACATION RENTAL UNIT. UNITS ARE TO BE PROCESSED SEPARATELY. FEE SCHEDULE IS TO BE DONE BY RESOLUTION.***

**Sec. 18-206. Vacation Rental Registration Process and Contents.**

- (a) **Rental Registration Application Required.** A vacation rental registration application must be filed and signed by the vacation rental owner. An owner may apply through an agent, but in such case, the owner must execute a separate affidavit attesting that the agent is authorized by the owner to complete and submit the application on the owner's behalf. Such affidavit must be submitted along with the application. In the event a rental registration is submitted by a corporate entity, the application must identify each shareholder in the corporate entity.
- (b) **Rental Registration Submission.** A registration application must be submitted using the forms promulgated by the city for such purpose. Application forms shall be submitted to the city employee or official designated by the city manager for processing. All applicable registration and inspection fees established by the city shall be submitted at the same time as the application form.
- (c) **Rental Registration Contents.** A registration application shall, at a minimum, include the following:
- (1) Address of the vacation rental property being registered, including any corresponding unit number, along with proof of ownership, which may be in the form of a deed or copy of the property appraiser's website information on the property;
  - (2) Name, address, phone number, and e-mail of the property owner and the date upon which the owner took title to the property. No rental registration shall issue to a lessee, tenant, sub-lessee or sub-tenant of a property;
  - (3) Name, address, e-mail, and emergency contact phone number of the primary responsible person(s), and any secondary or tertiary contact for the vacation rental. At least one of the designated responsible person(s) shall be available at all times at the contact numbers provided in the rental registration submissions;
  - (4) The vacation rental's current and active license or registration number as a transient public lodging establishment with the Florida Department of Business and Professional Regulation (DBPR);
  - (5) A copy of the vacation rental's current and active certificate of registration with the Florida Department of Revenue and Pinellas County for sales and tourist development tax collection, respectively, if the registrant has such certificates or accounts; unless a peer-to-peer platform entity through which the vacation rental is booked will be remitting all such taxes associated with the vacation rental on the responsible person's behalf;



- (6) Business tax receipt from the city, in accordance with chapter 58 of the city code;
- (7) Statement attesting to the number of bedrooms, as defined in this article, and identifying the number and location of parking spaces available on the property, with affirmation that the parking plan submitted by the owner will be followed by the owner's guests;
- (8) Exterior site plan. An exterior plan of the vacation rental property drawn to scale, identifying the structures and dimensions of those portions of the property outside of the primary residential structure. The submitted plan shall include the name and phone number of the person who prepared the drawing. The plan shall depict and identify the outer boundaries of the property, and all structures, docks, sheds, outdoor kitchens, paved parking areas, pools, spas, hot tubs, and fencing;
- (9) Interior structural plan by floor. An interior structural plan of the vacation rental structure by floor, drawn to scale, shall be provided. The submitted plan shall include the name and phone number of the person who prepared the drawing. The interior structural plan shall depict a floor layout identifying all spaces on each floor, and shall label each space as a bedroom (as defined in this article) bathroom, kitchen, office, den, dining room, family room, sunroom, closet, utility room, laundry room, hallway, stairway, or any other spatial element of the structure;
- (10) Acknowledgement signed by each owner, or owner's authorized agent, acknowledging and agreeing to initial and ongoing compliance with this article and all other city codes and federal, including FEMA requirements, as well as state and county laws which are applicable to the owner's ownership, maintenance, repair, modification, and use of the vacation rental property;
- (11) A listing of the occupancy limit established by this article, calculated in the manner set forth in this article, and an acknowledgement that the owner will ensure compliance with the occupancy limit;
- (12) A narrative parking plan, and outlining where vehicles will be parked and how guests will be made aware of the parking rules, including the prohibition against guests parking on the street or adjacent right of way;
- (13) A copy of any conduct rules adopted by the owner which will apply to the conduct of the owner's guests, and a narrative statement setting forth how the owner will ensure each guest are provided a copy of, and made to acknowledge, these rules; and

- (14) A narrative statement setting forth how the owner will ensure each guest is provided a copy of, and made to acknowledge, the city rules which must be disclosed to each guest, including the city's rules related to solid waste storage, setting out solid waste on correct collection days, the noise restrictions associated with the vacation rental's use, the parking restrictions, and the quiet hour rules, all as are set forth in this article and as otherwise set forth in the code.
- (d) **Complete Submission Required.** Forms must be fully completed. Incomplete applications will not be processed.
- (1) The city's administrative employees do not have the discretion to deny a registration application which is found to be complete, and which is found to satisfy the requirements of this article. If a registration application is found by a city employee or official to be incomplete, or that the information submitted does not satisfy a requirement of this article, the city employee or official will notify the applicant in writing setting forth the deficiencies to be addressed. The applicant will then be allowed fifteen (15) days to provide any missing information or to otherwise revise the application to make it compliant with this article.
- (2) If an applicant disagrees with a determination of the city employee or official as to the completeness of an application, or an application's compliance with this article, the applicant may, within fifteen (15) days of the date of the employee or official's determination, file a written appeal to the Magistrate, submitted via contemporaneous e-mail and certified mail submissions to the direct attention of the city manager and city clerk. The appeal must set forth the specific factual and legal reasons supporting the applicant's appeal. Any such hearing shall be noticed and convened within 21 days of the date of the appeal being noticed to the city manager and city clerk.
- (3) A completed vacation rental registration shall not be approved until the subject property or unit has completed and passed the inspection process set forth in this article.

City Attorney Mora stated SB 714 outlines what can and cannot be in a vacation rental registration application. If there is a deviation, the ordinance must be harmonized should SB 714 be adopted.

City Attorney Mora stated SB 714 provides an automatic approval period if something is not approved within 15 days. The registration is deemed approved if no action has been taken on it. If adopted, the ordinance would need to be harmonized with SB 714.

Commissioner McCall stated the way the city's registration process works, the owner provides the deed and other paperwork to get to the inspection, which can make or break

a house. He would like the city to have the opportunity to inspect the property for a prospective buyer to ensure it is compliant.

Commissioner Bond stated buyers should get an inspection before they purchase a house and ask at that time if it is compliant as a vacation rental property.

**Sec. 18-207. Modification/change of ownership of vacation rental registration.**

**(a) Amended Registration.** An amendment of a vacation rental registration application and affidavit of compliance shall be required, with payment of the appropriate fee, in the event that any of the following changes to the vacation rental are proposed:

- (1) An amendment to the owner's safety or parking plans; or
- (2) A change in the designated responsible person(s).

Such amendments will be approved by the city upon a finding by the city employee or official, as designated by the city manager, that the changed plans, rules or designation otherwise continue to comply with the requirements of this article.

**(b) Ownership Transfers Requiring Registration.** A change of ownership, including transfers between legal entities under common control, shall require a new application, and shall be accompanied by the applicable application fee.

Commissioner Bond stated that if there are upgrades to the property, does the city reinspect the property for compliance?

City Attorney Mora stated, as written, no amended registration is required. He said the building department inspects all permitted work as part of the permitting process.

City Attorney Mora stated if a unit is added to the property, the city may wish to get the occupancy that might flow from that unit, and it would need to be inspected and approved in that regard; otherwise, it would not be compliant.

**Sec. 18-208. Duration of vacation rental registration.**

A vacation rental registration shall be valid for one (1) year from the date the application is approved. An approved registration shall constitute permission to operate the vacation rental for which the registration is required.

**Sec. 18-209. Renewal of vacation rental registration.**

Each vacation rental owner has a duty to ensure he/she/it renews his/her/its registration annually prior to the expiration date of the previous vacation rental registration. Each renewal shall render the rented property or unit subject to an annual inspection and applicable fees.

**Sec. 18-210. Inspection of vacation rentals.**

(a) **Inspection Required.** To verify compliance with the Florida Building, Fire, and Life Safety Codes applicable to the vacation rental property, and to verify the interior and exterior plans submitted with the application accurately depict the conditions on and in the property, and to ensure all required safety equipment such as fire extinguisher and required postings are properly installed, and to verify the guest conduct information is properly displayed, each vacation rental shall, in conjunction with its initial or annual renewal application, be inspected by the city's code inspector, a representative of fire district servicing the city and, to the extent necessary, the city's building official or designated agent thereof.

The city will endeavor to coordinate an inspection date with the owner and complete the inspection process prior to the expiration of an existing registration period. However, only as to renewing applicants, if the availability of a required inspecting official causes a delay in that process, the city manager is authorized to allow the vacation rental to continue operating on an interim basis for up to thirty (30) days. Newly-registering vacation rentals may not begin operating until the application process, including the associated inspection, is completed.

(b) **Code Compliance Violations.** If instances of noncompliance are discovered during or as a result of an inspection, all such instances of noncompliance shall be handled either as violations of the Florida Building, or Fire, or Life Safety Codes are otherwise handled by the city and its officials under state law and city code, including but not limited to referral to the Magistrate, Local Ordinance Violation Court, and any investigative, administrative, or enforcement agency with legal jurisdiction over the subject violation.

(c) **Frequency of Inspections.** Initial and annual inspections required under this section shall be made by the city's code inspectors and, a representative of fire district servicing the city through coordinating an appointment with the vacation rental owner or the owner's authorized agent or responsible person. If an inspection date is set but the required officials are, due to an action or inaction of the owner, the responsible person, or occupant, denied or otherwise unable to make entry onto the property to conduct the inspection on the date set, the owner must re-apply for an inspection and pay an additional inspection fee. Any applicable re-inspection fee shall be paid prior to scheduling the re-inspection. Failure of a vacation rental owner agent, or responsible person, as applicable, to make the vacation rental available

for an inspection within twenty (20) days after notification by the city in writing that the city is ready to conduct the annual inspection shall constitute a violation of this article. Such violation shall continue until the inspection is accomplished.

Fire Chief Davidson stated Fire and Life Safety Codes should be changed to "Latest Adopted Edition of the Florida Fire Prevention Code" throughout the draft.

***THE CONSENSUS OF THE CITY COMMISSION WAS TO CHANGE THE FIRE AND LIFE SAFETY CODE THROUGHOUT THE DRAFT TO THE "LATEST ADOPTED EDITION OF THE FLORIDA FIRE PREVENTION CODE."***

Fire Chief Davidson requested that the fire district's life safety code inspections are specifically called out as part of the inspections.

***THE CONSENSUS OF THE CITY COMMISSION WAS TO SPECIFICALLY ADD THE FIRE DISTRICT'S LIFE SAFETY CODE INSPECTIONS AS PART OF THE INSPECTIONS.***

**Sec. 18-211.            Sale of vacation rental property.**

When title to a registered vacation rental is transferred due to sale or otherwise, the new owner shall file a new registration application within thirty (30) days from the date title changes to the new owner. A new owner may not continue to operate a currently-registered vacation rental if an application is not filed within the thirty (30) day period and any existing approved registration will expire on the thirty-first day from the date title changes.

**Sec. 18-212.            Vested rights; waiver; estoppel.**

Approval of a vacation rental registration shall not be construed to establish any vested rights or entitle the registered vacation rental to any rights under the theory of estoppel, nor shall it be construed as a waiver of any other requirements contained in the city code. It is not an approval of any other code requirement outside this article. The registration of a vacation rental is not an approval of a use or activity that would otherwise be illegal under state law or the Florida Building, Fire, or Life Safety Codes, or a violation of the code. In the event the city regains, either through judicial or legislative action, the authority to prohibit vacation rentals, or regulate their duration or frequency throughout the city or in specified zoning districts, the city reserves the right to terminate all vacation rental registrations. In that event, the city will coordinate with registered owners to develop an orderly cessation of operations.

**Sec. 18-213.            False information.**

It shall be unlawful for any person to give any false or misleading information in connection with any application for registration, modification, or renewal of a vacation rental as required by this article. Vacation rental applications shall be sworn to under penalty of perjury. Any false statements made in an application shall be a basis for the suspension or revocation of any permit, registration, or license issued pursuant to such application, in addition to the prosecution of any related code enforcement violations.

**Sec. 18-214. Advertising.**

(a) **No Advertising Gatherings.** No vacation rental may be advertised as an event venue for gatherings likely or intended to draw attendance in excess of the permissible occupancy and parking restrictions on the property such as weddings, corporate retreats, or film productions.

(b) **Consistency with Rental Registration.** Any advertising of the vacation rental shall conform to the information submitted with the application for registration of the vacation rental and to the information shown on the vacation rental registration for the vacation rental, specifically including, but not limited to the maximum occupancy, available parking, and display the City of Indian Rocks Beach Vacation Rental Registration number, and shall include the following statement:

*"You are vacationing in a residential area. Please be a good neighbor by keeping the noise to a respectful level during the day and night. Excessive and unreasonable noise can deprive neighbors of the peaceful enjoyment of their private property."*

(c) **Advertising Violations.** Advertisements that do not contain this information or that contain inaccurate information shall be deemed a violation of this section and subject to the penalties contained in section 18-202. The vacation rental registration number issued by the city shall be included on all advertising, including, but not limited to print and internet-based advertising. For advertisements published in newspapers, the owner or manager of the vacation rental unit may use an abbreviated version of the required advertising information provided that the newspaper ad refers readers to a website and posted notices in the vacation rental unit for a more detailed version of rules and regulations of booking a vacation rental unit.

City Attorney Mora stated there was some feedback on advertising. He wanted to ensure that the city commission was clear on what this section says. *"No vacation rental may be advertised as an event venue for gatherings likely or intended to draw attendance over the permissible occupancy and parking restrictions on the property such as weddings, corporate retreats, or film productions."*

City Attorney Mora stated the city does require a temporary use permit when there is a gathering above 50 persons below that, but not necessarily. He said there was some concern in citizen feedback that, as written, property owners are subject to all the same provisions as any other residential property, so that would be the same applicable provision.

**Sec. 18-215. Duties of vacation rental owner and responsible person.**

**(a) Responsible Person.** If a vacation rental owner does not directly manage the registered vacation rental property it owns, the owner shall designate a responsible person.

(1) Number. A rental unit or property shall have no more than two (2) designated responsible persons for each rentable unit. One person must be identified as the primary designated responsible person, who shall serve as the principal contact. Any other person designated as a responsible property shall be considered a secondary contact, who will be contacted in the absence or unavailability of the primary designated responsible person.

(2) Availability of Designated Responsible Person. The responsible person(s) shall be available twenty-four (24) hours per day, seven (7) days a week, including holidays, for the purpose of promptly responding to complaints regarding conduct or behavior of vacation rental occupants or alleged violations of these regulations, as well as communications from the sheriff's department, fire department, other emergency personnel, or by any other regulatory personnel of the city. This person must have authority to immediately address and take affirmative action, within one (1) hour of notice from the city or other relevant governmental agency, on violations concerning life-safety, noise, violent confrontations, trespassing, capacity limit violations, and parking violations. A record shall be kept by the city of the complaint and the responsible person's response.

A rebuttable presumption of a violation of this article shall be established as against the owner and the primary designated responsible person, jointly and severally, in the event of an event or complaint where the city or its designated agents are unable to reach or secure a response from the owner and any of the designated responsible person(s) within the time period set forth in this section. An alleged violation can be rebutted by evidence of unanticipated exigency, an act of god, or other exceptional circumstances justifying the unavailability of each identified responsible person notwithstanding measures taken to ensure compliance.

It shall be the sole responsibility of the property owner to appoint reliable responsible person(s) and to inform the city of his or her correct mailing address. Failure to do so shall not be a defense to a violation of this section.

- (3) **Service.** Service of notice on the responsible person shall be deemed service of notice on the property owner, guest, occupant and violator.

City Attorney Mora stated one of the more repeated points of feedback in public comment and to some extent from the city commission was the number of designated responsible persons and the practical limitations available, so this section contemplates that. Instead of having up to one, the property owner can have up to two responsible persons in addition to the property owner and their availability and the response time to be responsive within an hour of notice. It is a rebuttal presumption of a violation against the owner and the primary designated responsible person jointly and severally in the event of a complaint or event where the city is unable to reach or search or secure a response from the owner and any of the designated responsible person(s) within the set time period.

City Attorney Mora stated there is a rebuttable presumption of the violation clause. An alleged violation can be rebutted by evidence of anticipated necessity, an act of God, or other exceptional circumstances justifying the unavailability of each identified responsible person, notwithstanding measures taken to ensure compliance.

- (c) **Interior Posting.** The owner or responsible person shall provide the city, and conspicuously post on the interior surface of the front door of the premises or on a wall within five feet of the front door, the name, address, and day/evening telephone numbers of the responsible person and be available twenty-four (24) hours per day, seven (7) days a week for the purpose of promptly responding to complaints regarding conduct or behavior of vacation rental occupants or alleged violations of these regulations. Any change in the responsible person shall require written notification to the city on forms provided by the city and in a manner promulgated by the city upon payment of the applicable fees.
- (d) **Response Time.** Complaints to the responsible person concerning violations by occupants of vacation rental units to this section shall be responded to within a reasonable time but in no instance greater than one (1) hour. A record shall be kept of the complaint and the manager's response, by the manager, for a period of at least two (2) years after the incident, a copy of which shall be made available to the city upon request.
- (e) **Redesignation.** An owner may change his or her designated responsible person(s). To change the designated agent or responsible person, the owner shall notify the city in writing of the name, contact information and other information required in this article for the new responsible person, along with a signed affidavit from the new



responsible person acknowledging receipt of a copy of this article and agreeing to serve in this capacity and perform the duties set forth in this article. Any notice of violation or legal process which has been delivered or served upon the previous responsible person, prior to the city's receipt of notice of change of the responsible person, shall be deemed effective service.

- (f) **Legal Duties.** No property owner shall designate as a responsible person any person who does not expressly comply with the provisions of this article. The property owner and the responsible person shall jointly and severally be deemed to be the "violation" of this article as the term is used in Florida Statutes § 162.06. By designating a responsible person, a vacation rental owner is deemed to agree that service of notice on the responsible person at the address listed by the owner shall be deemed service of notice on the owner, responsible person, and violating guest. Copies of all code violation notices shall also be provided to the property owner in the manner set forth in Florida Statutes § 162.12. If, alternatively, a citation is issued by the code enforcement officer or deputy, the citation process set forth in Florida Statutes § 162.21.

### **DIVISION 3.** **STANDARDS AND REQUIREMENTS FOR VACATION RENTALS**

#### **Sec. 18-216. Maximum occupancy based on site capacity/limitations.**

(a) **Generally.** The maximum overnight occupancy of a vacation rental unit shall be stated in the vacation rental registration form, and shall be limited as follows:

- (1) In the CT zoning district, the maximum overnight occupancy shall be limited to two (2) persons per bedroom, plus two (2) additional persons may sleep in a common area. Regardless of the number of bedrooms in or on the property, the overnight occupancy shall not exceed a maximum number of twelve (12) overnight occupants.

City Attorney Mora stated that the CT zoning district will be removed from the entire draft as it was the consensus not to include the CT zoning district as part of the draft.

- (2) In all other zoning districts within the City, and any PUD development, the maximum overnight occupancy shall be limited to two (2) persons per bedroom, plus two (2) additional persons may sleep in a common area. Regardless of the number of bedrooms in or on the property, the overnight occupancy shall not exceed a maximum number of ten (10) overnight occupants.

City Attorney Mora stated regardless of the vacation rentals' number of bedrooms, the maximum occupancy could not exceed ten overnight occupants.

Commissioner Bond stated he is not wild about the maximum occupancy of ten. He said to cap a six-bedroom house at ten is counterintuitive. He noted that the maximum occupancy should not be limited if the city permitted an eight-bedroom place.

City Attorney Mora stated maximum occupancy capacities only apply to vacation rentals, not single-family homes.

**(b) Vesting.**

- (1) Notwithstanding the above, a vacation rental that was lawfully used as a vacation rental prior to the effective date of this ordinance, may have a higher maximum occupancy limitation in accordance with this subsection (b). As to the application of the maximum occupancy limitation of subsection (a) to vacation rentals lawfully in existence as of [prior to the effective date], it is acknowledged that there are vacation rentals that could qualify for a higher maximum occupancy limit, if the limit were set higher, based on the number of bedrooms in the vacation rental. In an effort to recognize reasonable investment backed expectations and yet balance and protect the interests of residents in surrounding single family homes which are not vacation rental properties, there shall be a phasing in of maximum occupancy in accordance with the schedule below. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the previously-existing certificate of registration process.
- (2) The maximum occupancy for vacation rentals lawfully in existence on [prior to the effective date] shall temporarily be capped at no more than 14 occupants in the CT zoning district and 12 occupants in all other zoning districts, provided that all the requirements to obtain a vacation rental registration in accordance with this article are satisfied and a certificate of registration is issued. This maximum occupancy limit shall remain in effect for one calendar year beginning on the effective date of this section's adoption.
- (3) After the one-year period contemplated in section (b)(2), above, the maximum overnight occupancy for vacation rentals lawfully in existence on [prior to effective date] shall automatically be reduced to the established restricted number in subsection (a), provided that all requirements to obtain a vacation rental registration in accordance with this code are satisfied and a certificate of registration is issued.

(4) The maximum occupancy limitations set forth in section (b)(2) above immediately be deemed as ceasing to apply upon the event the vacation rental is sold or title to the vacation rental is otherwise transferred in a manner divesting any of the vested property owners of their ownership interest in the subject property or unit.

(c) **Owner-Occupied Exception.** The maximum occupancy restrictions set forth in this section shall not apply when the property is owner-occupied by the vacation rental owner, if the identified legal owner of the property is a natural person and not a trust or corporate entity. This exception shall be deemed to apply upon submission and acceptance of an affidavit in th form set forth in this article.

City Attorney Mora stated during the January 24, 2023 City Commission Work Session that the city commission's consensus was that it was unnecessary to have an owner-occupied exception. However, when the city commission discussed the affidavit to substantiate that, there was a revisiting of that notation and an agreement to maintain an owner-occupied exception. So, the owner-occupied exception was placed back into the draft.

**Sec. 18-217. Minimum safety and operational requirements and limitations.**

(a) **Safety Codes Apply.** Each vacation rental shall comply with all requirements and standards under state law, including the Florida Building Code, the Florida Administrative Code, the Florida Swimming Pool Safety Act, and the Florida Fire Code and Life Safety Code.

Fire Chief Davidson stated the Florida Fire Code and Life Safety Code should read "The Latest Adopted Edition of the Florida Fire Prevention Code" throughout the draft.

**THE CONSENSUS OF THE CITY COMMISSION WAS TO CHANGE FLORIDA FIRE CODE AND LIFE SAFETY CODE TO THE LATEST ADOPTED EDITION OF THE FLORIDA FIRE PREVENTION CODE THROUGHOUT THE DRAFT.**

(b) **Quiet Hours Limitations:**

The following restrictions shall apply when a property or unit is in use as a vacation rental:

(1) **Occupant Access Limitation.** No persons other than the occupants who have rented the property from the owner may remain in or on the property between the quiet time hours of 10 p.m. and 7 a.m.

- (2) **Outdoor Amenities.** No pool, spa, jacuzzi, or outdoor sport courts on the property of a vacation rental may be used by any guest or occupant between the quiet time hours of 10 p.m. and 7 a.m.
  
- (3) **Amplified Sound Restrictions.** Using or operating for any purpose any amplified sound between the hours of 10:00 p.m. and 7:00 a.m. of any day, not in a completely enclosed permanent structure is prohibited if it produces or reproduces sound in such a manner as to annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of a reasonable person of normal sensibilities or is in excess of the decibel levels set forth in section 26-36. This provision shall not apply to amplified sound for which a permit pursuant to subsection 26-33(b) has been issued by the city.

Mayor-Commissioner Kennedy asked Captain Leiner if he saw any limitations or enforcement issues on the quiet hours.

Captain Leiner stated he would seek clarification from the city on those code sections. He clarified that occupant access limitations, outdoor amenities, and amplified sound restrictions only apply to vacation rentals.

City Attorney Mora stated those code sections are only for vacation rentals. A vacation rental is defined for the purpose of this ordinance and statute as at least three rentals of less than 30 days in a year. For example, if the homeowner is a snowbird and is gone in the summer months and rents their property from May to August, in that interval, but the homeowner is living there in September, October, and November, that provision as written does not apply during that time—however, the amplified sound restriction co-existence with the language appearing in the city's noise code.

Captain Leiner stated he was trying to clarify what the city commission wanted. With something of this magnitude, he would report this back and see operationally how the sheriff's office would handle this. He is here this evening to ensure the sheriff's office understands what the city commission wants. He stated something of this magnitude, he would not be the person deciding on this issue.

City Attorney Mora stated without making any words in either Captain Leiner's or the Sheriff's mouths, he would say, from a practical standpoint, the city commission would likely see enforcement of these provisions aligning more with noise and sound, then deputies acting like hotel concierges telling people to go inside.

City Attorney Mora stated that if there is impractical language in the draft for staff to administer, it should be removed because it puts the city manager, the code enforcement officers, and the deputies in a challenging position.

Commissioner Bond stated he understands there is much concern about late-night pool and Jacuzzi noise and asked if that could be resolved with the current noise ordinance.

City Attorney Mora responded affirmatively. He said the noise ordinance still has the loud and raucous standard, amplified music, decimal readings, etc.

Captain Leiner stated there is a difference between kids in the pool at 5:00 p.m. versus kids in the pool at midnight.

Captain Leiner stated the sheriff's office is doing sound meter training that removes subjectivity.

Commissioner McCall stated he knows what the city is trying to accomplish, but is it practical? It is an enforcement provision that is going to be a struggle.

Vice Mayor-Commissioner Houseberg stated she does not want to have pool police. She said that it seems like this will be impossible to enforce and seems fruitless. She suggested that the vacation renters just maintain the quiet hours.

Commissioner Hanna stated he would like to maintain the quiet hours but strike the part about no pools or spas since the city has a noise ordinance.

Commissioner Bond stated he is not too keen on the occupant access limitation provision either because dinner parties often go past 10:00 p.m.

City Attorney Mora stated if the city commission is talking about the practicality of it, again not speaking for the sheriff's office, but understanding having worked with them, they are not going to be in a great position to determine who is an occupant and who is not.

Commissioner Bond stated that if the noise ordinance already covers these items, he does not see the need to over-complicate the issue.

***THE CONSENSUS OF THE CITY COMMISSION WAS TO DELETE THE FOLLOWING SUBSECTIONS:***

***(b) Quiet Hours Limitations:***

***The following restrictions shall apply when a property or unit is in use as a vacation rental:***

- ~~(1) Occupant Access Limitation. No persons other than the occupants who have rented the property from the owner may remain in or on the property between the quiet time hours of 10 p.m. and 7 a.m.~~***

- ~~(2) **Outdoor Amenities.** No pool, spa, jacuzzi, or outdoor sport courts on the property of a vacation rental may be used by any guest or occupant between the quiet time hours of 10 p.m. and 7 a.m.~~

City Attorney Mora restated the consensus: To strike within Section 18-217, Subsection (b), striking (1)(2), preserving (3) general amplified sound restriction, which is taken directly from the current noise code and restated here.

**(c) Required Postings At Unit Entrance.**

All required postings shall be rendered in English, using a non-script font such as times new roman or arial, and shall be in a font no smaller than 14-point in size. Each vacation rental shall post a copy of the following either on the interior front door of the vacation rental, or on a wall within five feet of the front door:

- (1) **Owner's Conduct Rules.** Each vacation rental shall post a copy of the owner's conduct rules referenced in section 18-206.
- (2) **Occupancy Limitation.** The overnight occupancy capacity limit for the vacation rental.
- (3) **Designated Responsible Party.** Each vacation rental shall post the name, email and phone number of the owner or designated responsible person(s).
- (4) **Noise Disturbances.** Notice of the need for respect for the peace and quiet of neighborhood residents, especially between the quiet hours of 10 p.m. and 7 a.m., established in this article.
- (5) **Building Evacuation.** There shall be posted, next to the interior door of each bedroom, and the exterior doors exiting the vacation rental a legible copy of a building evacuation map—Minimum eight and one-half inches (8-1/2") by eleven inches (11").

Assistant Deputy Fire Chief Higley stated to avoid duplication in building evacuation is included in the fire district's life safety inspection, so he would ask that this subsection be strike-out, if possible.

City Attorney Mora asked if the fire district also requires that posting for its inspection. To him, that redundancy is not an issue. To him, the fact that both agencies require it does not present a problem. The city may wish to notice as also required by the fire district.

Assistant Fire Chief Higley stated the fire district's and the city's language needs to duplicate so that there is no conflict between this ordinance and the fire district's life safety inspection.

(d) **Additional Information.** In addition to the foregoing, there shall also be provided, in a prominent location on the inside of the vacation rental, the following written information:

- (1) The official street address and unit number, if applicable, of the vacation rental.
- (2) A copy of a document to be supplied by the city which includes excerpts from city code provisions of general application relevant to vacation rentals to include solid waste pick-up regulations, noise regulations, and regulations related to sea turtles and sea turtle lighting.
- (3) The maximum number of vehicles that will be allowed to park at the vacation rental, along with a sketch of the location of the paved off-street parking.
- (4) The days and times of trash and recycling pickup.
- (5) Phone number and address of HCA Florida Largo Hospital and Morton Plant Hospital, and directions from the vacation rental to each hospital.
- (6) Emergency and nonemergency phone numbers for the Pinellas County Sheriff's Office and Pinellas Suncoast Fire and Rescue District.
- (7) Emergency evacuation instructions and driving routes.
- (8) Rip currents are prevalent in the Gulf of Mexico, information from the National Weather Service, available via from <http://weather.gov> shall be provided to occupants on the dangers of rip currents that occur in the Gulf of Mexico.

Mayor-Commissioner Kennedy asked if Vice Mayor-Commissioner Houseberg's vacation rental magnet is given to short-term vacation rental owners when they fill out their application, if not, can this be done?

City Manager Mims stated it is not being done at this time, but the staff can make it part of the application packet. He noted the city would also include a QR code that would directly link renters to the city's rules and regulations.

City Manager Mims stated that one of the city's complaints is about golf carts. He does not know if there needs to be a reference to golf carts on the handout to remind the visitors of the rules and regulations for golf carts.

**Sec. 18-218.            Parking, solid waste disposal, legal compliance, evacuations, and miscellaneous provisions.**

**(a)    Parking.**

**(1)    Minimum Required Parking. Vacation rental units within the city are required to provide on-site parking in the following manner:**

- i.        Single-family and two -family dwellings: one on-site parking space per each bedroom, within each dwelling unit, as designated through the vacation rental registration process.**
- ii.       Multifamily dwellings: two on-site parking spaces for dwellings containing one or two bedroom units, as designated through the vacation rental registration process. In the event a multifamily dwelling has units with more than two bedroom units, as designated through the vacation rental registration process, then the vacation rental shall be required to maintain one on-site parking space per each designated bedroom.**

**This provision shall not be construed to require the modification of any existing parking infrastructure of any condominium property in the city's CT zoning district, where the condominium property contains units lawfully operating as short term vacation rentals. In such instance, the unit owner shall ensure any designated parking spot or allocation made for the subject unit remains vacant and accessible for its guest. Such spot or allocation shall be described and identified in the parking plan submitted with the rental registration.**

City Attorney Mora stated for multi-family dwellings, it is two parking spots for one and two bedrooms, then one per bedroom for every bedroom over three. The city's land development code in terms of what they have to put in for a multi-family is for three bedrooms and above is just three spaces.

City Attorney Mora stated as written, this requires more parking than the land development code requires when developing a structure of this nature.



City Manager Mims stated the city's land development code currently requires only three parking spaces for multi-family structures that have three or more bedrooms. He stated the way the draft is written, it is one parking space for every bedroom over three.

Commissioner Hanna asked if this draft and the land code regulations should be in agreement.

City Manager Mims asked the planning consultant if those two codes needed to be in synch with each other. He stated there is an assumption that not everyone will have a car for a three or four-bedroom structure. Therefore, that is why it is capped at three.

Commissioner Bond asked if there is a benefit to requiring more parking.

City Attorney Mora stated the policy discussion that was had last time centered around trying to mitigate the amount of excess parking that may (as a function of this particular use) flow into congestion or otherwise obscure street access.

Commissioner Bond stated he was wondering if parking could be addressed in some other way.

City Manager Mims stated anywhere in the city where there is required parking it has to be on a hard surface like shell, concrete, pavers, or asphalt.

City Manager Mims stated the city does not have any drainage requirements for the single-family zoning districts, which is highly unusual and the city commission should discuss this issue at a later date. However, the planning consultant does look at the slope of the property when reviewing the site plans for structures in the single-family district. The planning consultant does her best when reviewing these plans to make sure that the water does not run off onto the abutting properties.

City Manager Mims stated if the city is too stringent on parking requirements, the city would further alter the appearance, the feel, and the look of properties in residential areas because there are only so many places where an extra parking spot could be placed — the front or side yard.

Commissioner Bond asked if any other city commission member felt there is a benefit to having enhanced parking requirements per bedroom other than what is required in the city code. He is not sure what the benefit is of adding the extra required spaces would be particularly as the city manager was saying if all the short-term rental properties were going to start paving their front and side yards, which is also going to increase water runoff.

Vice Mayor-Commissioner Houseberg stated the city should probably revert back to the land development code on the parking — two spaces for single-family and two-family

structures and for multi-family, two spaces for two bedrooms and three spaces for three or more bedrooms.

Commissioner Bond stated if people come in with more cars than fit there, they simply will not have a place to park their cars.

Vice Mayor-Commissioner Houseberg stated that they park them on the street, and that was what the city was trying to reduce, but she does not know if the city can.

Vice Mayor-Commissioner Houseberg stated that parking on the street is a problem for the fire district.

Commissioner Bond stated the city does not want cars parked on the streets or on the grass.

Commissioner Bond stated the city wants the right number of cars for the size of the house.

Mayor-Commissioner Kennedy stated the city continues to evaluate streets that are having congestion issues due to on-street parking.

City Manager Mims stated the staff has completed its evaluation, but are always open to complaints. He stated the Public Works Department has installed several hundred no parking signs.

City Manager Mims stated the city receives very few complaints now about regular routine parking issues. However, the city has received complaints on a handful of vacation rental properties with four or five bedrooms, and in the afternoons, there will be 15 cars parked out front.

City Manager Mims reviewed the no parking on-street area with the city commission and stated it has worked very well. He stated that most of the city's cul de sacs have no parking signs on them as well.

Commissioner McCall asked where was the conflict at.

City Attorney Mora stated it is in both — single family/two-family dwellings and multi-family. He stated in the city code single family/two-family dwellings are required to have two spaces per dwelling unit. In the draft it reads: "one on-site parking space per each bedroom, within each dwelling unit, as designated through the vacation rental registration process," which could be beyond two. This provision, however, does contemplate that available garage space is part of that count.

City Attorney Mora stated that multi-family dwellings can exist within districts that are being regulated that is where the biggest conflict is. In the land development code, multi-family dwellings parking spaces are capped at three whereas in this draft it has the one to one relationship to the number of bedrooms.

Commissioner McCall stated he does not have a problem with the parking space per bedroom. Even the smaller beach houses, a three, two, there will be a garage and a single driveway, that is easy to fit three cars. He would expect a four or five-bedroom home to have at least a dual-wide driveway plus a garage, and in his mind, it would not be tough to fit five cars at that property.

Commissioner McCall stated he thinks the vacation rentals present a different opportunity than a family. If they live here permanently, both parents probably have a car and maybe a toy. But if there are five people coming for a four-bedroom house, if they are couples they might bring one or two cars.

Commissioner McCall stated he does not have a problem with the way it is written. He stated it should not be that much of a compliance issue.

Commissioner McCall stated as far as the multi-family dwellings, it is minimal that could be something that the city refers back to the land development code. Multi-family dwellings are going to create a separate parking issue. Multi-family dwellings are built to the end. There is parking underneath. It depends on the development. He can see multi-family dwellings having a harder time complying with the new parking requirements.

Commissioner McCall stated as far as the single- and two-family dwellings, he thinks most houses can work that in without paving the front or side yard, by widening the driveway at the most.

Vice Mayor-Commissioner Houseberg stated her only concern is requiring the additional parking spaces and then people go crazy with getting concrete in their front yards. She stated this requirement would change the look and feel of the whole neighborhood.

Commissioner McCall stated the city commission had a consensus on the occupancy limit, so that would resolve the 20 cars parking on the street.

Commissioner Hanna asked if there was an impervious ratio for yards in the single- and two-family zoning districts.

City Manager Mims responded negatively. He stated there are no drainage requirements in the single- and two-family zoning districts. He stated all the water is dumped into the street.

Commissioner Hanna stated he agrees with the consistency with the land development code. But the problem he has is that there are so many cars on the city roads right now, and with that, he would probably lean more with consistency with the land development code than one parking spot per bedroom. He stated he could go either way though.

***THE CONSENSUS OF THE CITY COMMISSION WAS FOR THE MINIMUM REQUIRED PARKING FOR A VACATION RENTAL WOULD CONFORM TO THE MINIMUM REQUIRED PARKING FOR THE STRUCTURE BASED ON THAT REQUIREMENT ALREADY EXISTING IN THE LAND DEVELOPMENT CODE.***

**(2) Permissible Parking Locations.**

- i. All vehicles associated with the vacation rental, including visitors not residing at the vacation rental, shall be parked within a driveway or parking area located on the premises and in compliance with the city of Indian Rocks Beach Code of Ordinances.
- ii. For purposes of calculating permissible parking spaces a property may include the capacity of the garage, provided the garage is sufficiently vacant to safely accommodate a compact car in the identified space. It shall be deemed a violation of this code if a rental owner identifies space in the garage as being available for parking in its rental registration, but the space is rendered unavailable by the owner or with the owner's knowledge during a rental tenancy.

City Attorney Mora stated he would confer with the planning consultant to ensure this section is also consistent with the land development code.

- (b) **Solid Waste.** Solid waste disposal (household garbage, recycling, and yard trash) created at vacation rentals shall be stored and put out for pick up in compliance 16-24 of the code, and on the day(s) of the week set out in the city's solid waste code of ordinances, franchise agreement, and official policies.
- (c) **Legal Compliance.** All persons renting and occupying a vacation rental shall comply with all local, state and federal laws applicable to their conduct at all times, including those related to illegal activities, the creation of nuisances, disturbances of the peace, and responses to emergency declarations.
- (d) **Evacuation.** Vacation rental occupants are required to participate in all mandatory evacuations due to hurricanes, tropical storms or other threats to resident safety, as required by state and local laws.

- (e) **Temporary Use Permit.** A vacation rental property, when rented or occupied by a vacation rental tenant or guest, shall not be eligible for a special event permit to be conducted on the vacation rental property. The owner of a property possessing a rental registration may apply for a special event permit, upon a sworn statement under penalty of perjury that the permit they seek is for their personal use as the property owner and not by a transient rental guest or occupant. It shall be unlawful for any person to give any false or misleading information in connection with any application for a special event permit as required by this article.
- (f) **Temporary Storage.** No temporary storage containers may be stored on the vacation rental premises. The term “temporary storage container” shall mean any container, structure, box, cylinder, or crate made of any material not permanently affixed to real property, that is enclosed or capable of being enclosed on all sides, top and bottom, that is stored, placed, located or put on any real property within the city for the purpose of storing personal property, construction material, trash, refuse, garbage, debris, or other material or matter. Provided, however, with prior authorization from the building department a temporary storage container may be authorized during valid construction permit activity for this location. For purposes of this section, a garbage can or a recycling container, as those terms are defined in of the code, are not temporary storage containers.
- (g) **Impermissible Rental.** No accessory structure, vehicle, recreational vehicle, trailer, camper, boat, yacht, or similar apparatus shall be utilized or rented as a vacation rental, or used to impermissibly provide sleeping quarters or otherwise accommodate more than the permitted number of overnight occupants on a property when used as a vacation rental.

**Sec. 18-219. Residential Amenities - rentals prohibited.**

- (a) The owner, tenant, or authorized agent of an owner or tenant of a single-family dwelling, duplex, duplex townhouse, or townhouse is prohibited from listing on any online marketplace for rent or lease, any amenity, feature, or accessory building or structure, appurtenant to or associated with such single-family dwelling, regardless of the purpose or length of time of said rental or lease, or otherwise renting or leasing individual amenities, features, or accessory buildings or structures on the property separate or apart from the primary structure.
- (b) For purposes of this section, the words “amenity, feature, or accessory building or structure” includes, but is not limited to, sheds, garages, docks, boat slips and lifts, driveways, rooftops, attics, pools, spas, saunas, fire pit, putting greens, sports courts, gardens, gazebos, outdoor kitchens, or front, rear or side yards.

- (c) This section does not apply to the renting or leasing of clubhouse rooms or spaces, storage closets, parking spaces or garages of condominiums, as that term is defined in of this code, when the rental or lease is between the condominium association and its residents or between a condominium resident and another condominium resident.

City Attorney Mora stated this section does not prevent an owner from including in their listing that there is a pool, tennis, recording studio, etc. What this prevents explicitly is marketing and renting that separate from the entirety of the structure or otherwise renting or leasing those amenities, features, or accessory structures on the property separate or apart from the primary structure.

Commissioner Bond asked about structures with mother-in-law apartments and cottages and how that would be affected.

City Attorney Mora stated that it was more than likely that it would be considered an owner-occupied rental. As drafted, there is an owner-occupied exception that carves that out, so that is how that would be handled. This is the same true for room rentals.

**Sec. 18-220. Minimum life/safety requirements.** *[Confirm consistent w/ PSFRD]*

- (a) **Swimming pool, spa, and hot tub safety.** A swimming pool, spa, or hot tub shall comply with the applicable standards of Florida Statutes Chapter 515 Residential Swimming Pool Safety Act.
- (b) **Smoke and carbon monoxide (CO) detection and notification system.** There shall be a hard-wired smoke and carbon monoxide detection system, installed and maintained in compliance with the requirements of Florida Building Code Residential, Sections R314 Smoke Alarms R315 Carbon Monoxide Alarms.
- (c) **Exit Signage.** Each doorway operating as an exit to the property shall be designated by a sign stating "EXIT", that is illuminated or otherwise composed of reflective material such that it could be readily perceived with the assistance of a flashlight.
- (d) **Fire extinguisher.** Each vacation rental shall install and maintain at least one working multi-purpose (ABC) dry chemical extinguisher on each floor of the rental property or unit. The fire extinguishers shall not be installed inside of a closet or cabinet, but rather must be installed on a wall in an area clearly visible to guests. Each fire extinguisher shall be installed and maintained in compliance with NFPA 10.

- (e) Battery powered emergency lighting. Battery powered emergency lighting which is hard-wired, and illuminates automatically for at least ninety (90) minutes when electricity is interrupted, is required at each building exit.

**Sec. 18-221. Exemption for pre-existing rental agreements.**

Notwithstanding any other provision of this article, a rental agreement with prospective occupants for vacations rentals that were entered as of [effective date of ordinance] (hereinafter “pre-existing agreement”) is exempt from the provisions of this article to the extent any newly-adopted term of this article conflicts with a term of the pre-existing agreement.

If a vacation rental is cited for a violation of this article, (that would not be a violation if it were not for newly-adopted terms of this article), when the vacation rental is occupied under the terms of a pre-existing agreement, the vacation rental owner may defend such violation based on the fact that the vacation rental was exempt from this article 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 vacation 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 a pre-existing agreement under this article; or
- (4) Written vacation rental agreement dated prior to [effective date of ordinance].

If it is reasonably determined by the code enforcement officer or deputy, and confirmed by the magistrate, that any information supplied to the city 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 code enforcement proceeding and prosecution under Florida Statutes § 837.06.

**Sec. 18-222. Exemption for owner-occupied vacation rentals.**

The provisions of this article shall not apply to owner-occupied vacation rentals or property which is designated homestead under the Florida Constitution and Florida law

from forced sale under any process of law. Before granting such exemption city staff shall verify that the identified property is afforded status as a homestead for the identified property owner, pursuant to the records maintained by Pinellas County. Any person desiring to qualify for the exemption herein shall file an affidavit in substantially the following form.:

“Affidavit of Exemption”

State of \_\_\_\_\_

County \_\_\_\_\_

Before me the undersigned authority personally appeared \_\_\_\_\_ (hereinafter the "Owner") who upon oath deposes and states:

1. I am over the age of 18 and competent to make this Affidavit.
2. I own the following real property in the City of Indian Rocks Beach, Pinellas County, State of Florida: (Legal description and Street Address)
3. Check as applicable:  
( ) I currently occupy the property described in paragraph 2 above and have resided on this property continuously and uninterruptedly from (date) to the date of this Affidavit; and  
( ) I have applied for and received the homestead tax exemption as to the above-described property, that \_\_\_\_\_ is the tax identification parcel number of this property, and that the undersigned has resided on this property continuously and uninterruptedly from (date) to the date of this Affidavit.
4. The purpose of this Affidavit is to qualify for exemption from the City of Indian Rocks Beach Vacation Rental Ordinance.

Sworn and subscribed before me by \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Notary

**2. PUBLIC COMMENT.**

**Don House, 2104 Beach Trail,** complimented the city commission on their work with vacation rentals. He stated it all comes down to noise. If the noise ordinance is enforced, most problems will be resolved. He said square footage should be a factor when



determining the occupancy of a house instead of just by going by the bedrooms. Some older homes have been modified legally and do not meet the required parking spaces.

Mr. House stated he met with some STRs owners, and they were dismayed that the city would not meet with them as the city was developing this ordinance. However, the city did meet with the residents against vacation rentals.

Mr. House stated he made a public records request for all the problems occurring with vacation rentals so that he could find out where the problem rentals are, but nothing was forthcoming. The code enforcement officer advised him that the city does not have a specific file on these rentals; the city knows where these bad rentals are. He stated the city needs to clean that up and have good records for when the city is talking about a bad rental.

**Erika Dietz, 534 Harbor Drive North**, stated her main concern is with the designated responsible person. She understands when there is a problem with a rental noise or otherwise that, there needs to be a good response time. But speaking personally and for many owners, the 24/7 response time within one hour is not physically or biologically possible, that would mean not sleeping. She mentioned before that she thought it might be a good idea to consider a hotline tied to some answering service. This way, it would allow for 24/7 availability. A hired answering service company could answer the phones anytime. The city could develop standardized verbal responses based on the situations so those answerers could be trained to respond to various situations, just like the 9-1-1 call centers are. Importantly, considering the code that the city is trying to adopt, it would also allow the city to track the source of those calls easily, what subsequently transpired, and what the outcome was, very similar to a 9-1-1 situation if the city is looking as it says in the current template to ask people to keep a record for up two years of all these things, why not put that on an answering service that the city could pay. This makes a lot more sense than asking an owner, like herself, to stay up 24 hours a day and cite her for violations if she does not answer within an hour.

Ms. Dietz stated that Section 18-218(2), Permissible parking location, currently says: "All people and visitors must be parked within a driveway or parking area located on the premises," which might have been stricken with the land development code. But if not, she would think that would also be impossible. So, hopefully, that will be clarified.

**Rod Baker, 364 Bahia Vista Drive**, stated he would encourage the city commission to use square footage when considering occupancy limits. There is a big difference between a 3-bedroom, 2-bath, and a 1,000 or 3,000-square-foot home. He stated that the city commission could do two bedrooms plus two maximum occupants, ten maximum occupants up to 1,990 square feet, and 12 maximum occupants above 2,000 square feet. Here is why: He runs his eight adults and four children for his business. This ordinance does not take into account children. He stated 8 and 4 that are families. Frequently it is

extended families — no noise, no problems, and they share cars. If the maximum capacity is ten, the city has just an incentive for the STR owner of a family vacation rental to cater to ten adults, that is, a party vacation rental. The city will have the exact opposite effect of what the city's intentions were. Also, with parking, if the city encourages these savvy investors to respond with additional parking, they will be taking parking away from the residents. Every driveway has an apron, every apron removes a parking spot from the citizens. That is the opposite effect of what the city is trying to accomplish. He understands that the city has received some letters regarding all this. There is an occupancy considered alone that might be the least risky thing for the city to do. There is standing law in another city in Pinellas County. No judge is going to remove the standing law. He would like to have the city attorney's opinion on the least risky in terms of the city getting financially strapped through litigation. If the city relieves occupancy, the city relieves parking and noise. Why not just relieve occupancy for six months and see what happens? Maybe it solves the problems with the least amount of risks to the city.

Mr. Baker asked that the unwelcoming signs posted throughout the city be taken down. It has been a PR nightmare for the city of Indian Rocks Beach. The city is on the news for all the wrong reasons. It is not the direction that the city wants to go in.

**Marilyn Bush, 512 Harbor Drive North**, stated she has lived there since she built her home in 1973. She does not rent her house or a room. She said that she had noticed the changes in her neighborhood that the city commission might not be aware of for someone who has lived there for a long time. Her golden years have turned to brass because of the vacation rentals right next to her and two across the street, with more to come. She has had to do several things to keep her property private and not overrun by vacation renters. She has put black-out blinds on her windows because the house next door is a two-story home, and the lights are on all night and shine in on her bedrooms. She had asked the owner, who is rarely there, if he could do something about that. But how can he do something with weekly renters? She installed a fence between their lawns because they are continuous, and there is a possibility that people could park on her lawn. She never intended on installing a fence in the 47 years of living there. She stated so far, she has spent approximately \$7,500 to \$8,000 to protect her property. These are the things that the city commission might not think about because she is just a resident. She is not an investor. She used to live in a neighborhood where everybody knew everyone and got along. Now, there is no neighborhood. It is a street. There are no residents. There are investors. The residents are paying the price for these short-term vacation rentals.

**Patti Katz, 124-13th Avenue**, stated there should be and is a distinction between businesses and residences. Transients are on vacation the entire time that they are here. Residents work, and they are not on vacation. People are clapping, and it just proves that they have no regard for the peace and tranquillity of the residents. They have a lack of respect for the residents.

Ms. Katz stated that she did not know that the city was enforcing parking because people always park in front of her mailbox, and she does not receive her mail. Granted, she is a block from the beach.

Ms. Katz stated the neighborhoods are saturated with vacation rentals. So many people are walking around the neighborhoods, so it is not really a neighborhood. IRB does not have neighborhoods; they have streets! It is just people walking around the streets. They do not live here, and they do not care. It is just sad for the residents to see what is going on.

Ms. Katz stated children should be included as an occupant.

**Suzie Bell, 717-1st Street, Unit B**, stated she has never stayed at any hotel where the pool did not close nightly at a specific time. (Unintelligible on Zoom)

**Jerry Newton, 438 Harbor Drive North**, stated he understood when the city commission deleted Section 18-217, Quiet hours limitations, Subsections (1) Occupant Access Limitation. No persons other than the occupant who has rented the property from the owner may remain in or on the property between the quiet time hours of 10:00 p.m. and 7:00 a.m., and (2) Outdoor Amenities. No pool, spa, jacuzzi, or outdoor sports courts on the property of a vacation rental may be used by any guest or occupant between the quiet time hours of 10:00 p.m. and 7:00 a.m. from the document. If subsection (1) is deleted, there is no limitation on when guests are allowed, so there is the ability to have guests 24/7. Maybe they are not sleeping but partying at the house. If they can be outdoors, they can be in the pool after midnight. He is okay with refining the language but gutting them! The city commission took the full strength away from the biggest complaint with short-term rentals: noise. The city commission just eliminated it and gutted it.

Mr. Newton asked if the document mentions a maximum number of guests. The city requests a temporary permit if there is a party or gathering of 50 or more people.

**Lee Wilkerson, 490 Harbor Drive North**, spoke on occupancy limitation and the grandfathering in of the ones already booked for this year (before adopting this ordinance). He stated there should be pool hours for all vacation rentals, and the hours should be posted. He indicated his vacation rentals (west side of Gulf Boulevard) have pool hours and are posted. The pools should be closed at night. That is just being a responsible owner. There should be a limit to the number of cars per vacation rental.

Mr. Wilkerson asked how many complaints the city receives on vacation rentals and stated that information should be published and posted.

Mr. Wilkerson stated vacation rentals should be available 24/7, and the vacation rental owners should pay for the service, not the city.

Mr. Wilkerson stated the vacation rentals should be visible and not on the garage door.

Mr. Wilkerson stated the city needs to enforce the city code. He said most code violations happen on Thursday through Sunday and on holidays.

Mr. Wilkerson stated the residents want their zoning back in the residential neighborhood — a minimum rental of 30, 60, or 90-day rental in the neighborhoods.

**Kelley Cisarik, 448 Harbor Drive South**, stated she was disappointed with the changes to this ordinance. She said for the Commercial-Tourist (CT) zoning district, the city commission threw residents who live on the west side of Gulf Boulevard to the wolves. There are no building code inspections for the west side of Gulf Boulevard, meaning there will be illegal build-out, and those properties will be packed full. If there are no annual inspections for building costs, then the interiors of those buildings and the garages will be built out to maximize how many people they can pack in. The developers can build vacation rental units because there is no maximum occupancy on the west side of Gulf Boulevard. One proposed vacation rental property is already advertised with a sign around 9th Avenue and Gulf Boulevard.

Ms. Cisarik stated that for the residents on the east side of Gulf Boulevard in the residential zoning district, how will the occupancy limits be enforced after 10:00 p.m. Someone could have up to 49 people on-site before a special use permit is required for an event. The city only has noise violations, but the city had those before. So, what will the city get with the occupancy limits? There is no way to enforce it.

Ms. Cisarik stated that if the city does not differentiate between registered guests on a rental contract and visitors, whether they are just on-site there visiting, then the city has no way to control the extra people on-site at night.

Ms. Cisarik stated spring break brings ticketed pop-up parties every year to the east coast of Florida. She does not see why Indian Rocks Beach would not have those here either. She stated the draft does not address this kind of problem.

Ms. Cisarik suggested the city commission go back through this draft and reinstate some of the protections for residents.

**Beth McMullin, 481 Harbor Drive South**, stated the people who want the occupancy limit based on square footage do not live around some of the significant vacation rentals that she does. She briefly explained the floorplans of the large vacation rentals at the end of her cul de sac and how vacation rental owners changed the floorplans of homes to make more bedrooms to increase occupancy.

Ms. McMullin stated that parking in Indian Rocks Beach is a privileged as everyone knows there is insufficient parking. She has seen vacation rentals state in their advertisement parking for two cars. She stated just because they expect it, does not mean the city has to give them all this parking. If it does not meet that renter's needs, then move on. Find a place that meets their needs. Vacation rentals must follow the city's rules and regulations regarding occupancy and parking.

**Preston Smith, 2308-1st Street, #5**, stated that most of the city's long-term residents need this city commission to discourage and restrict the short-time vacation rental takeover of the city. He was very surprised that the city commission removed some of the restrictions in the draft. He stated some of the restrictions do not seem to make sense. For example, one family can use their swimming pool in the evening hours, while others cannot. It makes perfect sense for the long-term residents here because they are more respectful and are more used to the quietness of the neighborhood. At the same time, the vacationers should get out of the pool because they do not have the same respect for their neighbors. He was concerned with the radical rules in the draft, such as the one-hour response time for a responsible person and three violations, and a vacation rental owner could lose their license. However, he thinks the long-term residents need to fight back against the vacation rentals takeover. It seems now that Tallahassee is going to take control of vacation rentals out of the hands of local government, and they seem to be sliding with the vacation rentals as far as restricting the city can do.

Mr. Smith stated the city needs to tell Tallahassee to stop taking campaign contributions from Airbnb and writing these rules that do not help the cities. He thinks that the occupancy limits and parking restrictions were great ideas.

**Lan Vaughan, 301 Harbor Drive**, stated this is a far cry from where the city was six months ago. He has had the opportunity to speak to the city manager, and some initiatives the city commission has put forward have been outstanding. He is disappointed tonight because the city commission has forgotten that short-term rentals are commercial properties operating in residential neighborhoods. He had the opportunity to talk to several people to find out what the residents wanted, and he had the chance to speak to several of the city's boutique hotel owners. They are okay with these regulations. It puts them on a level playing field with the city's short-term vacation rentals. They need to be accountable, like the city's hotels. The city needs to inspect the short-term vacation rentals and ensure that the citizens and tourists are safe and working together to make sure that happens.

**Mary Wilkerson, 490 Harbor Drive North**, stated the goal is to enact regulations that deter short-term vacation rentals from taking over the city's neighborhoods. That should be the city's goal. Can the city do everything possible to make that happen? She thinks the city should. She believes that the city commission should gut some of the things it discussed, like maximum occupancy and parking. The city should do everything it can do.

The city needs to be serious about imposing fines and penalties. The key to her in this whole thing is the eventual elimination of short-term vacation rental privileges. Her family has small boutique hotels and owns four historic properties.

Ms. Wilkerson stated that there was a very uneven playing field when Airbnb was introduced. They did not have to pay the 13% tax, there were no occupancy limits, no pool regulations, and so forth. There is an unfair playing field.

Ms. Wilkerson stated, like Commissioner Bond said, what makes Indian Rocks Beach interesting and gives it a sense of community is the small cottages and the historical properties and things. If the city continues to allow these large investors to go around the rules, act like hotels but not follow the rules of hotels. She stated she must have state, county, and licenses and a lot of hoops to jump through on the west side of Gulf Boulevard but not on the east side of Gulf Boulevard. She would like to see their pools regulated like her pools. She stated that if they are going to act like a hotel, they need to have the same rules as they have on the west side of Gulf Boulevard.

**Todd Shear, 456 Harbor Drive North**, stated that there are communities that just outlaw overnight parking on the street from midnight to 6:00 a.m. or 7:00 a.m. It would apply across the board but that is one solution that could also be enforced. That could be a positive outcome for the community for both sides of the equation.

**John Pfanstiehl, 448 Harbor Drive South**, stated that he is disappointed that the draft has been gutted so severely. He does not even understand some of the logic behind it. For instance, the gutting of no visitors after 10:00 p.m. If there is an occupancy of 10:00 p.m., and there are 24 people in the pool in the backyard. It is easy to police. It is not always easy to police if everybody is inside the house. Just because it is imperfect does not mean the city commission should throw it out, as other people have said of noise, parking, and garbage. Noise is probably the biggest, and noise comes from having many, many, many guests and parties going into the evening and in the pools. The no visitors and no one in pools past 10:00 p.m. should be placed back into the draft.

Mr. Pfanstiehl stated short-term vacation rentals should not be in residential neighborhoods. Residential neighborhoods are carved out for residences, not for businesses. The signs will come down when there are no short-term rentals in residential neighborhoods in Indian Rocks Beach like it was intended to be and like when the city had a three-month minimum stay. The residents are going to fight to get that back.

**Teresa Pruchiewska, 316-6th Avenue**, stated that short-term vacation rentals would destroy this entire community. There will be no more residents. It will be just a short-term vacation rental community.

**Hugh Burton, 1102 Beach Trail**, stated he has lived in this area since the late 1950s. He has seen Indian Rocks Beach being a sleepy beach town, and he built his house here several years ago because it was a sleepy beach town. He thinks there is a solution. He knows that much of this is handled by the state and there is probably not a lot that the city can do except manage it as best as it can. But he thinks it comes down to commonsense and responsibility on behalf of the short-term rental owners. Perhaps they should be required to live next to the property they are renting.

**Marty Ryan, 402 Harbor Drive**, stated she is so tired of hearing the residents victimized, and the short-term rentals are portrayed as the victims. IRB's only PR problem is getting the reputation as a place where anything goes. The city has turned a treasure into a train wreck. The residents need the city commission's help to push back on Tallahassee, and residents will back the city commission.

**Sarah Johnson, 1206 Beach Trail**, stated that if a person lives west of Gulf Boulevard surrounded by condos and motels, they dodged a bullet. The rest of them can and probably have filled everyone in on the nightmarish reality of life besides a single-family home gone vacation rental. Condos and motels have rules stated and posted for a reason - to protect all those residing and staying there from others who would disturb the peace. But as she woefully found when the single-family turned vacation rental next to her five years ago, when asked to put rules in place that would allow her some sleep at night and sanity during the day, the owners of this mega rental catering to massive ever revolving party entourages took the attitude, "*Uhm yeah, nope, we don't have to do that.*"

Ms. Johnson stated when Chief Davidson recounted wanting to purchase a home in IRB but decided against it because he could not effectively do his job without sleep due to vacation rentals, his words she sure echoed the lived experience of many of the residents here. Her or R.B. over the railing after midnight on a continuous basis - new week - new group - new request, "*Hey, guys, it's a weeknight, there are families right beside you, people have to work in the morning, could you please take it inside? Could you please quiet down?*" Shocked, perplexed, outraged, the response more often than not is "*Weeknight?!?? What'd ya mean weeknight?!*" She stated the word weeknight has no meaning in a vacation party house.

Ms. Johnson stated west of Gulf Boulevard is not the business district as Vacation Home Owners of IRB would like to have the city believe per their letter, which she also received. It is not Bourbon Street. It is not their personal after-hours club to stumble into to top off your night after the bars close for hooting, hollering rounds of corn hole, a hilarious game of beer pong followed by eight people in the hot tub singing along to Paradise by the Dashboard Lights while a half a dozen others tell each other drunk stories shouting "*No Way!*" every five minutes on the massive outdoor living room deck above. "*Oh My God! Turn it up! That's my favorite song!*" "*We're on Vaaa - caaa - tion!*" Every night. Every day.

All day long. Why? Because the mindset is they will get every penny's worth of fun out of the over \$12,000, they dropped in this rental for the week. *"It's our right!" "We paid for it!"*

Ms. Johnson stated the city commission, no one, not even those of them on the west side of Gulf Boulevard, should have to spend their life dreading Saturday turnover day, wondering if the next group could be more raucous than the last, dreading Sunday Funday and worst of all Sunday night when they have stocked up the bar, feel they have got their sea legs on and are ready to let loose... meanwhile for the rest of the world, as she knows Sunday nights have an entirely different meaning - getting yourself organized and rested for the demands of the week ahead.

Ms. Johnson stated no, west of Gulf Boulevard is not the business district, it is Commercial Tourism - a place where residents and tourists alike expect to be able to process a thought during the day without finding there is nowhere in their home they can go to escape the never-ending party music; a place where residents and tourists alike expect to be able to sleep at night.

Ms. Johnson stated the root problem is greed. Greed for money the owner can amass and the vacationer's greed for the no-rules party house they have bought and feel is their entitlement. And greed blinds people from regulating themselves. They do not give a rat's behind for the city and neighborhoods they are decimating. The only resolution is to pass an ordinance clearly delineating behavior not allowable on the premises of these businesses. Businesses willing to behave responsibly have no problem with rules because they do not impact them. They are already behaving responsibly.

Ms. Johnson stated that R.B. and her vacation rentals are west of Gulf Boulevard. The cottage always has been and always will be quiet. Her rental, not yet operating, will have strict rules guests must sign agreeing not to disturb neighbors. Why would she impose these rules knowing it will turn some renters away? Because of basic human decency. Because my neighbors and the city matter more than my ability to make money off the partying segment of the potential customer base.

Ms. Johnson stated the day IRB became a city that is undesirable to the fire chief and countless decades-long residents and families who have had homes here for close to 100 years, she knew the city had gone beyond astray. We desperately need a proactive ordinance to protect all residents' quality of life including taking us out of perpetual reactionary mode. As a commercial entity in a residential structure, the burden needs to be placed on the owner and renters to ensure quiet. The responsibility should not be on residents to repeatedly ask for enforcement. Continuing to allow unsupervised neighborhoods on the west side of Gulf Boulevard emboldens the Vacation Home Owners of IRB opposed to rules to say, *'See, we can make these neighborhoods unlivable for residents, and they can't do anything to stop us.'* *'Unlivable, the city's residents might*



*leave?... 'Great!, they'll say, 'that'll open up all the more properties we can scoop up to turn into greed factories!'*

Ms. Johnson stated the residents need the city commission's help. The residents need the city commission to protect them from unsupervised STRs throughout the city, including the west of Gulf Boulevard. She asked not to let the vacation rental industry steal this beautiful city away from them.

**Gorman David Ludwig, 2312 Gulf Boulevard**, stated his family had owned the property since the 1930s. As part of the village history of Indian Rocks Beach, people come here to enjoy the beach. He understands many of the complaints about short-term rentals and feels the pain because there are some bad ones out there. When they rent their property, they are renting their home. He has never received a complaint over the past 12 years that he has been renting his home. He thinks the owner should be responsible. He likes the changes made to the rules except for the pool. He feels that everybody should have equal pool rights. The existing ordinance is not being enforced; the residents would be happy if it were enforced. He likes the rules. He hopes people do understand that families come here to enjoy Indian Rocks Beach, and he thinks that putting too much restriction would hurt the families that want to go here. The city should be a little bit more welcoming to the guests of Indian Rocks Beach.

**Mary Levine, 306 Bahia Vista Drive**, stated she sent an email to the city commission on how the city's infrastructure is handled. She noted the city has 28 blocks, and the traffic is so dense that the fire district vehicles and equipment cannot get through, which is pretty alarming. The fire district wants to build a new fire station just north of Indian Rocks Beach. She stated that the city commission and the residents should start thinking about how much the capacity is and how many are in Indian Rocks Beach.

**Rick McFall, 408 Harbor Drive North**, stated this change happened in 2011, which was a big surprise for everybody. He said residents had expressed concerns about these developments since 2014 but have been largely ignored. The city has no records of complaints or interactions, and in most cases, the residents write letters and receive no responses from the city or the city commission. So it tells him that many residents are giving up complaining because they know it does not do any good.

Mr. Fall stated this is the second work session, and there has been much discussion. The city is right back to the same situation where again, the city writes something, and then at the last minute, it decides to change it and maybe water it down because someone does not like some particular positions. He thinks particularly the quiet hours limitations are reasonable. There may be some adjustments, but the city needs to look at the reality of the situation. No one is roaming around the neighborhoods from the city that will be out 24/7 looking at this stuff. This is complaint-generated, as the city has always been. Someone must pick up the phone and complain before the city takes action. This draft is a minimum

standard. It does not mean it will be used in all cases. But if someone is having a pool party next door at midnight or 2:00 a.m., and they need some relief from that, this draft puts it in perspective and allows somebody to go out there and say, knock it off. Otherwise, no one would waste their time complaining if they were quiet.

Mr. McFall stated most residents are upset because of the noise and parking situations.

**R.B. Johnson, 1206 Beach Trail**, stated he agrees with a number of previous speakers who seem disappointed that there has been a move tonight to somewhat gut the regulations that would have proactively protected the residents. The operative phrase is proactively protecting the residents so that they do not have to be constantly reacting, that is a large part of the problem. The pool and hot tub regulations that the city commission was contemplating have been gutted from the draft, putting a focus on one of the problems. If somebody is in a pool at an inappropriate hour in a condo or hotel, there are rules and they are asked to get out. He stated that should automatically be the same standard throughout the city but definitely in the residential neighborhoods. He thinks it should apply on the west side of Gulf Boulevard also. The loud noise from short-term vacation rentals forces the residents to react constantly.

Mr. Johnson stated warnings are given to the renters, they leave, and a new group of renters check-in, issued a warning, and leave. There are no real consequences. No tickets are issued for noise violations—only warnings to renters. The STR owners are not being penalized. The three violations and a possible license suspension do not come into play. He thinks that it needs to be taken into consideration here that the residents should not always have to react to constantly getting on the phone. He stated that putting these minimal restrictions in the draft is putting the burden back on the renters of the owners, where it should always be in a city like Indian Rocks Beach. For short-term vacation rentals to follow the minimal baseline rules, and sometimes they are not going to, a resident must pick up the phone. The draft says the city is constantly falling back onto the noise ordinance and forcing the residents to react again. . .and sometimes not even getting long-term relief through a special magistrate, etc. It sounds like, once again, that things are getting watered down and it is just falling back on other items in the city code. That is just reaction mode, reaction mode. The city needs to be proactive.

**Dave Mott, 446-18th Avenue**, stated he had been a resident of Indian Rocks Beach for 11-12 years and he loves this town. People care so much about this town. People want it to be a great place to live. The town has changed. The city's logo is "World's Safest Beach," In the city manager's time, he will need to figure out when that is untrue. He thinks the city commission will also have to contemplate that. Indian Rocks Beach is a beautiful town and a wonderful place to live. He stated so many residents are involved with Action 2000, Inc. and the Indian Rocks Beach Homeowners' Association and commit their time to this city. Those people are here and standing up and saying do not forget about them because of the influences. He stated there had been rentals for decades, and there were

no problems until the eight to nine years. As a city commission, that is when the city commission asks what it can do. What is the city commission's responsibility? He stated he is grateful to all the city commission members for their dedication and volunteerism.

Mr. Mott stated that the city commission has listened to the stories for several months. The city commission took time to act on it. That says a lot about the city commission. He stated the city commission needs to recognize that this is a moment when the city commission can make a difference. This is not about rentals. It is about people that take it too far and do not care.

Mr. Mott stated the city commission has a chance to make a difference, he just expressed to the city commission his hope that the city commission just gets it done, the city commission gets it right.

Mayor-Commissioner Kennedy closed the public comment session.

City Manager Mims stated there was a comment made about the city's outreach to different organizations, particularly the vacation rental. He said when the city started this process, the city received an email from a gentleman who represented or created one of the organized groups of vacation rentals. He and the city attorney met with him, and his whole concern or the just of his email was that they wanted to be involved in the process, and he also illustrated some other concerns that he had. Before they concluded that meeting, they encouraged him to stay engaged, continue to communicate with the city and city commission, and email the city commission to express his concerns and comments. The first draft was emailed to him and the city did not receive any input back from him.

City Manager Mims stated the city manager has been in contact with Attorney Lirot, who represents several vacation rental owners, where they have gone over every aspect of this draft.

City Manager Mims stated the city responds to every complaint and email that the city receives, which is why he provides a monthly code enforcement report. He noted that the city has a record of every complaint that the city deals with.

City Manager Mims stated in November 2022, the city commission authorized him to communicate and negotiate with a host compliance company for vacation rentals. It is a budgetary item, and when he obtains the final number, he will bring it back to the city commission for approval. He stated a host compliance company would provide a 24/7 number where residents can call that number and advise where the address of where the problem is occurring. The host compliance company calls the responsible party and is notified of the issue at their rental. He stated there is a record made of the call and the problem, and a follow-up report is forwarded to the city. The host compliance companies can send the city's form letters to violators.

City Manager Mims stated that Senator DiCeglie sponsored SB 714 and who lives in Indian Rocks Beach, and that is one of the concerns that he has about the future of the city's growing cost of dealing with this issue. There are other costs involved, whether it be a host compliance company, a magistrate, and additional time for the city attorney's staff.

City Manager Mims stated one of his many concerns about SB 714 is that it caps the registration fee at \$50 and city staff is conservatively looking between a magistrate, a host compliance company, and other associated things involved with vacation rentals at a minimum of between \$150,000 and \$200,000 more a year to fund that program.

City Manager Mims stated if anyone has a problem with SB 714, he encouraged the public to contact Senator DiCeglie directly.

City Manager Mims stated, speaking from a city manager's perspective and balancing and proposing budgets, that kinds of arbitrary caps are made in Tallahassee when they have no clue what expenses cities go through that deal with enforcing regulations. SB 714 will completely undercut the cities by capping the registration fee at \$50. The other thing concerning is the mandated 15-day timeframe for applying for the license.

City Manager Mims reiterated to the public to contact Senator DiCeglie and ask him to pull SB 714 because it restricts the city's future ability to make its own rules and regulations on vacation rentals.

Mayor-Commissioner Kennedy stated prior to the next work session, she would like for the city commission to review: Section 18-217, Quiet Time Limitations, specifically subsections (1)(2) as there was a consensus to remove those subsections.

**(b) Quiet Hours Limitations:**

The following restrictions shall apply when a property or unit is in use as a vacation rental:

(1) Occupant Access Limitation. No persons other than the occupants who have rented the property from the owner may remain in or on the property between the quiet time hours of 10 p.m. and 7 a.m.

(2) Outdoor Amenities. No pool, spa, jacuzzi, or outdoor sport courts on the property of a vacation rental may be used by any guest or occupant between the quiet time hours of 10 p.m. and 7 a.m.

(3) Amplified Sound Restrictions. Using or operating for any purpose any amplified sound between the hours of 10:00 p.m. and 7:00 a.m. of any day, not in a completely enclosed permanent structure is prohibited if it produces or reproduces sound in such a manner as to annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of a reasonable person of normal sensibilities or is in excess of the decibel levels set forth in

section 26-36. This provision shall not apply to amplified sound for which a permit pursuant to subsection 26-33(b) has been issued by the city.

Mayor-Commissioner Kennedy asked the city commission to have a conversation with the city attorney privately concerning section 18-216(b), Vesting.

### 3. ADJOURNMENT.

MOTION MADE BY COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER McCALL, TO ADJOURN THE MEETING AT 8:12 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

May 9, 2023  
Date Approved

/DOR

#### (b) Quiet Hours Limitations:

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- (1) ~~**Occupant Access Limitation.** No persons other than the occupants who have rented the property from the owner may remain in or on the property between the quiet time hours of 10 p.m. and 7 a.m.~~
- (2) ~~**Outdoor Amenities.** No pool, spa, jacuzzi, or outdoor sport courts on the property of a vacation rental may be used by any guest or occupant between the quiet time hours of 10 p.m. and 7 a.m.~~
- (3) **Amplified Sound Restrictions.** Using or operating for any purpose any amplified sound between the hours of 10:00 p.m. and 7:00 a.m. of any day, not in a completely enclosed permanent structure is prohibited if it produces or reproduces sound in such a manner as to annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of a reasonable person of normal sensibilities or is in excess of the decibel levels set forth in section 26-36. This provision shall not apply to amplified sound for which a permit pursuant to subsection 26-33(b) has been issued by the city.

Mayor-Commissioner Kennedy asked the city commission to have a conversation with the city attorney privately concerning section 18-216(b), Vesting.

**3. ADJOURNMENT.**

***MOTION MADE BY COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER McCALL, TO ADJOURN THE MEETING AT 8:12 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.***

May 9, 2023  
Date Approved

/DOR

**AGENDA ITEM NO. 5B  
CONSENT AGENDA**

**APPROVAL OF the  
March 28, 2023  
Regular City Commission  
Meeting Minutes.**

**MINUTES — MARCH 28, 2023  
CITY OF INDIAN ROCKS BEACH  
REGULAR CITY COMMISSION MEETING**

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The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, MARCH 28, 2023**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 6:00 p.m., followed by the Pledge of Allegiance and a moment of silence.

***Seating of the new city commission.***

**PRESENT:** Mayor-Commissioner Joanne Moston Kennedy, Commissioner Bond, Commissioner Denise Houseberg, Commissioner Joseph D. McCall, Commissioner Lan Vaughan, and City Manager Gregg Mims.

**OTHERS PRESENT:** City Attorney Randy D. Mora, Deanne B. O'Reilly, MMC, City Clerk, and Planning Consultant Hetty Harmon, AICP.

*(To provide continuity for research, items are listed in agenda order, although not necessarily discussed in that order.)*

**1A. REPORT OF Pinellas County Sheriff's Office.**

The Pinellas County Sheriff's Office presented a crime analysis report for the month of January 2023.

**1B. REPORT OF Pinellas Suncoast Fire & Rescue District. No Report.**

**1C. PRESENTATION BY Mayor-Commissioner Kennedy on her trip to Wasington, D.C., regarding beach renourishment funding.**

Mayor-Commissioner Kennedy stated that she, Pinellas County Commission Chairperson Janet Long, Pinellas County Public Works Director Kelli Levy, and Pinellas County County Intergovernmental Liaison Brian Lowack went to Washington D.C. on March 6th to meet with the White House's Intergovernmental Affairs Director, Julie Chavez Rodriguez, who is also a senior adviser and assistant to President Biden in the West Wing.



Chavez Rodriguez and her team listened for over an hour while Pinellas officials explained the problem. Over half of the property owners along the Sand Key project area have yet to provide easements. Though the county has promised that private property will remain private, some residents have said they fear the easements would make their backyards into public spaces. (The Sand Key Beach Renourishment Project notably excludes Belleair Shore, notorious for keeping its beach private.)

Officials, including Ms. Levy, were tasked with trying to convince the public that it was necessary, but it was hard to fault some of the objections. Not only had the Corps never required permanent easements before, but some of the easements it now wanted were on or inland of protected dunes, land it could not touch anyway.

The Pinellas group also emphasized the many vital roles beaches play in Pinellas, especially in storms. A storm the size of Hurricane Ian would wreak havoc on Pinellas; a direct hit without the protection of the beaches would be even worse.

The worst of Hurricane Ian missed Tampa Bay. What if it had not? What would happen to all the public and private infrastructure out there if that beach were not there? What would be the losses?"

The losses may already be coming. The Corps allowed a one-time exception to its policy so the 2018 renourishment could go as scheduled, but it has not budged on this cycle. Even if it had a change of heart today, it would be 2025 or 2026 before Sand Key got new sand.

Sand Key has been critically eroded, as the Florida Department of Environmental Protection reported last year. The shoreline of Indian Rocks Beach has also been disappearing; only 29% of the sand pumped in 2018 remains. In North Redington Beach, it is 0%. Seawater has begun infiltrating water pipes there, posing a slower but major threat to the local infrastructure.

The White House officials seemed receptive and quickly followed up to ask for more information. The Pinellas contingent does not know what will happen next, though they expect to hear some news soon.

## **2. PUBLIC COMMENTS.**

**Ed Hoofnagle, 2 Fifth Avenue**, speaking on behalf of the Beach Arts Center (BAC) Board of Directors, thanked the city commission and the city staff for supporting its fundraising gala. Thanks to the support given to the BAC, they will be able to continue to offer classes and summer camp to the kids, classes for the seniors, and for young families to help explore their creative arts.

Mr. Hoofnagle thanked the two new city commissioners who volunteered their time to run for public office. There are 3,000 IRB registered voters, and 2,856 voters appreciate the job the city commission is doing. The public is very confident that the city commission will do a great job and are happy that it is working tirelessly to help keep the city as wonderful as it is. Whether traveling to Washington D.C. or working on the ordinances, he stated the city commission is an asset to the community and thanked the city commission for its service.

**Diane Daniel, 309-10th Avenue,** congratulated the newly elected city commissioners. Review her laundry list of items: (1) An ad-hoc or standing committee of short-term rental stakeholders. The committee could include owners, property managers, residents, service providers, a code officer, etc. (2) Hire a beach manager like the city of St. Pete Beach. They have someone appointed to deal with everything at the beach. (3) The Pinellas County Sheriff's Office patrols and wonders if that is something that the city already utilizes or could, like parking tickets and dogs on the beach. (4) The city of Treasure Island has a non-profit group called "Friends of the Beach," which does a lot of cleanup-type work. They hand out trash bags during Spring Break when people are out in big groups, and they said that is effective. They do similar things to the Greenfest kids. (5) She stated she started Vacation Donations, encouraging reuse, repurposing, recycling, and food donations among short-term rentals. She would love to see a bin where people could leave their chairs, umbrellas, and coolers that can be reused because vacationers do not take these items with them. (6) She would love for the city to recognize June as gay pride month to let children know it is okay to be gay. (7) She briefly reported her food drive at the Reef Club last weekend.

**Kelley Cisarik, 448 Harbor Drive South,** stated the city should consider hiring a Tallahassee-based lobbyist. So much bad legislation is coming out of Tallahassee this year that it will take years to call it back. Relying on the Florida League of Cities (FLC) is not enough anymore. FLC is spread so thin this year, they are not even opposing the vacation rental bill. The League of Cities and the League of Counties are basically combined. They are at different ends of the same building. But at times, those two have opposing interests. The vacation rental bills would be one example because the counties benefit from SB714 and HB833 because of guaranteed revenue collection in those bills. But the cities do not benefit from those bills. The cities' powers in those bills will largely be lost if the bills are passed.

Ms. Cisarik stated, of course, it is not just about vacation rental bills, it is also about SB170, the local ordinance bill. The city needs a lobbyist. SB 170, the local ordinance bill, deals with local ordinances by adding to the process for local governments passing ordinances and giving certain additional rights to those challenging local ordinances. It requires counties and cities to produce a "business impact estimate" before passing an ordinance, with exceptions, and it creates new legal requirements to challenge an ordinance. This bill would open the city to more lawsuits due to the requirements for adopting an ordinance.

Ms. Cisarik reiterated that during this budget season, she would encourage the city commission budget for a Tallahassee-based lobbyist to represent the city's interests.

**John Pfanstiehl, 448 Harbor Drive South**, congratulated Commissioner Houseberg on being re-elected and Commissioner Vaughan on being elected to the city commission. He said it is clear from the election results that the residents are clear about their desire for strong regulations on short-term rentals in residential areas. It is good for everybody to keep that in mind because three more city commission seats will be coming up in March 2024. The voters are very clear about what is a good issue. He hopes that Senator DiCeglie has also looked at the election numbers — they are startling. He hopes that Senator DiCeglie has looked at the poll on Next-Door's Facebook Page on whether a voter would vote for him in 2024 based solely on SB 714; 90% of voters stated they would not vote for Senator DiCeglie. Vacation rentals are a big issue. It is not going away.

Mr. Pfanstiehl stated he is sorry to report that the companion bill to SB 714 passed the house (HB 833), and that is even more reason for the city commission to pass a resolution this evening saying that the city of Indian Rocks Beach and the city commission is firmly against and even condemns SB 714. The resolution would clearly show what the city's intent is. He does not know anyone in Tallahassee that could be for this bill. It strips out virtually everything that the city did in 2018.

Mr. Pfanstiehl reiterated that he hopes a member of the city commission would propose a resolution saying that the city of Indian Rocks Beach is strongly against SB 714.

Mr. Pfanstiehl stated Senator DiCeglie lives in Indian Rocks Beach, and it sends a message when his hometown is firmly against this horrible bill that he proposed.

Mr. Pfanstiehl stated the city absolutely needs a lobbyist. Florida League of Cities has lobbyists, but they are neutral (in their own words) on this bill. They are doing nothing about this bill. He stated other cities had hired a lobbyist. They knew this a long time ago. The city needs someone in Tallahassee to represent the city.

**Preston Smith, 2308-1st Street, #5**, congratulated the newly elected city commissioners — Commissioner Houseberg and Commissioner Vaughan. While running for the city commission, he had a chance to meet all of the city commission members, and he is happy to report that IRB is lucky and fortunate to have the employees they have, and they are all great people.

Mr. Smith said yesterday he finally got to hand count the ballots for the city's municipal election on the 14th. He pressed the Pinellas County Supervisor of Elections Office for weeks, and they did not want to give him a hand count to double-check the computer-generated results of the election.

Mr. Smith stated the Pinellas County Supervisor of Elections would tell and mislead the public by suggesting that the machines are not connected to the internet. But he is here blowing the whistle that computers are online and can be accessed criminally. It means that computers are vulnerable to hacking. He was employed by the Pinellas County Supervisor of Elections Office for months last year during the primary and mid-term elections, so he had much hands-on experience with the machines. Yesterday, he had to pay a \$68 fee for the hand count, and it took him one hour and 15 minutes to tally the 1,110 ballots. Even though his count matches the official results, he has less faith in the computer tabulators now than when he started those requests because of how vehemently opposed the deputy supervisor elections were to a concerned citizen that wanted to hand count the ballots. The deputy supervisor of elections feels that the public should trust the secret ES&S computer source code and the public Verizon network to transmit the results. But after catching them selling the data and keeping the voter rolls so dirty, the public should not be trusting.

Mr. Smith thanked everyone who voted for him. He said it was inspiring.

### **3A. REPORTS OF the City Attorney:**

City Attorney Mora thanked former Commissioner Hanna for his years of partnership and service to this community and congratulated Commissioner Houseberg and Commissioner Vaughan on their elections.

City Attorney Mora stated he circulated an ongoing draft of the vacation rental ordinance to the city commission and the interested shareholders in the process. The city manager will meet with the Pinellas County Sheriff's Office to discuss the vacation rental ordinance.

City Attorney Mora provided a summary review of the following legislative bills:

- *SB 714, Vacation Rentals.* The bill passed its first committee on a 5 to 2 vote on party lines. That bill is now in its next committee. It has not yet been scheduled, and there is no indication for this week or next. As it gets into the first week of April, the session is halfway over.
- *SB 798, Solid Waste Operations.* This bill would prohibit local governments from preventing private providers of solid waste services or setting/applying their rate structure to those private providers.
- *SB 170, Local Ordinances.* This bill would require a governing body of a municipality to prepare or cause to be prepared a business impact estimate before the enactment of a proposed ordinance. It also authorizes courts to assess and award reasonable attorney fees and costs, and damages in certain civil actions filed against local governments. The bill requires a municipality to suspend enforcement

of an ordinance that is the subject of a certain legal action if certain conditions are met; provides certain procedures for continued meetings on proposed ordinances for municipalities, etc.

City Attorney Mora stated he continues to work on the vacation rental ordinance with city staff and is tentatively scheduled for the first reading on April 11, 2023.

Commissioner Vaughan stated, in light of the resolution mentioned during public comments regarding vacation rentals, that he believes the state government has put residents on the attack as a municipality. He asked the city attorney to write a letter to the Florida Legislature on behalf of the city.

City Attorney Mora stated that he would need a consensus of the city commission to write a letter communicating its policy position. Historically, this has been done in the past.

Commissioner Houseberg stated she would favor writing a letter about SB 714 and saying how displeased the city is. The city aims to restore peace and harmony in the residential neighborhoods. She stated the city needs to do something local and in Tallahassee to restore peace and harmony in the residential neighborhoods.

Commissioner Houseberg stated the city needs to let the state know that the city of Indian Rocks Beach is very serious about what is happening in Tallahassee concerning vacation rentals and then get other Pinellas County cities to jump on board with IRB.

Commissioner Vaughan stated he had written his fair share of letters to the state legislatures and would also ask the IRB citizens to do that.

Mayor-Commissioner Kennedy asked if there was a consensus to have a letter written concerning SB 714.

Commissioner Bond asked concerning what.

Mayor-Commissioner Kennedy stated the letter should say that the city is against SB 714 and wants peace and harmony back in the residential neighborhoods. The city feels that this bill will harm the city even more than it is already being harmed.

Commissioner Vaughan stated he would begin on SB 714 because the bill limits municipalities to a \$50 registration fee, which is unsustainable for the cities to do any investigations. It basically limits and handcuffs municipalities.

Commissioner Vaughan stated he would also include the companion House Bill 833 in the letter.

**THE CONSENSUS OF THE CITY COMMISSION FOR THE CITY ATTORNEY TO WRITE A LETTER TO THE GOVERNOR AND THE PINELLAS COUNTY LEGISLATIVE DELEGATION EXPRESSING ITS OPPOSITION TO STATUTORY PREEMPTION OF SHORT-TERM VACATION RENTAL REGULATION IN THE CURRENT LEGISLATIVE SESSION, SB 714 AND HB 833.**

City Attorney Mora stated one set of correspondence that the city commission and the city staff had received representation or suggestions concerning the pending ordinance doctrine. The brief response to that suggestion is the pending ordinance doctrine is an obscure doctrine that does exist. What it concerns, however, is when zoning regulations are adopted as they relate to permitted or prohibited uses in a particular zoning district. Thus far, the development and potential implementation of a regulatory framework has been discussed. The city is not adopting any zoning ordinances as they relate to short-term rentals, and again that is because the city cannot regulate this through zoning. The city is adopting a regulatory framework with the scope of application within particular zones, but it is not creating or prohibiting any particular property uses. It is only managing the existing permitted uses. Therefore, the city cannot impose the preliminary application of an ordinance not yet adopted when it concerns regulatory framework as opposed to a zoning ordinance. Even then, there are specifications on how that works. When he says it is obscure, he means it is not commonly implemented. It is a synonym for moratoria — used when cities change a regulatory landscape for zoning.

**3B. REPORT OF the City Manager:**

City Manager Mims provided his city manager's report as follows:

- *SOLID WASTE:* Congratulated Derrick Laskett on his promotion to Solid Waste Supervisor. The city lost a long-term supervisory employee to the city of Tampa for double the pay.
- SB 798, Solid Waste Operations, is potentially destructive to the city's solid waste operations. Fifty percent of the city's revenue from solid waste is from commercial accounts, including condominiums. It does not include residential accounts.
- *MARCH ELECTION:* Congratulated Commissioner Houseberg on her re-election and to Commissioner Vaughan on his election. He looks forward to continuing to work together to move the city forward.
- *SCULPTURES:* On March 1st, the city unveiled its fifth sculpture — dolphins. The IRB Homeowners Association donated the sculpture. The sculpture is at the Pinellas County Beach Access Park.
- *RFPs for Special Magistrate and City Website* have been received, and both should be on the April City Commission Agenda for recommendations for consideration. He thanked Commissioner Houseberg for her continued involvement in the website project.
- *Code Enforcement Report — February.*

- 83 Parking citations issued (does not include PCSO).
- 12 Courtesy letters.
  - 1 Blowing leaves into the road
  - 1 Hedges blocking visibility.
  - 2 Vacant lot clean up.
  - 1 An alleged overnight in a camper.
  - 7 No house numbers on a structure.
- 19 Violation Letters
  - 1 Debris left in the street.
  - 7 Trash/recycling cart violations.
  - 3 Unlicensed STRs.
  - 1 Dump trailer in the road.
  - 6 FEMA building violations.
  - BTR sign violation.
- 7 Notices to Appear
  - 3 Trash/recycling cart violations.
  - 2 STRs operating with no license.
  - Vacate gas station issue
  - Un-operable vessel in yard
- New STR Inspections
  - 8 Passed
  - 2 Failed
- *Code Enforcement Letters.* Six code enforcement letters were sent to six vacation rental properties that the city believes violate the city code and FEMA requirements. An attorney for two of them is working with staff to resolve their issues and has been given an additional 30 days. The other four have not responded. They will be given a notice to appear within the next week or so. City staff has been provided documentation for 15 additional properties that allegedly have the same type of violations. City staff has not been to those properties yet. City staff will not inspect the interior of those properties until the new ordinance is adopted. After adopting the new ordinance, a comprehensive inspection of all vacation rentals will be done. An inspector must have firsthand knowledge of a violation, but internet records and photos can supplement the record for enforcement and court proceedings.
- *Host Compliance Company.* Paused negotiations with a prospective company until the city adopts the vacation rental ordinance. The cost will be based on the area defined in the final ordinance.
- *Auditorium Speaker Timer System.* A speaker timer system will be working and available at the next city commission meeting.
- *Meeting with the Pinellas County Sheriff's Office.* He stated that he and the mayor-commissioner would be meeting with the sheriff to talk about law enforcement and the enforcement of the vacation rental ordinance. He reiterated that there are limits to what a code enforcement officer can do legally.

- *SB 714, Vacation rentals.* Senator DiCeglie, an IRB resident, sponsored this bill. He has been actively working with FLC lobbyist Taggart, who has had four meetings with Senator DiCeglie. She has made some headway with him on changing some of the items he had in the bill.

Mayor-Commissioner Kennedy stated that she also spoke to FLC Lobbyist Taggart and reiterated what the city manager expressed to her concerning Senator DiCeglie's bill — the registration fee on how it would put a stress on the city and that the city needed the fee to be whatever this city commission decides it needs to be. The city actively participates with the FLC on the vacation rental issue, and the city has a good relationship with the FLC.

### **3C. REPORTS OF the City Commission.**

#### **COMMISSIONER McCALL:**

- Announced the HOA Easter Egg Hunt at Kolb Park on Saturday, April 1, 2023. The hunt is being sponsored by Beggins Century 21. He stated this is a great community event.

#### **COMMISSIONER HOUSEBERG:**

- Stated the HOA is looking for volunteers for the Easter Egg Hunt.
- Thanked everyone for re-electing her to the city commission.

#### **COMMISSIONER VAUGHAN:**

- Thanked everyone for electing him to the city commission.

#### **MAYOR-COMMISSIONER KENNEDY:**

- Stated Olivia Carson, District Director for Anna Paulina Luna, spoke during the February BIG-C Meeting concerning the FY24 Renourishment for the Sand Key Beach Project. On behalf of BIG-C, Congresswoman Luna wrote a letter to Michael Connor, Assistant Secretary of the Army, to reconsider their position on the perpetual easements for the Sand Key Beach Project to remain on schedule for the renourishment in 2024. She provided each city commission member with a copy of the proposed letter.
- ***THE CONSENSUS OF THE CITY COMMISSION WAS FOR THE MAYOR-COMMISSIONER TO SIGN THE LETTER TO MICHAEL CONNOR, ASSISTANT SECRETARY OF THE ARMY, ON BEHALF OF THE CITY COMMISSION.***

### **4. ADDITIONS/DELETIONS. None.**

### **5. CONSENT AGENDA:**

- A. RESOLUTION NO. 2023-02. A Resolution of the City Commission of the City of Indian Rocks Beach, accepting the official results of the March**



- 14, 2023 Indian Rocks Beach General Municipal Election, for two city commission seats; providing for an effective date.
- B. **APPROVAL OF the February 14, 2023 Regular City Commission Meeting Minutes.**
- C. **SETTING the dates for the City Commission Budget Work Sessions and Public Hearings for Fiscal Year 2023/2024 Operating Budget and Capital Improvements Budget.**
- D. **APPROVAL OF the January 24, 2023 City Commission Work Session Meeting Minutes.**
- E. **PROCLAMATION: National Public Works Week — May 21-27, 2023.**

City Attorney Mora read the Consent Agenda, consisting of Agenda Items 5A through 5E, for approval.

**MOTION MADE BY COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER McCALL, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEMS 5A THROUGH 5E, AS WRITTEN. UNANIMOUS APPROVAL BY ACCLAMATION.**

- 6A. **BOA CASE NO. 2023-02 — 608 GULF BOULEVARD.**  
**CONSIDERING a variance request from Sec. 110-344(4) of the Code of Ordinance to allow for a pool to encroach 5 feet into the 10 feet rear yard setback for the property located at 608 Gulf Boulevard, and legally described as Lot 16, Block 1, Haven Beach, as recorded in Plat Book 5, Page 27, of the Public Records of Pinellas County, Florida. Parcel #12-30-14-37764-001-0160.**

*[Beginning of Staff Report]*

**SUBJECT: BOA CASE NO. 2023-02 — 608 GULF BOULEVARD**  
 Variance request from Sec. 110-344 (4) of the Code of Ordinance to allow for a pool to encroach 5 feet in the 10 feet rear yard setback for property located at 608 Gulf Blvd, Indian Rocks Beach, Florida, and legally described as Lot 16, Block 1, Haven Beach, as recorded in Plat Book 5, Page 27, of the Public Records of Pinellas County, Florida. Parcel #12-30-14-37764-001-0160.

**OWNER** Westside Investments LLC  
**PROPERTY LOCATION:** 608 Gulf Boulevard  
**ZONING:** CT- Commercial Tourist

Direction	Existing Use	Zoning Category
North	Residential	CT
East	Residential	RM-2
South	Residential	CT

**BACKGROUND:**

The applicant is requesting a variance for a pool to encroach 5 feet into the 10-foot rear yard setback for a single-family residence.

**Sec. 2-152. Variances.**

(a) *Generally; criteria for granting variances from the terms of subpart B.*

(1) The board of adjustments and appeals shall make recommendations on and the city commission shall decide variance applications will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the board or the city commission shall consider each of the following:

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *There are no Special conditions and circumstances which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The applicant did not create any special conditions or circumstances.*
- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would confer special privileges to the applicant.*
- d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant. *The approval of this variance request would not deprive other owners of use and enjoyment of their properties.*
- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. *This is the minimum variance to allow the owner to construct the pool as proposed.*

- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. *Granting the variance will not be in harmony with the general intent and purpose of subpart B.*

**NOTICE:** A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on March 13, 2023 (Sec. 2-149 of the Code of Ordinances.)

**CORRESPONDENCE:** There was no correspondence.

**BOARD OF ADJUSTMENTS AND APPEALS:** The board of adjustments and appeals recommended denial to the city commission by a vote of 5-0.

**STAFF RECOMMENDATION:** Based on the variance review criteria of Section 2-152, staff recommends denial of the request.

*[End of Staff Report]*

City Attorney Mora read BOA Case No. 2023-02, 608 Gulf Boulevard, by title only.

City Attorney Mora stated the variance application before the board is a quasi-judicial matter.

City Attorney Mora asked if any city commission member had conducted any ex-parte communications with the applicant or their agent in advance of this evening. All members responded negatively.

City Attorney Mora asked if any city commission member had conducted any site visit for the purpose of evaluating the application before them. All members responded negatively.

City Attorney Mora duly swore in all persons planning to give testimony during the quasi-judicial proceeding.

Planning Consultant Harmon stated the applicant is requesting a variance for a pool to encroach 5 feet into the 10-foot rear yard setback for a single-family residence for the property located at 608 Gulf Boulevard.

Planning Consultant Harmon presented a PowerPoint Presentation depicting aerial views of the property, a survey, a site plan, the proposed pool plan, and site photos.

Planning Consultant Harmon explained the variance while presenting the PowerPoint Presentation. She stated this parcel was actually 610 Gulf Boulevard. Lot 7 and Lot 16 were joined together. The property had a couple of little cabins on it before. Since then, one person has purchased both lots and put a parcel number on each one because they are legal lots. Currently, there is a single-family home on each of those lots. In the front is 608 Gulf Boulevard, and in the back is 610 Gulf Boulevard. There will be an easement from Gulf Boulevard to the rear house.

Planning Consultant Harmon stated the applicant is requesting to construct a 10-foot X 24-foot pool in the backyard of the front house. In the CT zoning district, the pool has to meet the rear yard setback of 10 feet. The applicant is proposing a 5-foot setback to that property line.

Planning Consultant Harmon stated both the staff and the board of adjustments and appeals recommended denial.

**Thomas Smith, 424 Harbor Drive North**, the representative for the applicant, stated the variance board did not look at this application at all. There were four older houses on this very crowded site. It had two pools on it. Then the new owners mistakenly split the property to get homestead. The property is in the CT zoning district. The property is on the west side of Gulf Boulevard and has nothing to do with residential neighborhoods.

Mr. Smith stated there would be a white PVC fence behind the pool. It does not matter necessarily what the setback is. It makes no difference whatsoever. The applicant owns both properties and if the applicant sold one of the properties, that white PVC fence would still be there. It affects nobody. There are units on both sides — high rises, 50 people each. Not one letter of opposition. Nobody cares. The encroachment would not hurt anybody, including the applicant who owns the house in the back. There will still be room between the fence and the pool to walk around and landscape.

Mr. Smith stated this site is good for six rental units. However, the applicant did not want to jam six rental units on this site. The back house will be the applicant's, and the front home will be a rental.

Mr. Smith stated this is a slam dunk. Nobody has talked against it. It is all their property. It affects no one, and he feels that the variance board made a mistake without looking at the facts of this application. None of the variance board members looked at the site beforehand, which they should have, but they did not.

Commissioner McCall asked who put the property line there.

Mr. Smith stated the property line was there. He explained that the front lot was legally Lot 7, and the back was legally Lot 16. The lots were subdivided to provide for two tax parcels only so that the applicant could get homestead exemption on the back lot, Lot 16.

He stated that no lot lines were moved. Both lots had the same parcel number. If the lots were not assigned separate parcel numbers, there would be no need for a variance.

Mr. Smith stated that this is all about getting a homestead exemption for the back lot for the applicant. The applicant could have built six units but instead built a home for himself and a rental unit.

Commissioner McCall stated given the ordinance and the setbacks and so forth, he asked Mr. Smith if the rear lot line could be moved.

Mr. Smith reviewed the site plan with the city commission and the setback lines. He stated it is just a matter of keeping that lot line where it is. That is where it should be. He said moving the pool toward the backyard setback does not affect anyone. A fence will enclose the pool.

Mayor-Commissioner Kennedy stated the applicant is requesting a variance to encroach 5 feet into the 10-foot backyard setback, which is why he is here. The board of adjustments and appeals is very strict on setback encroachments.

Mr. Smith stated yes, that is why he is here. But this is a common sense thing. The setback is affecting no one. The applicant owns both lots. Again, not one neighbor had an objection to the variance or asked about it. He stated the lots were split because of tax purposes for the applicant. It makes no sense not to grant the variance.

Commissioner Vaughan asked why the pool could not be made smaller.

Mr. Smith stated it would be a 5-foot pool, which would be impossible.

Commissioner Vaughan suggested a lap pool or hot tub.

Mr. Smith stated the applicant wanted a pool for the rental.

Mr. Smith stated this site had four units and two pools before, and the site is permitted to have six units.

Commissioner Bond asked if the back structure was going to have a pool.

Planning Consultant Harmon responded affirmatively. She stated the setback is 35 feet from the center of the seawall.

Commissioner Bond asked when the property was subdivided.

Mr. Smith stated about four or five months ago. The site was always two lots with one parcel number under one ownership. All they did was go to the Pinellas County Property

Appraiser and ask for separate parcel numbers for each lot so that the applicant could get homestead exemption on the back lot.

Commissioner Bond stated he would merge the properties and lose the homestead exemption on the back lot if needed.

Commissioner Bond stated that if one of the houses were sold, that variance would affect somebody.

Mr. Smith stated it would affect nobody because the fence would hide the pool.

Mayor-Commissioner Kennedy opened the public hearing. Seeing/hearing no one wishing to speak, the public hearing was closed.

Commissioner Bond asked Mr. Smith how they got that far along before they realized there was a problem.

Mr. Smith stated he did not know there was a 10-foot setback on that lot line. Why there would be, he does not know. A 10-foot setback on something as tight as that lot does not make sense, but that is what the city code calls for, so it is there. Five-foot works. It works for the pool. It works for landscaping. It affects no one negatively.

Commissioner Vaughan asked if it was a new structure.

Mr. Smith responded affirmatively.

Commissioner Vaughan stated the structure went through planning, and the architect planned this and submitted the plans, and the architect/builder knew the setbacks coming in when the building was being built.

Mr. Smith responded affirmatively to the buildings. He stated at that time, the lots were not split.

Commissioner Vaughan stated the applicant created the hardship on himself, which required the applicant to apply for a variance.

Commissioner McCall stated he is following the same lines as Commissioner Vaughan. There is no pie-shaped lot. The applicant created the hardship. The applicant wants a pool. It is a desire. He does not see the hardship.

***MOTION MADE BY COMMISSIONER HOUSEBERG TO APPROVE BOA CASE NO. 2023-02, 608 GULF BOULEVARD. A VARIANCE REQUEST FROM SEC. 110-344(4) OF***

**THE CODE OF ORDINANCE TO ALLOW FOR A POOL TO ENCROACH 5 FEET INTO THE 10 FEET REAR YARD SETBACK. MOTION DIED FOR LACK OF A SECOND.**

**MOTION MADE BY COMMISSIONER VAUGHAN, SECONDED BY COMMISSIONER McCALL, TO DENY BOA CASE NO. 2023-02, 608 GULF BOULEVARD. A VARIANCE REQUEST FROM SEC. 110-344(4) OF THE CODE OF ORDINANCE TO ALLOW FOR A POOL TO ENCROACH 5 FEET INTO THE 10 FEET REAR YARD SETBACK FOR THE PROPERTY LOCATED AT 608 GULF BOULEVARD, AND LEGALLY DESCRIBED AS LOT 16, BLOCK 1, HAVEN BEACH, AS RECORDED IN PLAT BOOK 5, PAGE 27, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. PARCEL #12-30-14-37764-001-0160.**

**ROLL CALL VOTE:**

**AYES: McCALL, VAUGHAN, KENNEDY**

**NAYS: BOND, HOUSEBERG**

**THE MOTION TO DENY WAS CARRIED BY A VOTE OF 3 TO 2.**

**THE VARIANCE WAS DENIED.**

**7A. RESOLUTION NO. 2023-03. A Resolution of the City Commission of the City of Indian Rocks Beach, Florida, appointing a member of the City Commission to serve as Vice Mayor-Commissioner; and providing for an effective date.**

*[Beginning of Staff Report]*

**BACKGROUND:**

Charter Section 4.4 authorizes the City Commission to appoint a Vice Mayor-Commissioner from among the members of the City Commission at its first regular meeting following certification each year.

The duties of the Vice Mayor-Commissioner shall be to preside over the meetings of the City Commission during the absence of the Mayor-Commissioner, and in general, in the absence or the incapacity of the Mayor-Commissioner, they shall do and perform those acts and things provided in the City Charter to be done by the Mayor-Commissioner.

**ANALYSIS:**

The City Commission should appoint a member of the City Commission to serve as Vice Mayor-Commissioner, which term shall commence on March 28, 2023. It shall expire on the newly elected City Commission's first meeting following certification of the March 19, 2024, Municipal General Election results.

*[End of Staff Report]*

City Attorney Mora read Resolution No. 2023-03 by title only.

**MOTION MADE BY COMMISSIONER HOUSEBERG, SECONDED COMMISSIONER McCALL, TO APPOINT COMMISSIONER BOND TO SERVE AS VICE MAYOR-COMMISSIONER EFFECTIVE MARCH 23, 2023, AND UNTIL THE FIRST MEETING OF THE NEWLY ELECTED CITY COMMISSION FOLLOWING CERTIFICATION OF THE MARCH 19, 2024 MUNICIPAL GENERAL ELECTION RESULTS. UNANIMOUS APPROVAL BY ACCLAMATION.**

**7B. RESOLUTION NO. 2023-04. A Resolution of the City Commission of the City of Indian Rocks Beach, Florida, appointing a voting delegate and first and second alternate voting delegates to represent the City of Indian Rocks Beach at the Barrier Islands Governmental Council (BIG-C) Meetings; and providing for an effective date.**

*[Beginning of Staff Report.]*

**BACKGROUND:** The BIG-C By-Laws, Article III, Section 2, Representation, states that all elected officials of each municipality shall be members of the council, one of whom shall be appointed by the municipality as the voting delegate. Each municipality may appoint other elected officials as alternate voting delegates. Each municipality shall designate its delegates in writing.

Delegate #1 - Name - Voting Delegate.

Delegate #2 - Name - Alternate to Delegate #1.

Delegate #3 - Name - Alternate to Delegate #2.

An alternate voting delegate may vote when the voting delegate is absent. Each city is entitled to one vote.

The object of the BIG-C is to stimulate communications between the barrier island cities to focus on problems common to all, including but not limited to: tourism, recycling, public transportation, beach preservation, renourishment and access, marine environment, air and water quality, public safety, density management, waterway regulation, taxation based on permanent residents and average transient population, to unite and be able to have one voice addressing the county, state, and federal governments while respecting the individuality of each.

April, 2022 - March, 2023 - Voting Delegates

Mayor-Commissioner Joanne Moston Kennedy - Voting Delegate

Commissioner Joe McCall -1st Alternate



Commissioner Jude Bond - 2nd Alternate

**ANALYSIS:** The City Commission needs to appoint a voting delegate and two alternate voting delegates to the BIG-C.

The BIG-C meetings are held on the last Wednesday of each month at 9:00 a.m., with the location rotating between the membership cities.

*[End of Staff Report]*

City Attorney Mora read Resolution No. 2023-04 by title only.

***MOTION MADE BY COMMISSIONER VAUGHAN, SECONDED BY COMMISSIONER HOUSEBERG, APPOINTING MAYOR-COMMISSIONER KENNEDY, AS THE CITY'S VOTING DELEGATE, AT THE BIG-C MEETINGS, WITH COMMISSIONER MCCALL, AS THE FIRST ALTERNATE VOTING DELEGATE, AND COMMISSIONER HOUSEBERG AS THE SECOND ALTERNATE VOTING DELEGATE. UNANIMOUS APPROVAL BY ACCLAMATION.***

8. **WORK SESSION ITEMS [DISCUSSION ONLY]:** None

9. **OTHER BUSINESS.** None

10. **ADJOURNMENT.**

***MOTION MADE BY COMMISSIONER HOUSEBERG, SECONDED BY VICE-MAYOR-COMMISSIONER BOND, TO ADJOURN THE MEETING AT 7:38 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.***

May 9, 2023

Date Approved

\_\_\_\_\_  
Joanne Moston Kennedy, Mayor-Commissioner

ATTEST: \_\_\_\_\_  
Deanne B. O'Reilly, MMC, City Clerk

/DOR

**AGENDA ITEM NO. 5C  
CONSENT AGENDA**

**ACCEPT/FILE March 2023 Year-to-  
Date Financial Report.**

# DISCUSSION MEMO

## INDIAN ROCKS BEACH CITY COMMISSION

**MEETING OF:** May 9, 2023

**AGENDA ITEM:** 5C

**ORIGINATED BY:** Dan Carpenter, Finance Director 

**AUTHORIZED BY:** Brently Gregg Mims, City Manager

**SUBJECT:** March 2023 Year-to-Date Financial Report

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### **BACKGROUND:**

Staff presents a quarterly discussion of year-to-date financial results to the City Commission.

### **ANALYSIS:**

Financial reports comparing March 2023 fiscal year-to-date actual revenues and expenditures to budget are attached.

**City of Indian Rocks Beach**  
**FY 2023 BUDGET TO ACTUAL REPORT**  
**AS OF MARCH 31, 2023**

	<u>3/31/2023</u> <u>Period to Date</u> <u>Actual</u>	<u>FY 2023 TOTAL</u> <u>APPROVED BUDGET</u>	<u>OVER/(UNDER)</u> <u>BUDGET</u>	<u>% OF</u> <u>TOTAL FY 2023</u> <u>APPROVED BUDGET</u>
<b>001 GENERAL FUND</b>				
AD VALOREM TAX	\$ 2,672,910	\$ 2,963,060	\$ (290,150)	90%
FRANCHISE FEE	\$ 195,399	\$ 474,250	\$ (278,851)	41%
COMMUNICATIONS SERVICES TAX	\$ 36,890	\$ 80,000	\$ (43,110)	46%
BUSINESS REG & OCC LICENSES	\$ 45,130	\$ 47,310	\$ (2,180)	95%
PERMITS & FEES	\$ 12,971	\$ 8,800	\$ 4,171	147%
INTERGOVERNMENTAL	\$ 182,374	\$ 426,600	\$ (244,226)	43%
CHARGES FOR SERVICES	\$ 2,785	\$ 7,000	\$ (4,215)	40%
PARKING FEES	\$ 110,156	\$ 175,000	\$ (64,844)	63%
FINES AND FOREFITS	\$ 37,446	\$ 40,000	\$ (2,554)	94%
INTEREST ON INVESTMENT	\$ 154,559	\$ 25,000	\$ 129,559	618%
MISCELLANEOUS	\$ 34,728	\$ 24,420	\$ 10,308	142%
TRANSFERS	\$ 74,430	\$ 148,860	\$ (74,430)	50%
<b>TOTAL REVENUE</b>	<b>\$ 3,559,778</b>	<b>\$ 4,420,300</b>	<b>\$ (860,522)</b>	<b>81%</b>
CITY COMMISSION	\$ 31,849	\$ 55,070	\$ (23,221)	58%
CITY MANAGER	\$ 164,409	\$ 313,760	\$ (149,351)	52%
FINANCE	\$ 181,243	\$ 384,380	\$ (203,137)	47%
CITY ATTORNEY	\$ 63,368	\$ 87,700	\$ (24,332)	72%
PLANNING	\$ 32,549	\$ 85,650	\$ (53,101)	38%
CITY CLERK	\$ 92,146	\$ 187,590	\$ (95,444)	49%
LAW ENFORCEMENT	\$ 598,362	\$ 1,189,100	\$ (590,738)	50%
BUILDING & CODE ENFORCEMENT	\$ 66,476	\$ 172,120	\$ (105,644)	39%
PUBLIC WORKS	\$ 478,671	\$ 1,216,560	\$ (737,889)	39%
LIBRARY	\$ 57,870	\$ 118,290	\$ (60,420)	49%
RECREATION	\$ 38,256	\$ 40,200	\$ (1,944)	95%
CENTRAL SERVICES	\$ 170,912	\$ 415,690	\$ (244,778)	41%
<b>TOTAL EXPENDITURES</b>	<b>\$ 1,976,111</b>	<b>\$ 4,266,110</b>	<b>\$ (2,289,999)</b>	<b>46%</b>
<b>001 CAPITAL PROJECTS</b>				
IC SURTAX PENNY FOR PINELLAS	\$ 272,939	\$ 500,000	\$ (227,061)	55%
UTILITY UNDERGROUND GRANT	\$ -	\$ 1,418,693	\$ (1,418,693)	0%
GRANTS - AMERICAN RESCUE PLAN & D	\$ -	\$ 2,169,668	\$ (2,169,668)	0%
<b>TOTAL REVENUE</b>	<b>\$ 272,939</b>	<b>\$ 4,088,361</b>	<b>\$ (3,815,422)</b>	<b>7%</b>
CONSTRUCTION PROJECTS	\$ 218,023	\$ 4,301,911	\$ (4,083,888)	5%
<b>TOTAL EXPENDITURE</b>	<b>\$ 218,023</b>	<b>\$ 4,301,911</b>	<b>\$ (4,083,888)</b>	<b>5%</b>
<b>002 SOLID WASTE FUND</b>				
GRANT REVENUE	\$ 240	\$ 3,000	\$ -	8%
SOLID WASTE	\$ 882,833	\$ 1,584,560	\$ (701,727)	56%
<b>TOTAL REVENUE</b>	<b>\$ 883,073</b>	<b>\$ 1,587,560</b>	<b>\$ (701,727)</b>	<b>56%</b>
SOLID WASTE	\$ 772,857	\$ 1,792,960	\$ (1,020,103)	43%
<b>TOTAL EXPENDITURE</b>	<b>\$ 772,857</b>	<b>\$ 1,792,960</b>	<b>\$ (1,020,103)</b>	<b>43%</b>

**AGENDA ITEM NO. 5D  
CONSENT AGENDA**

**AUTHORIZING the city manager to enter into a contract with Planeteria for the design and implementation of a new city website.**

# INDIAN ROCKS BEACH CITY COMMISSION AGENDA MEMORANDUM

**MEETING OF:** May 9, 2023 **AGENDA ITEM: 5D**

**ORIGINATED BY:** Dan Carpenter, Finance Director 

**AUTHORIZED BY:** Brently Gregg Mims, City Manager

**SUBJECT:** City Commission approval for the City Manager to enter into a contract with Planeteria for the design and implementation of a new City website.

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## **BACKGROUND:**

The City currently maintains and supports a website to provide the public with information related to all City services and events. In addition, all City codes and ordinances are available through the website for viewing and review. While functional, the current website needs an upgrade to include more functionality and interaction to users. The City Commission approved FY 2023 operating budget includes an appropriation in expenditures for the upgrade to the City's current website.

## **ANALYSIS:**

The City advertised for bids and proposals for the development of a new website and design services in February 2023. Five proposals were received offering website design, implementation, and support services. The five proposals were reviewed by IRB Team Members and graded on several qualifications including scope of services proposed, firm qualifications, references, and price. Planeteria, a firm out of California ranked highest in the review process.

## **MOTION:**

Approval of the City Commission for the City Manager to enter into a contract with Planeteria for the design and implementation of a new City website.



PLANETERIA MEDIA

# CITY OF INDIAN ROCKS BEACH

WEBSITE DESIGN SERVICES

PROPOSAL ISSUED: FEBRUARY 17, 2023

## PREPARED FOR:

**Dan Carpenter** - Finance Director

**City of Indian Rocks Beach**

1507 Bay Palm Boulevard, Indian Rocks Beach FL 33785

**P:** 727.595.2517 **E:** dcarpenter@irbcity.com

## PREPARED BY:

**Tyler Coffin** - Sales Director

**Victoria Kovatch** - Sales Associate

**Sandeep Mehta** - Technology Director

## CONTACT:

**Planeteria Media**

100 Stony Point Road, Ste 240, Santa Rosa, California 95401

**P:** 707.843.3773 **E:** sales@planeteria.com

**@planeteria\_media** **@planeteria** **@planeteria**

WWW.PLANETERIA.COM

FEDERAL EIN: 45-4957640 | CA MICRO SMALL BUSINESS CERTIFICATION: 1759443 | DUNS & BRADSTREET NUMBER: 079196688

# HELLO INDIAN ROCKS BEACH TEAM,

Planeteria is excited for the opportunity to provide website design & development for the City of Indian Rocks Beach's official public website. We read in your RFP that this project is part of a broad effort to strengthen and support the City and modernize its communication tools. That caught our interest because it tells us the City thinks about how to best serve its community. Planeteria's mission statement is to design digital experiences that support communities in having positive and productive interactions with their local government. Our approach to your City website is to create a virtual city hall, so your community can easily interact and engage using online resources. We understand the City would like the website to be a tools residents, businesses, and City staff can rely on to provide vital & easily navigable resources such as an interactive mapping, events calendar, agenda management, procurement, e-alerts, payments and much more. The City of Indian Rocks Beach is choosing to redesign your website at a very interesting and unique point in time, and it is extremely important to provide a service centric website with online tools for your audience to rely on.

We recommend a revitalized digital presence that leverages enhanced functionality to allow for added online services, improved navigation/work flow, and a defined website style guide to dictate your visual style. We take extra time with art direction to select photos and imagery that represent the unique features of the City of Indian Rocks Beach. This is the type of project Planeteria excels at delivering. We will become your technology partner, just like we have done for the City of Chico, City of Redlands, City of Rocklin, City of Lacey, Clackamas County, and Township of North Brunswick.

At Planeteria we believe in flexible and modular websites. That means that as the City grows and changes, the website can evolve easily with you. Utilizing an open-source, license free solution like WordPress or Drupal not only allows control of all content by non-technical staff, but also allows for global design and functionality changes without re-building the entire site. A flexible website keeps your brand fresh and your audience engaged without great expense or difficulty

We are also excited to announce we have completed an exciting step to expand the services we provide you. We have merged with a company called Digital Deployment (DD) out of Sacramento, California making us the leading open source website provider in the government sector. We identified DD as an ideal partner several months ago based on our shared goals of developing unique websites and community-focused digital services for cities, counties, and other public organizations. The merger has boosted our resources in both customer support and hosting.

The Planeteria team is very pleased by this new chapter and we invite you to be a part of our journey. We are excellent at our craft and have an experienced team ready to deliver an exceptional web presence for the City of Indian Rocks Beach. Your website will become a pivotal resource for City staff and the community to lean on. We would be proud to help you launch your next website. Planeteria agrees to all of the requirements and conditions stated within the RFP bid event.

WARM REGARDS,



**Tyler Coffin** - Sales Director

**P:** 707.843.3773 **E:** tyler@planeteria.com

100 Stony Point Road, Ste 240, Santa Rosa, California 95401



# ABOUT PLANETERIA

Since 1999, Planeteria has been designing, developing and supporting community-focused websites for cities, counties, municipalities and other public agencies around the country. We've built over 500 sites serving millions of customers. We pride ourselves in offering modular solutions for local government organizations who want the ability to make adjustments to their website without needing technical support. Additionally, we build our sites with the ability to be comprehensively re-designed without requiring a full re-development effort. This helps save our clients money while keeping your website flexible as the needs of your community and organization change.

We're also highly focused on providing content support. Our content specialists personally work with you to understand, organize, edit, refine and migrate your content and its structure.

WE DESIGN WITH YOUR COMMUNITY AS THE PRIORITY. IN FACT, IT'S OUR MISSION STATEMENT:

*To design digital experiences that support communities in having positive and productive interactions with their local government.*

We find that WordPress or Drupal meet the needs of 90% of our projects. WordPress and Drupal are two of the most widely used solutions in the world. Through 23 years of developing government websites, our team has created and refined proprietary tools specific to the needs of the public sector.

For Planeteria to create positive and productive digital experiences, we uphold three core values: **service, diversity, and equity**. We consider those values when proposing solutions for our clients, and we have considered those values as we've built our team. We have 25 employees distributed around the country with our main office in Santa Rosa, California. Using a distributed work force allows us a broader access to talent with diverse life experience. It also provides our team with experience working in a wider variety of communities.

We leverage our staff size to provide excellent service. Our clients can speak directly with our technical director, our lead designer, and our content specialist without navigating a phone tree.

We are proud to say our team has won multiple design and development awards for work around the country.

## RECENT AWARDS



## MUNICIPAL EXPERIENCE

We have worked with cities, counties and other municipalities all over the country and below is a sampling. Each client below has their own unique technology stack and functionality requirements for their website. Often times Planeteria integrates third party functionality using best practices. In other times, we incorporate our own functionality stack such as calendar events, board meetings and more.



## ADDITIONAL RELATED PROJECTS

- City of Atascadero, CA
- City of Pleasanton, CA
- City of Sebastopol, CA
- City of Chico, CA
- City of Carmel by the Sea, CA
- City of Grass Valley, CA
- City of Redlands, CA
- City of Rocklin, CA
- City of Discovery Bay, CA
- City of Tacoma, WA
- City of Lacey, WA
- Clackamas County, OR
- City of Midway, UT
- Town of Timnath, CO
- Township of North Brunswick, NJ
- Town of Ithaca, NY
- City of Tucker, GA
- City of Nixa, MO
- St. Johns County, FL
- Aleutians East Borough, AK
- Olmsted County, MN
- Butler County Transportation Authority, OH
- Stark Area Transit Authority, OH
- Sacramento Unified School District, CA
- San Diego County Water Authority, CA
- Gold Coast Transit District, CA
- Solano Transportation Authority, CA
- Tri-Valley Transportation Council, CA
- Solano Superior Court, CA
- Denton County Transportation Authority, TX
- Port of Galveston, TX
- Alamo Area Council of Governments, TX

For a full list of our projects, visit [WWW.PLANETERIA.COM/GOVERNMENT](http://WWW.PLANETERIA.COM/GOVERNMENT)

## CITY PROJECT TEAM

Planeteria is made up of a dedicated team of 25 experts who will be handling all aspects of your project. Our robust creative, technical, content, and management teams collaborate closely to ensure that projects are executed seamlessly, while our team leads remain committed to delivering quality work and facilitating communication. We have subject matter experts in project management, user experience, design, ADA, technology, customer service, SEO etc. Our team's versatility and concise project management process sets us apart from the competition.



**LAURA ALI | SENIOR PROJECT MANAGER**

Laura brings 12+ years of website-based project management experience to Planeteria. She has high customer-service acumen and a passion for results! Laura is also a Marketing and Communications Professional, having leveraged large online and intranet communities, where she implemented corporate-wide communication tools and online project-management/CRM platforms (pipelines) with staggering success. Laura attended WCCC and California State University, Fresno, earning a B.A. in Bilingual/Cross-Cultural Education, with minors in Linguistics and Chicano-Latin American Studies, and a B.A. in Religious Studies. Laura has broad background leading teams in the financial, educational, medical, and non-profit sectors.



**SANDEEP MEHTA | TECHNOLOGY DIRECTOR**

Sandeep has over 20 years of international experience managing creative technology projects. Before Planeteria he served as director for process Redesign at Citigroup and also as the managing director of a technology solutions company. Sandeep has built over 150 websites for organizations across the country. Sandeep manages a team of engineers on all technical elements of our projects.



## **TYLER COFFIN | SALES DIRECTOR**

Tyler has over 15 years of technical website sales experience helping organizations turn project ideas into a reality. Communicating website design needs can prove to be difficult, but Tyler prides himself on educating clients so they are co-creators with input and buy-in on the final product. He will initiate the scope of work, project contract/agreement and payment terms and will be the point of contact for post-launch account management. Tyler is a graduate from University of California, Davis with a bachelors in Communication and Sociology.



## **HEIDI PEYSER | INFORMATION ARCHITECT**

Heidi has been advising non-profits and government agencies about website development, digital communications and internal processes since 2001. Heidi serves as the bridge between content, design and programming by evaluating what clients already have vs. what they need. Heidi also plays a key role in evaluating the breadth of existing content and streamlining it to make it clear, consistent, and usable for audiences across generational divides. Heidi is a Sonoma State graduate, has a bachelors in Business and Psychology and a master's in Psychology with a focus on research.



## **KIM SAWYER EGIR | LEAD VISUAL DESIGNER**

Kim has over 15 years of experience in the field of Graphic Design, as well as, advanced training in the field of User Experience Design. Kim's user-centered approach to design allows her to identify what the user needs, which leads to more intentional and robust design solutions. She has a bachelor's degree in Visual Communication Design from Purdue University, and has completed User Experience Training from DesignLab. In her career she has experience working with municipal and higher education organizations including, the City of Nixa, MO, University of California Irvine and Cal Poly Pomona.



## VICTORIA KOVATCH | SALES ASSOCIATE

Victoria got her start working for a large consumer products distribution company in branding and marketing. At Planeteria, Victoria assists in identifying new leads, preparing proposals, and making sure all parts of the sales process are up to date. She also works on marketing initiatives, press releases, newsletters, social media, and SEO. Victoria's primary roles bridge the gap between sales and marketing. She has a degree in sociology from Azusa Pacific University and recently completed a digital marketing certificate from Columbia University's Emeritus Business School.



## CRYSTAL MENARD | WEBSITE TRAINER

Crystal is our trainer, paving the way for all clients to be able to maintain their website after it's launch regardless of the amount of website design knowledge they may have. She has a Bachelor's in Math from The University of Texas at Austin and a Master's in Math from The University of Houston and taught upper division math courses at a private university for two years. With her expertise in teaching and Math she brings a logical and thorough training program to prepare any client to be best equipped to keep their websites up-to-date and is always readily available to provide documentation for any training needs.



## WYATT BENOIT | OPERATIONS MANAGER

Wyatt has been Planeteria's lead project manager since 2015. Because of her abilities managing diverse stakeholder interests, she specializes in working with our Municipal clients. Wyatt is excellent at handling multiple projects, ensuring all timelines and goals are met. She is a very effective communicator, and makes sure that information is constantly flowing to the right person. Wyatt is organized, flexible, and strategizes to make sure all projects are executed on time. She has a degree in Arts and Communication Design from Pacific Northwest College of Arts, and has also completed a Cornell University Project Management Certificate.



**BILL OLSON | WEB PRODUCER**

Bill has over 12 years of web development experience, and is our main customer support lead. His primary role is making sure new project designs and functionality meet expectations upon launch and beyond. He also serves as a main point of contact for existing web site maintenance and technical support, and assists in content migration. Bill has an Associate degree in Interactive Media Design from the Santa Rosa Junior College and training as an Adobe Application Specialist.



**KEEGAN ORTIZ-DEKRAMER | SENIOR DEVELOPER**

Keegan's philosophy in life is "talk a little, listen a lot, and then over-deliver on client expectations". Keegan is our lead ADA specialist. He has been programming websites for thirteen years, leading our development team since 2009, and brings a contagious enthusiasm to our projects. He has expertise in multiple programming frameworks and has also been involved in the development of CMS systems. Keegan graduated from University of California, Davis with a degree in Computer Science.

### ADDITIONAL PROJECT STAFF



**NYAMEKYE ANNOR**  
QA SPECIALIST



**LORI-ANN FRETWELL**  
QA SPECIALIST



**JESSICA KANE**  
TECHNICAL PROJECT  
MANAGER



**CHRIS BAXTER  
DAMERON**  
PROJECT TECH  
SUPPORT



**JYM DONOVAN**  
CONTENT  
COORDINATOR



**SAM BALINO**  
CONTENT  
COORDINATOR

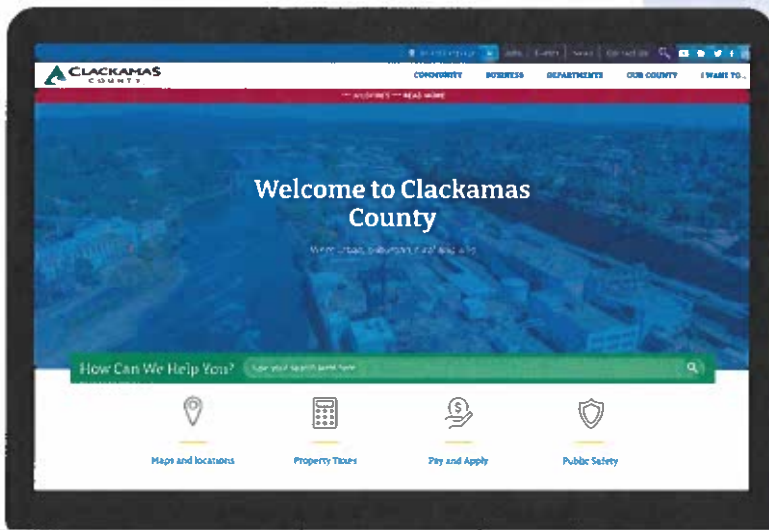


**ALI BEN SAAD**  
UX/UI DESIGNER



**KATRINA THOMAS**  
PHOTOGRAPHER

# MUNICIPAL EXPERIENCE



## CLACKAMAS COUNTY

**WWW.CLACKAMAS.US**

**PROJECT DURATION:** 9 months

**YEAR LAUNCHED:** May 2019

**PROJECT CONTACT:**

**JESSIE KIRK** | Web Content Editor

[jkirk@clackamas.us](mailto:jkirk@clackamas.us) | 503.742.5916

## BACKGROUND

Clackamas County is Oregon's third-most populous county. Since the county's creation, agriculture, timber, manufacturing, and commerce have been the principal economic activities.

## THE PROJECT

Planeteria was hired for website design and development services for the county's 2,000+ page website that receives more than 2 million visits per year. With a site over 2,000 pages, the content reorganization was essential. A unique challenge to this project was the County has over 40 different departments and divisions all of which needed unique department pages with an overall look and feel that created uniformity throughout the site but also provides levels of flexibility in what they could post and where. \$100,000 cost.



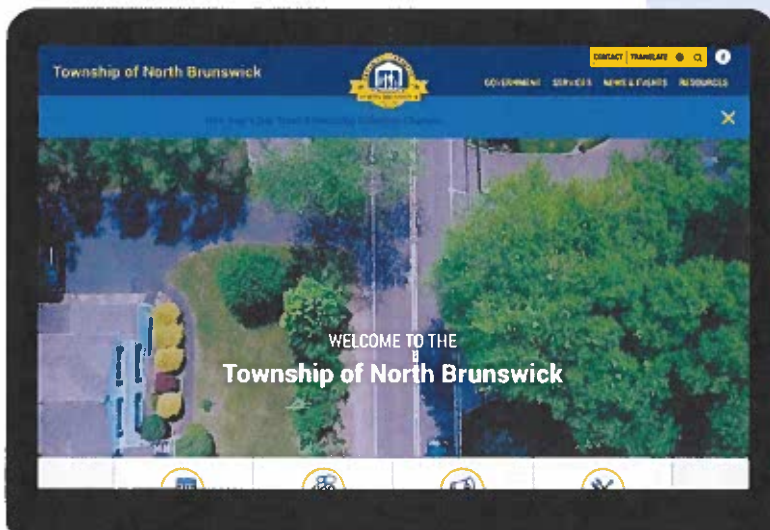
## THE SOLUTION

The solution for Clackamas county required an in depth audit of their immense content. We conducted an audience needs assessment with relevant stakeholders to determine the most essential components for the new website. From there, we created a new site map, wireframes, web style guide (colors/typography), mood-boarding, design mock ups, developed using Drupal CMS, and mobile responsiveness.

## SERVICES PROVIDED

News & events, social media integration, custom calendar integration, procurement, emergency alerts, in-site search functionality, video embedding/streaming, document archive, online forms, department directory, unique department home pages, ADA compliant, Google Analytics, mobile responsive, language translation, ongoing maintenance and hosting.

# MUNICIPAL EXPERIENCE



## TOWNSHIP OF NORTH BRUNSWICK

**WWW.NORTHBRUNSWICKNJ.GOV**

**PROJECT DURATION:** 4 months

**YEAR LAUNCHED:** November 2020

**PROJECT CONTACT:**

**JUSTINE PROGEBIN**

jprogebin@northbrunswicknj.gov |

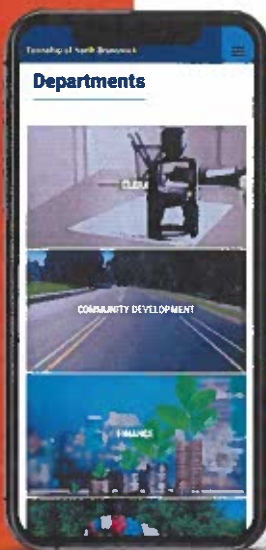
732.247.0922 x 268

## BACKGROUND

North Brunswick is a township in Middlesex County, New Jersey with a population of approximately 40,000, 38 different departments and nearly 100 services and programs run by the City.

## THE PROJECT

In 2016 municipal officials reviewed their website and found several enhancements were required for transparency, civic engagement, and to meet the growing need for digital communications with the community. Planeteria was selected for the full Redesign of the website for the Township of North Brunswick with a service centric design. The scope of the project included interactive forms, expanded online payments, links to the cable studio for live stream, citizen resource center, new procurement portal and resident notifications. Because of a new communications initiative that was accelerated by COVID-19, the project had a quick turn around time. \$80,000 project cost.



## THE SOLUTION

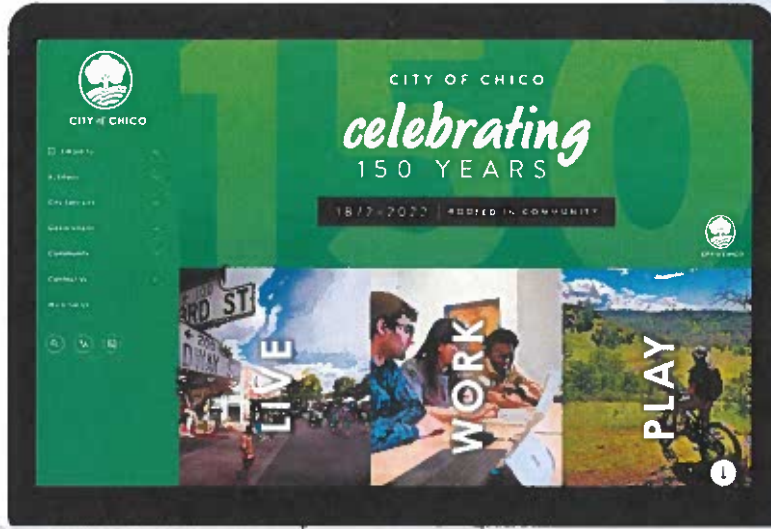
Site map, wireframes, web style guide (colors/typography), mood-boarding, mock ups, WordPress CMS, mobile responsive, hosting and managed maintenance.

## SERVICES PROVIDED

News & events, social media integration, custom calendar integration, procurement, emergency alerts, site search functionality, video embedding/streaming, document archive, online forms, ADA compliant, Google Analytics, mobile responsive, language translation, ongoing maintenance and hosting.



# MUNICIPAL EXPERIENCE



## CITY OF CHICO

[WWW.CHICO.CA.US](http://WWW.CHICO.CA.US)

**PROJECT DURATION:** 10 months

**YEAR LAUNCHED:** June 2020

**PROJECT CONTACT:**

**JOSH MARQUIS**

[josh.marquis@chicoca.gov](mailto:josh.marquis@chicoca.gov) | 530.896.7300

## BACKGROUND

Chico is the most populous city in Butte County, California. Located in the Sacramento Valley region of Northern California, the city had a population of 101,475. The city is known as a college town, as the home of California State University, Chico.

## THE PROJECT

The City of Chico wanted a website development firm to provide website redesign services, to implement an intuitive, user-friendly and robust content management system (CMS) with analytics tools and citizen engagement functionalities, and to provide and facilitate third-party external hosting services. The City desires to develop a professional, efficient, secure and stable website experience while ensuring a user-friendly design with content that is simple to find, visually appealing, and consistent between city departments.



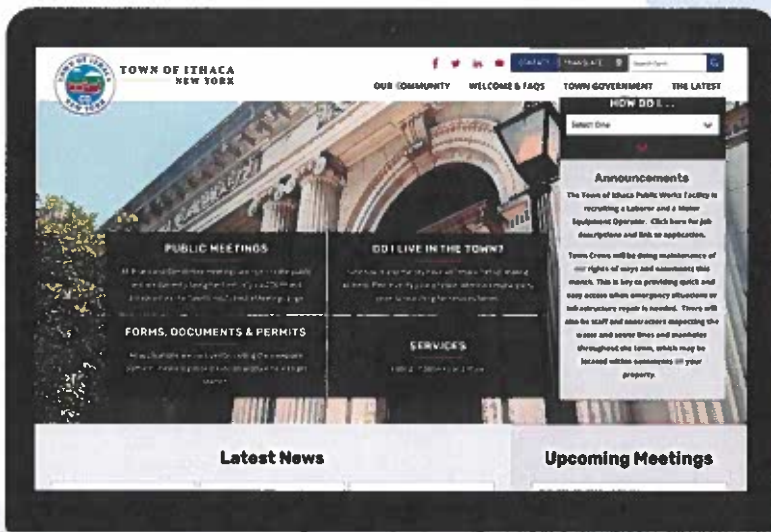
## THE SOLUTION

Site map, wireframes, web style guide (colors/typography), mood-boarding, mock ups, Drupal CMS, mobile responsive, hosting and managed maintenance.

## SERVICES PROVIDED

News & events, social media integration, custom calendar integration, procurement, emergency alerts, site search functionality, video embedding/streaming, document archive, online forms, ADA compliant, Google Analytics, mobile responsive, language translation, ongoing maintenance and hosting.

# MUNICIPAL EXPERIENCE



## TOWN OF ITHACA

WWW.TOWN.ITHACA.NY.US

DURATION: 8 months

YEAR LAUNCHED: July 2022

PROJECT CONTACT:

JOHN LITTLE | Project Lead

jlittle@town.ithaca.ny.us | 607.273.1721x132

## BACKGROUND

The Town of Ithaca is located at the southern tip of Cayuga lake in Central New York; home to Ithaca College and Cornell University. The Town includes rural, suburban and urban landscapes and a population of 23,000.

## THE PROJECT

The goal of the project was to create a new Town of Ithaca website that: 1) reflects the Town and recognizes that they were celebrating their bicentennial, 2) addresses deficiencies of our current website, 3) is attractive and easy to navigate, 4) is easy to update by Town staff, and 5) provides timely information to Town residents. The Town required the new website to be built on WordPress as the CMS.

## THE SOLUTION

The solution for the Town of Ithaca required an in depth audit of their immense content. We conducted an audience needs assessment with relevant stakeholders to determine the most essential components for the new website. From there, we created a new site map, wireframes, web style guide (colors/typography), mood-boarding, design mock ups, developed using WordPress CMS, and mobile responsiveness.

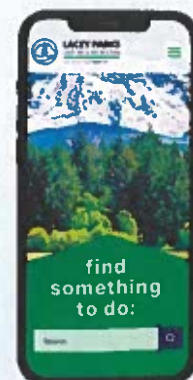
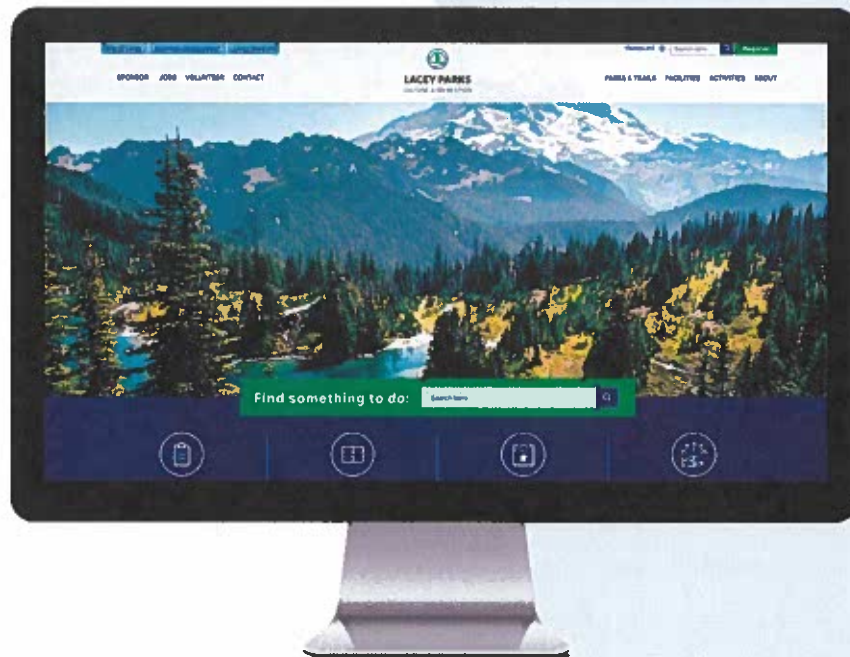
## SERVICES PROVIDED

News & events, social media integration, custom calendar integration, procurement, emergency alerts, in-site search functionality, video embedding/streaming, document archive, online forms, department directory, unique department home pages, ADA compliant, Google Analytics, mobile responsive, language translation, ongoing maintenance and hosting.



# SAMPLE RESPONSIVE/MOBILE DESIGN

Below is a sample of responsive design completed for Lacey Parks & Recreation. Our mobile websites are built to respond to the device the website is being viewed on by using different design break points. The website is designed for laptops, desktops, horizontal tablets, vertical tablets, horizontal phones and vertical phones. The designs are tested in all formats in the most popular browsers (Chrome, FireFox, Safari, etc).



# REFERENCES



You have done a phenomenal job with all the twists and turns of this project! I know it was tough with the timeline."

## TOWNSHIP OF NORTH BRUNSWICK

Craig Yetsko | Program Manager  
cyetsko@northbrunswicknj.gov | 732.247.0922

**PROJECT URL:** [www.northbrunswicknj.gov](http://www.northbrunswicknj.gov) (Launched Nov 2020)  
**SERVICES:** Website design, development, hosting & maintenance



The experience working with Planeteria has been amazing. The team was easy-going, super flexible, and immediately responsive to all our needs.

## SOLANO TRANSPORTATION AUTHORITY

Lloyd Nadal | Programs Manager  
lnadal@sta.ca.gov | 707.399.3319

**PROJECT URL:** [www.sta.ca.gov](http://www.sta.ca.gov) (Launched March 2019)  
**SERVICES:** Website design, development, hosting & maintenance



There are about 3,000 moving pieces that have to come together in the right order to complete a comprehensive web design project for a large-scale website. Thanks to the wonderful team at Planeteria, all those moving pieces came together on time and on budget and we couldn't be happier with the end result.

## CLACKAMAS COUNTY, OR

Jessie Kirk | Content Editor  
jkirk@clackamas.us | 503.742.5916

**PROJECT URL:** [www.clackamas.us](http://www.clackamas.us) (Launched May 2019)  
**SERVICES:** Website design & development



The upgraded site is a huge improvement both for internal and external users. We really appreciated not only the result but the fact that you and your team were so flexible and responsive along the way. Your team provided significant functionality improvements to simplify navigation, integrate Google maps, offer interactive charts, improve the search function and create a mobile-friendly platform.

## SAN DIEGO COUNTY WATER AUTHORITY

Mike Lee | Public Affairs Manager  
mlee@sdewa.org | 858.522.6600

**PROJECT URL:** [www.sdewa.org](http://www.sdewa.org) (Launched March 2021)  
**SERVICES:** Website design, development & maintenance



"We are proud of our collaboration with the team at Planeteria Media. They are truly a role-model of an agency making the most of our platform. We are very excited to welcome Planeteria Media's clientele into the Pantheon ecosystem, and look forward to showcasing their WebOps process in case-studies and conference presentations."

## PANTHEON HOSTING PARTNER

Josh Koenig | Co-Founder and Chief Strategy Officer

# PROJECT APPROACH

We begin by creating a clear project plan, identifying key players on both the client and Planetaria side. We clearly define roles, methods and systems for communication as well as clear timeline to keep the project on track and everyone in the loop. We understand that timelines can shift and plans can change; any adjustments to the project will be reflected in a modified Road Map. This ensures we all keep the project on time and on budget.



## DISCOVER

Through a kickoff meeting, we learn about your organizational goals and key elements of your project's success. We also identify the diverse set of stakeholders who will guide the project through interviews, surveys, and review.



## DEFINE

From what we learn in discovery, we formulate measurable goals by which to evaluate deliverables. We also review and finalize the project plan.



## DESIGN

Our design process allows multiple opportunities for discussion, review, and revision. We mock up key functionality so you can test usability before we enter the programming phase.



## ORGANIZE

We have a staff member whose sole job is to establish an organizational strategy for your content. Editing, creating, and restructuring content can often be a project's heaviest lift and we support this effort.



## DEVELOP

In this phase we implement proprietary technologies within our CMS solutions, and oversee the integration of any existing online tools. We provide a beta environment for our client's to review and offer feedback.



## MIGRATE

Through manual labor as well as automation, we migrate your content to the new environment. Once it's there, our content editor reviews each page to make final adjustments and recommend refinements.



## REVIEW

Near the end of the project our QA team tests your new website on all major browsers and platforms. Once we have QA-ed the site, we turn the site over and provide tools for internal review.



## TRAIN

When the site is ready for launch, we host a training bootcamp for your website managers. To support ongoing learning we provide an online resource with searchable tutorial videos and written guidance.



## LAUNCH

During launch you have direct communication with key team members. Our team is on call 24 hours a day during the critical launch window. We establish fail safe protocols if any unforeseen issues arise.

# WEBSITE CONTENT MANAGEMENT SYSTEM

We have developed websites for municipal organizations using open-source technologies and they have proven to be powerful, flexible and scalable. WordPress and Drupal are both web based, open-source content management platforms that are the best solution for the City's new website. The functionality we incorporate will ensure that audiences and stake holders have easy access to information that is important to them and have the ability to interact with City staff in numerous ways on the website. As your technology partner, we are CMS agnostic. The main misconception is that WordPress and Drupal are template websites. While some website design companies use templates, ALL websites designed by Planeteria are 100% custom while using a CMS as the software. WordPress and Drupal do not have license fees.



Initially developed in 2003, WordPress is now the world's most popular content management system with over 62 million installs. Over 40% of the Internet is now powered by WordPress. WordPress has made significant gains with municipal organizations and political leaders; Whitehouse.gov is built on WordPress for both of the past two presidents.

**WHY WORDPRESS:** WordPress is great for organizations with non-technical editors. WordPress has the best user ratings when it comes administering content.



Drupal provides a back-end framework for at least 2.3% of all websites worldwide ranging from personal blogs to corporate, political, government sites and is the #1 platform for enterprise CMS's. The Drupal community is composed of more than 1.3 million members, including 109,000 users actively contributing to the core technology.

**WHY DRUPAL:** Drupal is a great solution for large organizations that require a fast, secure and scalable solution.



Your website is the primary information source for your audience providing access to services and information 24 hours a day, 7 days a week. The Virtual City Hall likely sees more traffic than your physical City Hall and should have some of the same priorities; look fresh, welcoming, inviting, up-to date, ADA accessible and easy to find information. As part of our open source government CMS solution, we integrate calendars, agenda management, news, procurement and more. We can also integrate legacy third party softwares when relevant.

# FUNCTIONALITY FOR THE CITY OF INDIAN ROCKS BEACH

We understand you need a visually attractive, interesting, and dynamic website that represents your unique organization. From our experience the City's website will also need to be mobile, accessible, reliable, highly functional and provide useful, relevant and current information. Below is a list of functionality options we have integrated for other clients. We will provide best practices for the implementation for each option below.

## CORE CMS FUNCTIONALITY

### ADMINISTRATIVE FUNCTIONALITY

Admin Roles	User-Friendly URLs	Website Analytics
Content Approval Workflows	WYSIWYG Editor	Change Log
Feeds & RSS	Document Archive	SEO Tool
Page Builder & Templates	Media Upload & Asset Management	Broken Link Finder
Global Settings	Fillable Forms	Mobile Responsive
Content Scheduling	Multi Browser Support	Content Archiving

### VIRTUAL CITY HALL FUNCTIONALITY

Historically City Hall has been a place for City officials and the public to meet and discuss the community. Our Virtual City Hall allows for an open and transparent government.

RFP & Procurement Portal	Utility Payment	Survey/Polling
Board Meetings and Agendas	FAQ Tool	Permitting & Licensing
Online Agenda Management System	Interactive Maps	Memberships
Calendar & Events	Alerts, Emergency Notifications,	Permits
News Syndication	Feeds & RSS	Image Repository
Press Releases	On-line Job Application Processing	Document Archive
Third Party Widgets & APIs	Online Payments	
Email Subscriptions & E-Newsletter	Printable Pages	
Staff Directory & Contacts	One Click Language Translation	
City Service Directory	Text Message/Email Alerts	
City Park Information	Audience Engagement Tool	
Department Directory	E-communication Alerts	
Department Homepages	City Laws and Building Codes	
Social Media Integration	E commerce	
ARC GIS Mapping	Request Tracking	
In-site Predictive Search	Community Request Portal	

# ADA COMPLIANCE

The Americans with Disabilities Act (ADA) was introduced in 1990 to help the millions of Americans who live with disability. In everyday life, it ensures accessibility in public places and protects against discrimination. These requirements apply not only to public places, but cyber spaces as well.

## BENEFITS OF ADA COMPLIANCE

- **IT'S THE LAW.** It's better to be safe than sorry!
- **TOTAL ACCESSIBILITY.** Accessibility means everyone can visit your site and that content can be interpreted and consumed in various ways. It creates more visitors and an improved image for your firm or company.
- **ENHANCED USABILITY.** ADA compliance also requires that website content flows in a logical manner and meets the latest coding standards. It can even improve Search Engine Optimization (SEO).

## RISKS OF NON-COMPLIANCE

The City could face a lawsuit if a person with a disability claims they cannot access your website. The result of this can range from legal fees including possible settlements, PR problems, and the cost of rebuilding your website.

## HOW WE ACCOMPLISH COMPLIANCE

Accessibility often naturally flows from good design. This means that the City's website should be designed to deliver a great experience for all its visitors, whether or not they have a disability. We approach ADA compliance from a visual standpoint and a technical standpoint broken down below:

- **COLOR CONTRASTING.** Design for sufficient contrast between the color of the text and the color of the background; Avoid putting a light font color on a light background.
- **FONTS.** Use fonts that are easy to read; and make fonts larger
- **USE ALT IMAGE TEXT.** Make sure the images on your website have descriptive alt tags. Alt tags are used by screen readers, players, and voiceovers to describe elements on a website to users.
- **ANALYZE SITE LOGIC FLOW.** Make sure that forms on your site are labeled properly and make sure that form fields are in a logical tab order to make your site accessible to those who can't use a mouse.
- **HEADINGS.** Use headings correctly to organize the structure of your content.
- **LINKS.** Give your links unique and descriptive names.
- **ADD CAPTIONS FOR VIDEO & AUDIO CONTENT.** Videos or Audios on your site should be close captioned so that those with hearing disabilities can follow along
- **CONTENT MANAGEMENT SYSTEM.** If you are about to build a new website, choose a content management system that supports accessibility. Common examples include Wordpress, but there are many other options available.

## POST LAUNCH COMPLIANCE

ADA compliance does not end when your new website goes live. When new pages are added and content is edited, this new content needs to remain in compliance. This is accomplished with set guidelines for fonts and colors within the page templates. We also use automated tools to scan new content regularly to ensure compliance.



# PROJECT TIMELINE

Here is an overview of the project in its seven-phase project plan. We understand timelines overlap, we value flexibility and we are experts at balancing and prioritizing all of your needs. Throughout the lifetime of the project, we will provide deliverables and collect feedback with regular communication and documentation. Weekly meetings will help us stay on track.

## ROUND OF REVIEW:

Each round of review starts with a different versioned deliverable. The client is provided a time period to review the deliverable. Once feedback for the deliverable is posted and provided to the Planeteria team that round of review is closed.

## BELOW IS A SAMPLE SCHEDULE ESTIMATE:

### PHASE ONE: DISCOVERY – 4 WEEKS

The Discovery Phase lays the foundation of the project by helping further identify the needs of your stakeholders, better define your audience and furthers clarify project goals.

#### I. WEBSITE AUDIT & SITE WALK-THROUGH

With the City, Planeteria will conduct a site walk-through led by Planeteria's Information Architect, will be conducted to review and confirm the site audit findings. During the call, stakeholders will be guided through the existing site section by section to identify functionality needs, assess existing internal website processes, and clarify any remaining items to inform the website strategy.

**PLANETERIA DELIVERABLE:** *Site Walk-Through Meeting*

**CITY DELIVERABLE:** *Creative Brief Questionnaire & Google Analytics Access*

#### II. MOODBOARD

Planeteria's web designer will create and present a Moodboard; a board that showcases specific examples of functionality and aesthetic elements from existing websites to demonstrate a vision for potential solutions and further define the goals for the site.

**PLANETERIA DELIVERABLE:** *Interactive Moodboard Link*

**CITY DELIVERABLE:** *Feedback*

## PHASE TWO: INFORMATION ARCHITECTURE – 6 WEEKS

The Information Architecture Phase's primary function is to streamline your navigation and content for the new sites.

### I. SITEMAP

Based on the findings from the Discovery Phase, the Information Architect will develop a sitemap flowchart to demonstrate your site's new navigation that clarifies and optimizes your visitors' user journey.

**PLANETERIA DELIVERABLE:** *Interactive Sitemap Link*

**ROUNDS OF FEEDBACK:** 1

**CITY DELIVERABLE:** *Feedback & Approval*

### II. WIREFRAMES

Wireframes (aka. website blueprints) will be developed to demonstrate page template functionalities and content placement to help determine the site's basic layout and information flow.

**PLANETERIA DELIVERABLE:** *Interactive Wireframe Link*

**ROUNDS OF FEEDBACK:** 1

**CITY DELIVERABLE:** *Feedback & Approval*

## PHASE THREE: VISUAL DESIGN - 6 WEEKS

The Visual Design phase establishes the overall design for the sites

### I. COLORS, TYPOGRAPHY & HOMEPAGE MOCKUPS

Based on the moodboard and existing branding, the web designer will produce three potential design directions for the site through the presentation of the homepage design.

**PLANETERIA DELIVERABLE:** *Interactive Homepage Design Link*

**ROUNDS OF FEEDBACK:** 1

**CITY DELIVERABLE:** *Feedback & Approval*

### II. PAGE TEMPLATE DESIGNS

The remainder of the identified page templates will be designed based on the approved site direction including the eight microsites.

**PLANETERIA DELIVERABLE:** *Interactive Page Type Design Link*

**ROUNDS OF FEEDBACK:** 1

**CITY DELIVERABLE:** *Feedback & Approval*

## PHASE FOUR: CONTENT & BETA DEVELOPMENT – 10 WEEKS

The Content Strategy & Development Phase establishes the strategy for migrating and establishing content for the new sites and developing the beta site.

### I. CONTENT WORKBOOK

The content workbook consists of multiple content mapping exercises that help identify the existing content being migrated from the old site structure to the new website structure, as well as what content needs to be edited, developed, and provided by City.

**PLANETERIA DELIVERABLE:** *Content workbook onboarding*

**CITY DELIVERABLE:** *Content workbook*

### II. CONTENT MIGRATION

Auto migration of all field driven content, native to the site database, that is capable of being moved automatically via correctly formatted spreadsheets provided by City will be performed by Planeteria. All PDF's will be included in the migration.

**PLANETERIA DELIVERABLE:** *Content workbook onboarding*

**CITY DELIVERABLE:** *Content workbook*

### III. CONTENT CURATION

The content for the identified pages are hand curated by Planeteria staff with great attention to detail. Basic copy editing, photo editing, and advanced design modules are applied to the page to ensure the most optimal user experience.

**PLANETERIA DELIVERABLE:** *Content curation*

### IV. BETA

Planeteria creates the necessary accounts, sets up GIT (version control), installs plugins, creates a database, modifies CMS based on security best practices, develops the agreed-upon designs and functionalities. A test run development site will be presented to City, ready for internal review.

**PLANETERIA DELIVERABLE:** *Beta presentation*

**CITY DELIVERABLE:** *Requested items for beta development*

## PHASE FIVE: QUALITY ASSURANCE & LAUNCH- 4 WEEKS

Planeteria will conduct internal quality assurance checks in addition to soliciting feedback from City.

## I. TRAINING

Hands-on training session(s) in the beta environment teaches administrators how to interact with the site's backend to modify, edit, and upload content.

**PLANETERIA DELIVERABLE:** *Initial training*

**CITY DELIVERABLE:** *List and contact information of training attendees*

## II. BROWSER & MOBILE TESTING

The site is tested in the following browsers in order to ensure the sites quality across all platforms - IE 11+ (PC), Firefox/Opera/Safari/Chrome (Mac & PC). The site is tested on popular devices such as the iPhone and Andriod to determine the retention of the sites functionality as well as the correct implementation of the mobile designs.

## III. INTERNAL QUALITY ASSURANCE

The City will review all uploaded site content for accuracy and log any bugs, minor design edits, or functionality issues with our ticketing system as low, medium, or high priority.

**CITY DELIVERABLE:** *Bug reports logged & content refinement*

## IV. LAUNCH AND MONITORING

Prior to launch all high and medium tickets will be resolved and the site will be ready for public use and viewing. We carefully monitor the site and provide 24 hour support for any issues.

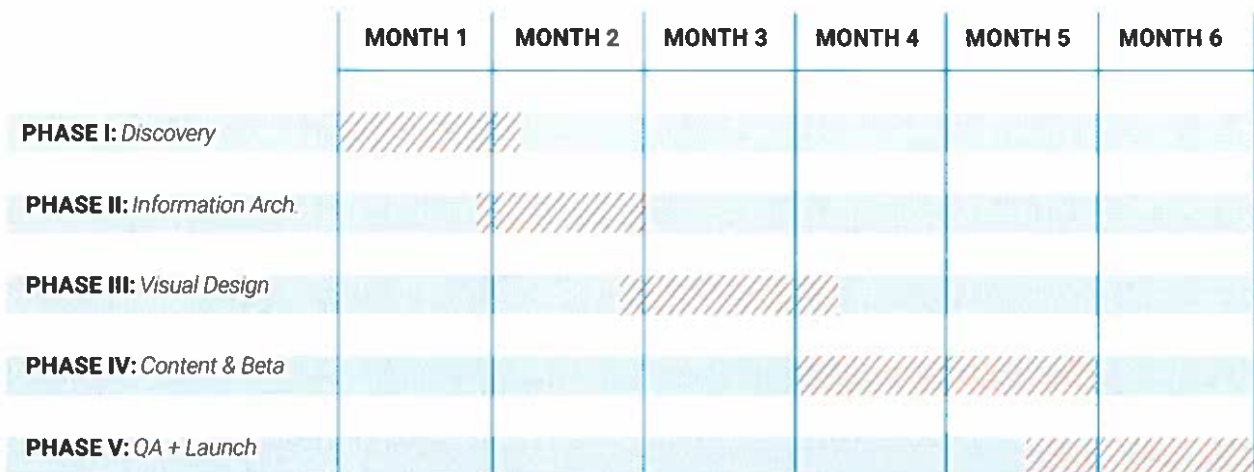
**PLANETERIA DELIVERABLE:** *Live site and monitoring of the site.*

## ESTIMATED IMPLEMENTATION PLAN

We estimate this project will take approximately 6-8 months to complete.

### BELOW IS A SAMPLE SCHEDULE ESTIMATE:

Timely client feedback is required to keep the project on track.



# ENTERPRISE-GRADE HOSTING & SECURITY

We have a partnership with Pantheon and offer fully managed hosting solution. Pantheon is our preferred and recommended hosting provider and we already have several hundred clients utilizing their services. Pantheon's stack is secure by design, engineered with a unique infrastructure and security capabilities and maintained with rigorous protocols—all the security you need to provide peace of mind.

## INFRASTRUCTURE

Pantheon's cloud-based development and management platform was developed from the ground up with best practices around safeguarding data. Its container-based infrastructure isolates each site and minimizes the risk of an issue affecting other systems.

## ACCESS

Pantheon's change management feature allows site owners to employ organization-wide role-based access, selectively granting or denying developer access to client sites and rights to deploy to production. Team members can work on what they need without introducing risk. Pantheon supports single sign-on (SSO) and multi-factor authentication (MFA).

## PREVENTION

Multiple features are built into the Pantheon platform to ward off attacks. Immutable code guards against unauthorized changes and updates; denial of service attacks can be easily deflected before they ever impact a client's website. In addition, we're constantly monitoring every site, running more than a million checks a day to look for problems.

## BACKUPS AND RETENTION

Pantheon provides automated backups and extended backup retention to mitigate and remediate risk. There is always a copy of a site's code, files and databases that can be instantly restored should something go wrong.

## COMPLIANCE

Pantheon conforms to nearly any privacy or security certification a project might require: SOC2, GDPR, FERPA, and many more. No matter how sensitive your clients' data may be it's protected. Period.

## REPUTATION SECURITY

Offering a state-of-the-art array of security features builds client trust and confidence. That's a strong selling point. Plus, you have less exposure to security risks.

## 24/7/365 SITE PROTECTION

Pantheon detects problems quickly and adjusts resources to insulate client sites.

## PEACE OF MIND

The City can rest easy at night, knowing that their site is architected for maximum security, constantly monitored for attacks and intrusions, and can instantly be restored if something does go wrong.

# MAINTENANCE & TECH SUPPORT

## WEBSITE MAINTENANCE

- Security updates, upgrades and patches for CMS, plugins, modules and third party tools
- Automated monitoring tools running 24/7 preventing intrusions and other incidents on a CMS level
- We will deploy updates across the platform, including 3rd party apps and modules

## SUPPORT

- We provide phone support (M-F 7 AM to 6 PM PST), online ticketing, and email support. Our ticketing portal can be used for non-emergency issues which allows your staff to open a ticket and track tickets
- Client-requested site modifications requiring less than 30 minutes of time (limit: 3 per month as part of the SLA. Limit can be increased upon request.)
- Unlimited training as requested by the City

## STANDARD SUPPORT TICKET RESPONSE TIMES

- All urgent requests are responded to within 2 hours.
- High priority requests - one business day
- Medium priority requests - two to three business days
- Low priority requests - five to seven business days

## EMERGENCY SUPPORT

Emergency response is limited to business-critical issues where you're experiencing a loss of service or significant functionality. We have three methods to submit an emergency ticket including the support portal, emergency phone number, and by email. You can expect a response from Planeteria within 30 minutes and a status report every 30-60 minutes following the emergency ticket submission. Examples of these kinds of issues include:

- Your website is not loading for multiple users
- Your website is loading, but it's showing an error instead of content or the content is significantly malformed or out of place
- Your website appears to have been defaced/hacked in some manner
- Any urgent security-related matter

## WARRANTY

Repair, at no additional charge, of all bugs in code for the lifetime of the site as long as:

- The code was not modified by a third-party (client included)
- The bug is not due to a change in technology including browser, plugin, and CMS updates
- The bug was not caused by the addition of content.

## SOFTWARE

- No licensing fees required
- Software Version upgrades during the life cycle of the website
- All source code, graphics and any other web content will be the property of the client.



# Proposal

Planeteria Media

Date: February 17, 2023

Customer ID: INDIAN ROCKS

To: City of Indian Rocks Beach  
1507 Bay Palm Boulevard, Indian Rocks Beach FL 33785  
P: 727.595.2517 E: dcarpenter@irbcity.com

Design Phase	Description	Hours	Rate	Line Total
1	<b>Discovery</b>	<b>20</b>	<b>\$ 110.00</b>	<b>\$ 2,200.00</b>
	Questionnaire & Documents	5	110	550.00
	Kickoff	10	110	1,100.00
	Moodboard	5	110	550.00
2	<b>Information Architecture</b>	<b>60</b>	<b>\$ 110.00</b>	<b>6,600.00</b>
	Sitemap & Page Types	25	110	2,750.00
	Wireframes (All Page Types)	35	110	3,850.00
3	<b>Visual Design</b>	<b>60</b>	<b>\$ 110.00</b>	<b>6,600.00</b>
	Website Style Guide: Colors & Typography	5	110	550.00
	All Page Design Mockups	55	110	6,050.00
4	<b>Content Strategy &amp; Migration</b>	<b>85</b>	<b>\$ 110.00</b>	<b>9,350.00</b>
	Mapping Content & Content Sanctuary	25	110	2,750.00
	Content Editing & Compiling	20	110	2,200.00
	Content Migration	40	110	4,400.00
5	<b>Development</b>	<b>90</b>	<b>\$ 110.00</b>	<b>9,900.00</b>
	Server, CMS Setup & Template Development	50	110	5,500.00
	Quality Assurance	25	110	2,750.00
	Beta Site & Initial Training	15	110	1,650.00
6	<b>Quality Assurance &amp; Launch</b>	<b>25</b>	<b>\$ 110.00</b>	<b>2,750.00</b>
	User Feedback & Feedback Implementation	10	110	1,100.00
	Content Edits & Launch	15	110	1,650.00
7	<b>Post Launch Monitoring &amp; Training</b>	<b>20</b>	<b>\$ 110.00</b>	<b>2,200.00</b>
	Post Launch "Hyper-Care" Monitoring	5	110	550.00
	Hands on Training & Video Training Library	15	110	1,650.00
<b>Design &amp; Development Total</b>				<b>\$ 39,600.00</b>
<b>Yearly Managed Maintenance</b>				<b>\$ 3,600.00</b>
<b>Yearly Hosting</b>				<b>\$ 1,800.00</b>
<b>Additional Services</b>				<b>\$110/ Hour</b>

Payment schedules can be arranged.

**Thank you for your business!**

100 Stony Point Rd #240, Santa Rosa, CA 95401, Phone/Fax 707-843-3773 sales@planeteriamedia.com

# CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Sonoma }

On 4/1/2020 before me, ASHISH PATEL Notary Public  
(Here insert name and title of the officer)

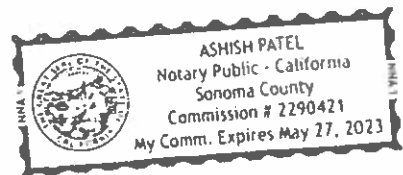
personally appeared Tyler J. Coffin  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Ashish Patel  
Notary Public Signature

(Notary Public Seal)



### ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT  
offeror's Certificate -  
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages \_\_\_\_\_ Document Date \_\_\_\_\_

### CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
- Corporate Officer  
\_\_\_\_\_  
(Title)
- Partner(s)
- Attorney-in-Fact
- Trustee(s)
- Other \_\_\_\_\_

### INSTRUCTIONS FOR COMPLETING THIS FORM

- This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.*
- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment
  - Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed
  - The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public)
  - Print the name(s) of document signer(s) who personally appear at the time of notarization
  - Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~ is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording
  - The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form
  - Signature of the notary public must match the signature on file with the office of the county clerk
    - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document
    - ❖ Indicate title or type of attached document, number of pages and date.
    - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary)
  - Securely attach this document to the signed document with a staple.



OFFEROR'S CERTIFICATION

WHEN OFFEROR IS A PARTNERSHIP

IN WITNESS WHEREOF, the Offeror hereto has executed this Proposal Form this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

See Attached California Notary page

Planeteria Media

Printed Name of Partnership

By: [Signature]  
Signature of General or Managing Partner  
Tyler Coffin

\_\_\_\_\_  
Witness

Printed Name of partner  
110 Stony Point Rd #225

\_\_\_\_\_  
Witness

Business Address  
Santa Rosa, CA 95401

City/State/Zip  
707-843-3773

Business Phone Number

California  
State of Registration

State of \_\_\_\_\_  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ Day of \_\_\_\_\_, 2020,  
by \_\_\_\_\_ (Name), \_\_\_\_\_ (Title) of \_\_\_\_\_  
(Name of Company) who is personally known to me  
or who has produced \_\_\_\_\_ as identification and who did (did not)  
take an oath.

WITNESS my hand and official seal.

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
(Name of Notary Public: Print, Stamp,  
or type as Commissioned)

**CERTIFIED RESOLUTION**

I, Tyler Coffin (Name), the duly elected Secretary of Planeteria Media

(Corporate Title), a corporation organized and existing under the laws of the State of California, do hereby certify that the following Resolution was unanimously adopted and passed by a quorum of the Board of Directors of the said corporation at a meeting held in accordance with law and the by-laws of the said corporation.

IT IS HEREBY RESOLVED THAT Tyler Coffin (Name), the duly elected Sales & Bussiness Development Director (Title of Officer) of Planeteria Media (Corporate Title), be and is hereby authorized to execute and submit a Bid and Bid Bond, if such bond is required, to the City of Indian Rocks Beach and such other instruments in writing as may be necessary on behalf of the said corporation; and that the Bid, Bid Bond, and other such instruments signed by him/her shall be binding upon the said corporation as its own acts and deeds. The secretary shall certify the names and signatures of those authorized to act by the foregoing resolution.

The City of Indian Rocks Beach shall be fully protected in relying upon such certification of the secretary and shall be indemnified and saved harmless from any and all claims, demands, expenses, loss or damage resulting from or growing out of honoring, the signature of any person so certified or for refusing to honor any signature not so certified.

I further certify that the above resolution is in force and effect and has not been revised, revoked or rescinded.

I further certify that the following are the name, titles and official signatures of those persons authorized to act by the foregoing resolution.

<u>NAME</u>	<u>TITLE</u>	<u>SIGNATURE</u>
<u>Tyler Coffin</u>	<u>Sales &amp; Bussiness Development Director</u>	<u>Tyler Coffin</u>
_____	_____	_____
_____	_____	_____

Given under my hand and the Seal of the said corporation this First day of April, 2020.

(SEAL)

By:

Tyler Coffin  
Secretary

Sales & Bussiness Development Director  
Corporate Title

**NOTE:**

The above is a suggested form of the type of Corporate Resolution desired. Such form need not be followed explicitly, but the Certified Resolution submitted must clearly show to the satisfaction of the City of Indian Rocks Beach that the person signing the Bid and Bid Bond for the corporation has been properly empowered by the corporation to do so in its behalf.

**FOREIGN (NON-FLORIDA) CORPORATIONS MUST COMPLETE THIS FORM**

DEPARTMENT OF STATE CORPORATE CHARTER NO. \_\_\_\_\_

If your corporation is exempt from the requirements of Section 607.1501, Florida Statutes, **YOU MUST CHECK BELOW** the reason(s) for the exemption. Please contact the Department of State, Division of Corporations at (850) 245-6051 for assistance with corporate registration or exemptions.

607.1501 Authority of foreign corporation to transact business required.

(1) A foreign corporation may not transact business in this state until it obtains a certificate of authority from the Department of State.

(2) The following activities, among others, do not constitute transacting business within the meaning of subsection (1):

- (a) Maintaining, defending, or settling any proceeding.
- (b) Holding meetings of the board of directors or shareholders or carrying on other activities concerning internal corporate affairs.
- (c) Maintaining bank accounts.
- (d) Maintaining officers or agencies for the transfer, exchange, and registration of the corporation's own securities or maintaining trustees or depositaries with respect to those securities.
- (e) Selling through independent contractors.
- (f) Soliciting or obtaining orders, whether by mail or through employees, agents, or otherwise, if the orders require acceptance outside this state before they become contracts.
- (g) Creating or acquiring indebtedness, mortgages, and security interests in real or personal property.
- (h) Securing or collecting debts or enforcing mortgages and security interests in property securing the debts.
- (i) Transacting business in interstate commerce.
- (j) Conducting an isolated transaction that is completed within 30 days and that is not one in the course of repeated transactions of a like nature.
- (k) Owning and controlling a subsidiary corporation incorporated in or transacting business within this state or voting the stock of any corporation which it has lawfully acquired.
- (l) Owning a limited partnership interest in a limited partnership that is doing business within this state, unless such limited partner manages or controls the partnership or exercises the powers and duties of a general partner.
- (m) Owning, without more, real or personal property.

(3) The list of activities in subsection (2) is not exhaustive.

(4) This section has no application to the question of whether any foreign corporation is subject to service of process and suit in this state under any law of this state.

Please check one of the following if your firm is **NOT** a corporation:

- (I)  Partnership, Joint Venture, Estate or Trust
- (II)  Sole Proprietorship or Self-Employed

**NOTE:** This sheet **MUST** be enclosed with your bid if you claim an exemption or have checked I or II above. If you do not check I or II above, your firm will be considered a corporation and subject to all requirements listed herein.

Tyler Coffin

OFFERORS CORRECT LEGAL  
NAME

*Tyler Coffin*

SIGNATURE OF AUTHORIZED  
AGENT OF OFFEROR

**NON-COLLUSIVE AFFIDAVIT**

State of \_\_\_\_\_ )

County of \_\_\_\_\_ )

Tyler Coffin \_\_\_\_\_ being first duly sworn, deposes and says that:

(1) He/she is the Sales & Business Development Director (Owner, Partner, Officer, Representative or Agent) of

Planeteria Media, the Offeror that has submitted the attached Proposal;

- (2) He/she is fully informed respecting the preparation and contents of the attached Proposal and of all pertinent circumstances respecting such Proposal;
- (3) Such Proposal is genuine and is not a collusive or sham Proposal;
- (4) Neither the said Offeror nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Offeror, firm, or person to submit a collusive or sham Proposal in connection with the Work for which the attached Proposal has been submitted; or to refrain from proposing in connection with such Work; or have in any manner, directly or indirectly, sought by agreement or collusion, or communication, or conference with any Offeror, firm, or person to fix the price or prices in the attached Proposal or of any other Offeror, or to fix any overhead, profit, or cost elements of the Proposal price or the Proposal price of any other Offeror, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against (Recipient), or any person interested in the proposed Work;
- (5) The price or prices quoted in the attached Proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Offeror or any other of its agents, representatives, owners, employees or parties in interest, including this affiant.

Signed, sealed and delivered in the presence of:

See Attached  
California  
Notary page

By: \_\_\_\_\_

Tyler Coffin

\_\_\_\_\_  
(Printed Name)



Sales & Bussiness Development Director

(Title) ACKNOWLEDGEMENT

State of \_\_\_\_\_ County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_ 202\_\_\_, by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_ as identification and who did (did not) take an oath.

WITNESS my hand and official seal

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
(Name of Notary Public: Print, Stamp, or Type as Commissioned.)  
Page 2 of 2

# CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Sonoma }

On 4/1/2020 before me, ASHISH PATEL, Notary Public  
(Here insert name and title of the officer)

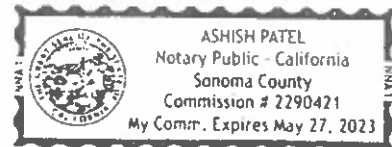
personally appeared Tyler J Coffin,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Ashish Patel  
Notary Public Signature

(Notary Public Seal)



### ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT  
Non-Collusive Affidavit  
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages \_\_\_\_\_ Document Date \_\_\_\_\_

CAPACITY CLAIMED BY THE SIGNER

Individual (s)  
 Corporate Officer  
\_\_\_\_\_ (Title)  
 Partner(s)  
 Attorney-in-Fact  
 Trustee(s)  
 Other \_\_\_\_\_

### INSTRUCTIONS FOR COMPLETING THIS FORM

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  - The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public)
  - Print the name(s) of document signer(s) who personally appear at the time of notarization
  - Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~ is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording
  - The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form
  - Signature of the notary public must match the signature on file with the office of the county clerk.
    - ✦ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document
    - ✦ Indicate title or type of attached document, number of pages and date
    - ✦ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary)
  - Securely attach this document to the signed document with a staple.

## **REFERENCES**

In order to receive RFP Award consideration on the proposed RFP, it is a requirement that the following "Information Sheet" be completed and returned with your proposal. This information may be used in determining the RFP Award for this contract.

OFFEROR (COMPANY NAME): Planeteria Media  
ADDRESS: 110 Stony Point Rd #225 Santa Rosa, CA 95401  
TELEPHONE NO: ( 707 ) 843-3773  
CONTACT PERSON: Tyler Coffin TITLE: Sales & Bussiness Development Director  
NUMBER OF YEARS IN BUSINESS: 20  
YEARS ADDRESS OF NEAREST FACILITY: 20

---

LIST THREE (3) COMPANIES OR GOVERNMENTAL AGENCIES WHERE THESE PRODUCTS AND SERVICES HAVE BEEN PROVIDED IN THE LAST YEAR:

COMPANY NAME: Solano Transportation Authority  
ADDRESS: 1 Harbor Center # 130, Suisun City, CA 94585  
TELEPHONE NO: 707-823-1153  
CONTACT PERSON: Lloyd Nadal TITLE: Program Services Division Manager  
DATE PRODUCTS SOLD: February 2017

COMPANY NAME: Butler County Regional Transit Authority  
ADDRESS: 3045 Moser Ct, Hamilton, Ohio 45011  
TELEPHONE NO: 513-785-5378  
CONTACT PERSON: John Gardocki TITLE: Programs Manager  
DATE PRODUCTS SOLD: July 2019

COMPANY NAME: Clackamas County  
ADDRESS: 2051 Kaen Rd, Oregon City, Oregon 97045  
TELEPHONE NO: 503-742-5916  
CONTACT PERSON: Jessie Kirk TITLE: Web Content Editor  
DATE PRODUCTS SOLD: August 2018

**CERTIFICATION PURSUANT TO FLORIDA STATUTE § 287.135**

I, Tyler Coffin on behalf of Planeteria Media  
(Printed Name) (Company Name)

certify that Planeteria Media does not:  
(Company Name)

1. Participate in a boycott of Israel; and
2. Is not on the Scrutinized Companies that Boycott Israel List; and
3. Is not on the Scrutinized Companies with Activities in Sudan List; and
4. Is not on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List;  
and
5. Has not engaged in business operations in Syria.

Submitting a false certification shall be deemed a material breach of contract. The South Florida Regional Planning Council (Council) shall provide notice, in writing, to the Contractor of the Council's determination concerning the false certification. The Contractor shall have ninety (90) days following receipt of the notice to respond in writing and demonstrate that the determination of false certification was made in error. If the Contractor does not demonstrate that the Council's determination of false certification was made in error then the Council shall have the right to terminate the contract and seek civil remedies pursuant to Florida Statute § 287.135.

Section 287.135, Florida Statutes, prohibits state agencies and departments, and local government entities from: 1) Contracting with companies for goods or services in any amount if at the time of bidding on, submitting a proposal for, or entering into or renewing a contract if the company is on the Scrutinized Companies that Boycott Israel List, created pursuant to Section 215.4725, F.S. or is engaged in a boycott of Israel; and 2) Contracting with companies, for goods or services over \$1,000,000.00 that are on either the Scrutinized Companies with activities in the Iran Petroleum Energy Sector list, created pursuant to s. 215.473, or are engaged in business operations in Syria.

As the person authorized to sign on behalf of the Contractor, I hereby certify that the company identified above in the section entitled "Contractor Name" does not participate in any boycott of Israel, is not listed on the Scrutinized Companies that Boycott Israel List, is not listed on either the Scrutinized Companies with activities in the Iran Petroleum Energy Sector List, and is not engaged



in business operations in Syria. I understand that pursuant to section 287.135, Florida Statutes, the submission of a false certification may subject the company to civil penalties, attorney's fees, and/or costs. I further understand that any contract with the Council for goods or services may be terminated at the option of the Council if the company is found to have submitted a false certification or has been placed on the Scrutinized Companies with Activities in Sudan list or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List.

Planeteria Media  
\_\_\_\_\_

**COMPANY NAME**

*Tyler Coffin*  
\_\_\_\_\_

**SIGNATURE**

Tyler Coffin  
\_\_\_\_\_

**PRINT NAME**

Sales & Business Development Director  
\_\_\_\_\_

**TITLE**

4/1/2020  
\_\_\_\_\_

**DATE**

**Please provide the executed form to the South Florida Regional Council.**



**PLANETERIA MEDIA**

## **CITY OF INDIAN ROCKS BEACH**

**WEBSITE DESIGN SERVICES**

**WE BELIEVE** our team, our process and our proven outcomes at Planeteria are uniquely aligned with the needs of the City of Indian Rocks Beach to address your website redesign in meaningful ways that add enduring value for you and the audience you serve. Our team is on standby to get started immediately upon award if we are selected.

# **THANK YOU**

**TYLER COFFIN | Sales Director**

100 Stony Point Road, Ste 240, Santa Rosa, California 95401

**P:** 707.843.3773 **E:** [tyler@planeteria.com](mailto:tyler@planeteria.com)

**AGENDA ITEM NO. 6A  
PUBLIC HEARINGS**

**SECOND AND FINAL READING**

**ORDINANCE NO. 2023-02  
VACATION RENTALS**

**ORDINANCE NO. 2023-02 – AMENDED 5-09-2023 10:30 AM**

**AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, ESTABLISHING A COMPREHENSIVE REGULATORY SCHEME REGARDING THE MARKETING AND OPERATION OF SHORT-TERM RENTALS WITHIN THE CITY; CREATING A NEW ARTICLE V, “VACATION RENTAL REGULATIONS,” WITHIN CHAPTER 18 – “BUSINESSES”; ESTABLISHING A COMPREHENSIVE ORDINANCE REGULATING THE REGISTRATION, INSPECTION, SAFETY, AND OPERATION OF VACATION RENTALS WITHIN SPECIFIED ZONING DISTRICTS IN THE CITY OF INDIAN ROCKS BEACH; CREATING RELATED DEFINITIONS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, the 2011 Florida Legislature enacted House Bill 883 (Florida Chapter 2011-119, Laws of Florida) (“HB 883”) which preempted the local regulation of a specific land use commonly called short term vacation rentals; and

**WHEREAS**, HB 883 prevented local communities from enacting new regulations necessary to address any consequential or negative impacts caused by short-term vacation rentals; and

**WHEREAS**, following the enactment of HB 883 the City of Indian Rocks Beach (the “City”) adopted Ordinance 2011-03, modifying its ordinances concerning the regulation of short term vacation rentals; and

**WHEREAS**, a little more than a year later the City adopted Ordinance 2012-08, further amending its restrictions regarding short term vacation rentals; and

**WHEREAS**, the 2014 Florida Legislature enacted Senate Bill 356 (Florida Chapter 2014-71, Laws of Florida) (“SB 356”) which rescinded HB 883’s preemption on local regulation of short term vacation rentals, but provided that local laws, ordinances or regulations adopted after June 1, 2011 may not prohibit short term vacation rentals or regulate the duration or frequency of rental of vacation rentals; and

**WHEREAS**, SB 356 returned some local control back to municipalities to mitigate the effects of short term vacation rentals in an attempt to make them safer, more compatible with existing neighborhood regulations, and accountable for their proper operation; and

**WHEREAS**, SB 356 does not allow local governments to prohibit short term vacation rentals in any community or zoning district; and

**WHEREAS**, Florida Statutes § 509.013, provides a distinction between "transient public lodging establishments" which are rented, or advertised or held out for rental to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less; and "nontransient public lodging establishments" which are rented, or advertised or held out for rental to guests for periods of at least thirty (30) days or one (1) calendar month, whichever is less; and

**WHEREAS**, Florida Statutes § 509.242(1)(c) further provides for a subset of transient public lodging establishments, called "vacation rental" which is any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family or four-family house or dwelling unit that is also a transient public lodging establishment, but that is not a timeshare project; and

**WHEREAS**, single-family residential neighborhoods and their required infrastructure are generally designed to accommodate typical single-family residential homes with two (2) or (3) persons per household, on average; and

**WHEREAS**, local governments apply design standards tailored for their roads, driveways, emergency services planning, public shelters, solid waste collection, utilities, buffers, and are also tailored in assessing their infrastructure impacts; and

**WHEREAS**, short-term vacation rental occupants, due to the transient nature of their occupancy, are unfamiliar with local hurricane evacuation plans, the location of fire extinguishers, residence exit routes, pool and home safety features, and other similar safety measures that would ordinarily be provided to guests in traditional lodging establishments; and

**WHEREAS**, the occupants of short-term vacation rentals located within established neighborhoods can disturb the quiet enjoyment of the neighborhood; and

**WHEREAS**, traditional lodging establishments (hotels, motels and bed and breakfasts) are typically restricted to commercial and other non-residentially zoned areas where intensity of uses is separated from less busy and quieter residential uses; and

**WHEREAS**, many local jurisdictions in the State of Florida, and across the nation have standards in place to minimize the negative impacts caused by short-term vacation rentals; and

**WHEREAS**, the City Commission finds that while the Florida Legislature has equated short-term "vacation" renting with traditional long-term occupation of a residence by families who live, work, recreate, and raise families in the community, the reality is that the practice of short-term "vacation" renting of residential homes situated next to and among homes occupied by families who live in those homes can and, though not universally, does create negative effects suffered by those families; and

**WHEREAS**, those negative effects engaged in by vacation renters include regular noise disturbances, vandalism, trespass, public urination, and failure to obey parking, solid waste, and litter rules; and

**WHEREAS**, residents living within their residential dwellings are inherently familiar with the local surroundings, local code restrictions, local weather disturbances, local hurricane evacuation plans, and means of egress from their residential dwellings, thereby minimizing potential risks to themselves and their families; and

**WHEREAS**, in contrast, transient occupants of vacation rentals, due to their transient nature, are typically not familiar with local surroundings, local code restrictions, local weather disturbances, local hurricane evacuation plans, and means of egress from the vacation rentals in which they are staying, thereby increasing potential risks to themselves and their families, and putting an additional burden on, and potentially putting at risk, emergency personnel in the event of an emergency situation; and

**WHEREAS**, the regulation of vacation rentals will contribute to the stability of the City's existing residential neighborhoods as well as the health, safety, and welfare of the City's residents and guests; and

**WHEREAS**, the regulation of vacation rentals will protect visitors to the City by assuring that fire and safety inspections are periodically conducted, that they receive necessary information about the dwelling which they have rented, and notifying them of the owner of the dwellings obligation to provide for their safety and welfare; and

**WHEREAS**, in September 2018, the City Commission adopted Ordinance 2018-01, initially regulating aspects of the operation of short term vacation rentals; and

**WHEREAS**, after multiple public work sessions and upon significant public comment by various interested shareholders that reside in, own property, or visit the City, the City Commission now desires to amend its code of ordinances to enhance its protection and preservation of the health, safety and welfare of all persons residing in and visiting the City; and

**WHEREAS**, it is not the intent of this Ordinance, whether *de facto* or *de jure*, to prohibit vacation rentals, or to regulate the duration or frequency of rental of vacation rentals but rather it is the intent of this Ordinance to regulate vacation rentals in a manner that ensures their safe and lawful operation; and

**WHEREAS**, the Commission finds that it is necessary to create a registration fee for short-term rental properties in the City which will be periodically established by the Commission, and which will be commensurate with the cost to the City of the regulatory activities required by this Ordinance, to the extent permitted by law; and

**WHEREAS**, the regulation of vacation rentals is necessary to protect the public health, safety and welfare of the City, its residents and its visitors; and

**WHEREAS**, the Commission finds that it is therefore in the interest of the City and its citizens to adopt the regulatory provisions set forth in this Ordinance.

**NOW, THEREFORE BE IT ORDAINED** by the City Commission of the City of Indian Rocks Beach, Florida, that:

**SECTION 1.** A new Article of the City of Indian Rocks Beach Code is hereby created as follows:

**CHAPTER 18 - BUSINESSES**

**ARTICLE V. – VACATION RENTAL REGULATIONS**

**DIVISION 1. – GENERAL PROVISIONS**

**Sec. 18-200. – Definitions.**

The following terms as used in this article are defined as set forth hereinafter:

*Bedroom* means any room in a vacation rental which has a bed or other place for sleeping and a separate closet that is an integral part of the permanent construction within the bedroom or an ensuite bathroom, and which has been reflected as a bedroom on the construction plans approved by the city’s building official, and which complies with the Florida Building Code as a bedroom, but shall not include a bathroom, garage, a kitchen, a dining room, a family room, a sunroom, a closet, a utility room, a laundry room, or any main living area. If a room has been added, altered, or converted without any required building permit having been granted, where applicable, such room shall not be deemed a bedroom. For purposes of this article, staff shall have discretion in the registration process to determine the number of bedrooms within traditional cottages that exist within the City, but may not have a built in closet owing to their historical design.

*City Code* shall mean the city’s codified code of ordinances including the zoning code, all uncodified ordinances, the city’s comprehensive plan, and the future land use map.

*Code Compliance Magistrate* shall mean any person or persons designated to adjudicate alleged violations of the City’s Code of Ordinances, pursuant to Fla. Stat. § 162.01 *et seq.* The terms code compliance board, code enforcement board, or magistrate are used interchangeably within this article.

*Living area.* The area under roof designated primarily for habitation and specifically excluding garages. As used in this article, the total living area shall be computed as follows: The exterior dimensions of all enclosed spaces within the framework of the building unit (length and width), multiplied and totaled, as follows:

- (1) Any room or area accessible from any other room or area within the framework shall constitute living area.
- (2) A room or area must be totally enclosed by walls and covered by roofing.
- (3) A room or area must be protected from the elements.
- (4) A utility room within the framework of the main building and accessible within the main living area constitutes living area.

Occupant means any person who occupies a vacation rental. There is a rebuttal presumption that, when the dwelling unit occupied is not the primary residence of the guest, the occupancy is transient.

Overnight means being present in the vacation rental at any time between the hours of 10 p.m. and 7 a.m.

Owner occupied means the vacation rental is then occupied by person(s), at the vacation rental owner's consent, who do not pay rent for the occupancy of the vacation rental, when such persons are also members of the family of the vacation rental owner. Family member shall mean spouses, former spouses, non-cohabitating partners, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time. A property shall not be deemed owner-occupied where the owner of the property allows a friend, acquaintance, employee, or other person not considered a family member, as defined here, to occupy the property unaccompanied by a family member.

Peer-to-peer platform/entity shall mean any person, service, business, company, marketplace, or other entity that, for a fee or other consideration, provides property owners and responsible parties a platform or means to offer vacation rentals to transient occupants whether through the internet or other means.

Responsible person shall mean the owner, or a natural person 18 years of age or older designated by the owner of the vacation rental to be called upon to answer for the maintenance of the vacation rental and the conduct and acts of vacation occupants of residential properties. A corporation, partnership, or other legal entity cannot be a responsible person.

Transient public lodging establishments means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

Vacation rental shall mean a vacation rental as defined by Florida Statutes § 509.242(1)(c).

Vacation rental registration or "VRR" shall refer to the licensure or certification issued by the City of Indian Rocks Beach to a property owner authorizing the lawful operation of a transient public lodging establishment as a vacation rental within the City.

Vacation rental owner is the fee simple owner of the vacation rental, whether an individual, partnership, corporation, limited liability company, trust, or other entity. In the event the vacation rental owner is not an individual, the vacation rental owner shall designate a responsible natural person to perform the functions and duties of a vacation rental owner herein. The duties and functions of a vacation rental owner may, at the option of the vacation rental owner, be performed by an agent of the vacation rental owner, so long as the vacation rental owner notifies the city in



writing, on a form provided by the city, of the identity and contact information of such agent, and the specific duties that the agent will be performing for the vacation rental owner. The vacation rental owner may change the designation of agent at any time through the filing of a new form and the payment of an administrative fee in an amount as set by resolution by the city commission. The vacation rental owner shall be held responsible for all actions of such designated agent with respect to the applicable vacation rental.

### **Sec. 18-201. – Scope**

This article shall apply to all structures used as vacation rentals within the single family ("S"), medium density ("RM 2"), medium density duplex residential ("RM 1"), and the high density commercial tourist ("CT") zoning districts.

To the extent applicable within the City's CT zoning district, this provision shall not extend to the operation of any legally established and permitted timeshare properties or timeshare units subject to a timeshare instrument, as those terms are defined in Fla. Stat. § 721.05, in existence at the time of the adoption of this ordinance.

### **Sec. 18-202. – Enforcement.**

- (a) **Generally.** Unless specified otherwise in this article, violations of this article shall be enforced in the manner set forth in Chapter 1, Section 1-14 of the code, and potential penalties shall include, in addition to the imposition of daily fines, the suspension or revocation of the vacation rental's ability to operate under the conditions set forth in this article.
- (b) **Fines.** The Magistrate's decision whether to impose a fine and the amount of the fine shall remain subject to the provisions, considerations, and limitations set forth in Fla. Stat. 162.09, as well as the following factors:
- (1) the gravity of the violation;
  - (2) any action(s) taken by the violator or property owner to correct the violation;
  - (3) any previous violations committed by the violator;
  - (4) the property owner or designated responsible party's efforts to resolve or avoid the violation;
  - (5) the temporal duration of the violation;
  - (6) whether the violation was a function of the property owner's action or inaction, or those of their transient guests;
  - (7) any evidence of the property owner's adjudication or admission to violations of a similar nature in the City;
  - (8) any evidence of deliberate misrepresentation by the owner(s) to the city or its agents in connection with the violation; and
  - (9) any documentation from an online rental platform of any warning, rebuke, censure, suspension, penalty, or prohibition of the property owner or owners' use of its platform for the purpose of offering properties as transient public lodging establishments as a violation of the platform's policies, procedures, or terms of service.

- (c) **Rental Registration Suspension.** Upon a third adjudicated or admitted violation of the City's code of ordinances within a twelve (12) month period at the same rental unit or property, the Magistrate shall have the discretion to temporarily suspend the property owner or owners' vacation rental registration for the property or unit at issue. The Magistrate's decision whether to suspend a vacation rental registration and for what duration shall remain subject to consideration of the same factors evaluated when determining the imposition of the initial fine.

Nothing in this provision shall be construed to permit the suspension of a registration based on mere complaint or, alleged and disputed or unadjudicated violations of the City's code of ordinances. The Magistrate's decision whether to suspend a vacation rental registration and for what duration shall be subject to the same considerations for the imposition of a fine as set forth in this article.

Upon the expiration of a suspension period imposed by the Magistrate, the city manager or his/her designee shall reinstate the property or unit's vacation rental registration. A suspended vacation rental registration shall not, however, be reinstated while any fine imposed as against property owner as a result of an admitted or adjudicated determination of a violation of the City's code of ordinances at the subject property for which reinstatement is sought remains due and owing.

- (d) **Rental Registration Revocation.** Upon a third imposed and legally sustained suspension within a three (3) year period, the Magistrate shall have the discretion to revoke a property owner or owners' vacation rental registration for the property or unit at issue. The Magistrate's decision of whether to revoke a rental registration for a property shall be subject to the same considerations for the imposition of a fine and suspension of a vacation rental registration.

Any revoked vacation rental registration for a specific unit or property shall not be re-issued for the same unit or property to the property owner(s) who had his/her/its registration revoked, or to any entity in which he/she/it has any financial or ownership interest.

- (e) **Reservation of Rights.** Nothing herein shall prevent the city from seeking all other available remedies which may include, but shall not be limited to, suspension or revocation of a vacation rental registration upon adequate due process, injunctive relief, liens and other civil and criminal penalties as provided by law as well as referral to other enforcing agencies.

### **Sec. 18-203. – Appeals.**

An aggrieved party, including the local governing body, may appeal a final administrative order of the Magistrate to the circuit court, in the manner set forth in Fla. Stat. § 162.11. Any such appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

**DIVISION 2. – VACATION RENTAL REGISTRATION, RESPONSIBLE PERSONS,  
AND ADVERTISEMENTS**

**Sec. 18-204. – Registration required.**

As of July 3, 2023, a vacation rental registration shall be required to operate a vacation rental within the city, utilizing forms promulgated by the city. The city manager may extend the date that such registration is required by notice on the city’s website should the city not publish forms and fees for registration by June 16, 2023.

Prior to the issuance of a vacation rental registration, the owner or primary responsible person has the affirmative duty to ensure that the dwelling unit and property in or on which the vacation rental is or will be located, is in full compliance with the city Code, Florida Statutes Chapter 509, the Florida Building Code, the Florida Administrative Code, and the Florida Fire Prevention Code. A separate vacation rental registration shall be required for each vacation rental unit. The operation of a vacation rental without registration after the date registration is required shall be a violation of this article, except in the instance of providing accommodations to fulfill a rental contract existing as of the effective date of this Ordinance.

**Sec. 18-205. – Vacation Rental Registration Fee.**

All fees to be charged under the provisions of this article shall be set forth in a resolution to be adopted by the City Commission. There shall be no differentiation in the fee required for an initial rental registration, renewed rental registration, or transferred rental registration. The Commission may require a reduced rental registration fee for a change of ownership or amended rental registration as set forth in 18-207 (a).

**Sec. 18-206. – Vacation Rental Registration Process and Contents.**

- (a) **Rental Registration Application Required.** A vacation rental registration application must be filed and signed by the vacation rental owner. In the event a rental registration is submitted by a corporate entity, the application must identify each shareholder in the corporate entity and be signed by each owner of the corporate entity.
  
- (b) **Rental Registration Submission.** A registration application must be submitted using the forms promulgated by the city for such purpose. Application forms shall be submitted to the city employee or official designated by the city manager for processing. All applicable registration and inspection fees established by the city shall be submitted at the same time as the application form.
  
- (c) **Rental Registration Contents.** A registration application shall, at a minimum, include the following:
  - (1) Address of the vacation rental property being registered, including any corresponding unit number, along with proof of ownership, which may be in the form of a deed or copy of the property appraiser’s website information on the property;

- (2) Name, address, phone number, and e-mail of the property owner and the date upon which the owner took title to the property. No rental registration shall issue to a lessee, tenant, sub-lessee or sub-tenant of a property;
- (3) Name, address, e-mail, and emergency contact phone number of the primary responsible person(s), and any secondary or tertiary contact for the vacation rental. At least one of the designated responsible person(s) shall be available at all times at the contact numbers provided in the rental registration submissions;
- (4) The vacation rental's current and active license or registration number as a transient public lodging establishment with the Florida Department of Business and Professional Regulation (DBPR);
- (5) A copy of the vacation rental's current and active certificate of registration with the Florida Department of Revenue and Pinellas County for sales and tourist development tax collection, respectively, if the registrant has such certificates or accounts; unless a peer-to-peer platform entity through which the vacation rental is booked will be remitting all such taxes associated with the vacation rental on the responsible person's behalf;
- (6) Business tax receipt from the city, in accordance with chapter 58 of the city code;
- (7) Statement attesting to the number of bedrooms, as defined in this article, and identifying the number and location of parking spaces available on the property, with affirmation that the parking plan submitted by the owner will be followed by the owner's guests;
- (8) Exterior site plan. An exterior plan of the vacation rental property drawn to scale, identifying the structures and dimensions of those portions of the property outside of the primary residential structure. The submitted plan shall include the name and phone number of the person who prepared the drawing. The plan shall depict and identify the outer boundaries of the property, and all structures, docks, sheds, outdoor kitchens, paved parking areas, pools, spas, hot tubs, and fencing. The exterior site plan can be prepared by the property owner, and do not need to be prepared by a surveyor, architect, or engineer;
- (9) Interior structural plan by floor. An interior structural plan of the vacation rental structure by floor, drawn to scale, shall be provided. The submitted plan shall include the name and phone number of the person who prepared the drawing. The interior structural plan shall depict a floor layout identifying all spaces on each floor, and shall label each space as a bedroom (as defined in this article) bathroom, kitchen, office, den, dining room, family room, sunroom, closet, utility room, laundry room, hallway, stairway, or any other spatial element of the structure. The interior structural plans can be prepared by the property owner, and do not need to be prepared by an architect or engineer;
- (10) Acknowledgement signed by each owner, acknowledging and agreeing to initial and ongoing compliance with this article and all other city codes and federal, including FEMA

requirements, as well as state and county laws which are applicable to the owner's ownership, maintenance, repair, modification, and use of the vacation rental property;

- (11) A listing of the occupancy limit established by this article, calculated in the manner set forth in this article, and an acknowledgement that the owner will ensure compliance with the occupancy limit;
  - (12) A narrative parking plan, and outlining where vehicles will be parked and how guests will be made aware of the parking rules, including the prohibition against guests parking on the street or adjacent right of way. The parking plan can be prepared by the property owner;
  - (13) A copy of any conduct rules adopted by the owner which will apply to the conduct of the owner's guests, and a narrative statement setting forth how the owner will ensure each guest are provided a copy of, and made to acknowledge, these rules;
  - (14) A narrative statement setting forth how the owner will ensure each guest is provided a copy of, and made to acknowledge, the city rules which must be disclosed to each guest, including the city's rules related to solid waste storage, setting out solid waste on correct collection days, the noise restrictions associated with the vacation rental's use, the parking restrictions, and the quiet hour rules, all as are set forth in this article and as otherwise set forth in the code.
- (d) **Complete Submission Required.** Forms must be fully completed. Incomplete applications will not be processed.
- (1) The city's administrative employees do not have the discretion to deny a registration application which is found to be complete, and which is found to satisfy the requirements of this article. If a registration application is found by a city employee or official to be incomplete, or that the information submitted does not satisfy a requirement of this article, the city employee or official will notify the applicant in writing setting forth the deficiencies to be addressed. The applicant will then be allowed fifteen (15) days to provide any missing information or to otherwise revise the application to make it compliant with this article.
  - (2) If an applicant disagrees with a determination of the city employee or official as to the completeness of an application, or an application's compliance with this article, the applicant may, within fifteen (15) days of the date of the employee or official's determination, file a written appeal to the Magistrate, submitted via contemporaneous e-mail and certified mail submissions to the direct attention of the city manager. The appeal must set forth the specific factual and legal reasons supporting the applicant's appeal. Any such hearing shall be noticed and convened within 21 days of the date of the appeal being noticed to the city manager.
  - (3) A completed vacation rental registration shall not be approved until the subject property or unit has completed and passed the inspection process set forth in this article.

**Sec. 18-207. – Modification/change of ownership of vacation rental registration.**

**(a) Amended Registration.** An amendment of a vacation rental registration application and affidavit of compliance shall be required, with payment of the appropriate fee, in the event that any of the following changes to the vacation rental are proposed:

- (1) An amendment to the owner’s safety or parking plans; or
- (2) A change in the designated responsible person(s).

Such amendments will be approved by the city upon a finding by the city employee or official, as designated by the city manager, that the changed plans, rules or designation otherwise continue to comply with the requirements of this article.

**(b) Ownership Transfers Requiring Registration.** A change of ownership, including transfers between legal entities under common control, shall require a new application, and shall be accompanied by the applicable application fee.

**Sec. 18-208. – Duration of vacation rental registration.**

A vacation rental registration shall be valid for one (1) year from the date the application is approved. An approved registration shall constitute permission to operate the vacation rental for which the registration is required.

**Sec. 18-209. – Renewal of vacation rental registration.**

Each vacation rental owner has a duty to ensure they renew their registration annually prior to the expiration date of the previous vacation rental registration. Each renewal shall render the rented property or unit subject to an annual inspection and applicable fees.

**Sec. 18-210. – Inspection of vacation rentals.**

**(a) Inspection Required.** To verify compliance with the latest adopted edition of the Florida Building Code and Florida Fire Prevention Code, to the extent applicable to a vacation rental property, and to verify the interior and exterior plans submitted with the application accurately depict the conditions on and in the property, and to ensure all required safety equipment such as fire extinguisher and required postings are properly installed, and to verify the guest conduct information is properly displayed, each vacation rental shall, in conjunction with its initial or annual renewal application, be inspected by the city’s code inspector, a representative of fire district servicing the city and, to the extent necessary, the City’s building official or designated agent thereof.

The city will endeavor to coordinate an inspection date with the owner and complete the inspection process prior to the expiration of an existing registration period. However, only as to renewing applicants, if the availability of a required inspecting official causes a delay in that

process, the city manager is authorized to allow the vacation rental to continue operating on an interim basis for up to thirty (30) days. Newly-registering vacation rentals may not begin operating until the application process, including the associated inspection, is completed.

- (b) **Code Compliance Violations.** If instances of noncompliance are discovered during or as a result of an inspection, all such instances of noncompliance shall be handled either as violations of the applicable provisions of the most recently adopted version of the Florida Building Code, or Florida Fire Prevention Code are otherwise handled by the city and its officials under state law and city code, including but not limited to referral to the Magistrate, Local Ordinance Violation Court, and any investigative, administrative, or enforcement agency with legal jurisdiction over the subject violation.
- (c) **Frequency of Inspections.** Initial and annual inspections required under this section shall be made by the city's code inspectors and, to the extent possible, a representative of fire district servicing the city through coordinating an appointment with the vacation rental owner or the owner's authorized agent or responsible person. If an inspection date is set but the required officials are, due to an action or inaction of the owner, the responsible person, or occupant, denied or otherwise unable to make entry onto the property to conduct the inspection on the date set, the owner must re-apply for an inspection and pay an additional inspection fee. Any applicable re-inspection fee shall be paid prior to scheduling the re-inspection. Failure of a vacation rental owner agent, or responsible person, as applicable, to make the vacation rental available for an inspection within twenty (20) days after notification by the city in writing that the city is ready to conduct the annual inspection shall constitute a violation of this article. Such violation shall continue until the inspection is accomplished.

**Sec. 18-211. – Sale of vacation rental property.**

When title to a registered vacation rental is transferred due to sale or otherwise, the new owner shall file a new registration application within thirty (30) days from the date title changes to the new owner. A new owner may not continue to operate a currently-registered vacation rental if an application is not filed within the thirty (30) day period and any existing approved registration will expire on the thirty-first day from the date title changes.

**Sec. 18-212. – Vested rights; waiver; estoppel.**

Approval of a vacation rental registration shall not be construed to establish any vested rights or entitle the registered vacation rental to any rights under the theory of estoppel, nor shall it be construed as a waiver of any other requirements contained in the city code. It is not an approval of any other code requirement outside this article. The registration of a vacation rental is not an approval of a use or activity that would otherwise be illegal under state law or the Florida Building, Fire Prevention, or Life Safety Codes, or a violation of the code. In the event the city regains, either through judicial or legislative action, the authority to prohibit vacation rentals, or regulate their duration or frequency throughout the city or in specified zoning districts, the city reserves the right to terminate all vacation rental registrations. In that event, the city will coordinate with registered owners to develop an orderly cessation of operations.

**Sec. 18-213. – False information.**

It shall be unlawful for any person to give any false or misleading information in connection with any application for registration, modification, or renewal of a vacation rental as required by this article. Vacation rental applications shall be sworn to under penalty of perjury. Any false statements made in an application shall be a basis for the suspension or revocation of any permit, registration, or license issued pursuant to such application, in addition to the prosecution of any related code enforcement violations.

**Sec. 18-214. – Advertising.**

- (a) **No Advertising Gatherings.** No vacation rental may be advertised as an event venue for gatherings likely or intended to draw attendance in excess of the permissible occupancy and parking restrictions on the property such as weddings, corporate retreats, or film productions.
- (b) **Consistency with Rental Registration.** Any advertising of the vacation rental shall conform to the information submitted with the application for registration of the vacation rental and to the information shown on the vacation rental registration for the vacation rental, specifically including, but not limited to the maximum occupancy, available parking, and display the City of Indian Rocks Beach Vacation Rental Registration number, and shall include the following statement:

*"You are vacationing in a residential area. Please be a good neighbor by keeping the noise to a respectful level during the day and night. Excessive and unreasonable noise can deprive neighbors of the peaceful enjoyment of their private property."*

- (c) **Advertising Violations.** Advertisements that do not contain this information or that contain inaccurate information shall be deemed a violation of this section and subject to the penalties contained in section 18-202. The vacation rental registration number issued by the city shall be included on all advertising, including, but not limited to print and internet-based advertising. For advertisements published in newspapers, the owner or manager of the vacation rental unit may use an abbreviated version of the required advertising information provided that the newspaper ad refers readers to a website and posted notices in the vacation rental unit for a more detailed version of rules and regulations of booking a vacation rental unit.



**Sec. 18-215. – Duties of vacation rental owner and responsible person.**

**(a) Responsible Person.** If a vacation rental owner does not directly manage the registered vacation rental property it owns, the owner shall designate a responsible person.

**(1) Number.** A rental unit or property shall have no more than two (2) designated responsible persons for each rentable unit. One person must be identified as the primary designated responsible person, who shall serve as the principal contact. Any other person designated as a responsible property shall be considered a secondary contact, who will be contacted in the absence or unavailability of the primary designated responsible person.

**(2) Availability of Designated Responsible Person.** The responsible person(s) shall be available twenty-four (24) hours per day, seven (7) days a week, including holidays, for the purpose of promptly responding to complaints from city personnel, officers, or authorized agents regarding conduct or behavior of vacation rental occupants or alleged violations of these regulations, as well as communications from the sheriff's department, fire department, other emergency personnel, or by any other regulatory personnel of the city. This person must have authority to immediately address and take affirmative action, within one (1) hour of notice from the city or other relevant governmental agency, on violations concerning life-safety, noise, violent confrontations, trespassing, capacity limit violations, and parking violations. A record shall be kept by the city of the complaint and the responsible person's response.

A rebuttable presumption of a violation of this article shall be established as against the owner and the primary designated responsible person, jointly and severally, in the event of an event or complaint where the city or its designated agents are unable to reach or secure a response from the owner and any of the designated responsible person(s) within the time period set forth in this section. An alleged violation can be rebutted by evidence of unanticipated exigency, an act of god, or other exceptional circumstances justifying the unavailability of each identified responsible person notwithstanding measures taken to ensure compliance.

It shall be the sole responsibility of the property owner to appoint reliable responsible person(s) and to inform the city of his or her correct mailing address. Failure to do so shall not be a defense to a violation of this section.

**(3) Service.** Service of notice on the responsible person shall be deemed service of notice on the property owner, guest, occupant and violator.

- (b) **Exterior Posting.** The owner and responsible party shall ensure a non-illuminated sign, that is one square foot in size on each side, is prominently displayed in the frontage of a vacation rental property. The sign must identify the business tax receipt number for the property and the phone number of the primary designated responsible party. The sign's background shall be white in color, and the font shall be in black Times New Roman or Arial Font, and in no smaller than 144 Point typeface, or otherwise no smaller than an inch and a half (1 ½") in height. The sign must be constructed of weather resistant wood or plastic. An exterior posting shall not be required for properties within the city's CT zoning district.
- (c) **Interior Posting.** The owner or responsible person shall provide the city, and conspicuously post on the interior surface of the front door of the premises or on a wall within five feet of the front door, the name, address, and day/evening telephone numbers of the responsible person and be available twenty-four (24) hours per day, seven (7) days a week for the purpose of promptly responding to complaints regarding conduct or behavior of vacation rental occupants or alleged violations of these regulations. Any change in the responsible person shall require written notification to the city on forms provided by the city and in a manner promulgated by the city upon payment of the applicable fees.
- (d) **Response Time.** Complaints to the responsible person concerning violations by occupants of vacation rental units to this section shall be responded to within a reasonable time but in no instance greater than one (1) hour. A record shall be kept of the complaint and the manager's response, by the manager, for a period of at least two (2) years after the incident, a copy of which shall be made available to the city upon request.
- (e) **Redesignation.** An owner may change his or her designated responsible person(s). To change the designated agent or responsible person, the owner shall notify the city in writing of the name, contact information and other information required in this article for the new responsible person, along with a signed affidavit from the new responsible person acknowledging receipt of a copy of this article and agreeing to serve in this capacity and perform the duties set forth in this article. Any notice of violation or legal process which has been delivered or served upon the previous responsible person, prior to the city's receipt of notice of change of the responsible person, shall be deemed effective service.
- (f) **Legal Duties.** No property owner shall designate as a responsible person any person who does not expressly comply with the provisions of this article. The property owner and the responsible person shall jointly and severally be deemed to be the "violator" of this article as the term is used in Florida Statutes § 162.06. By designating a responsible person, a vacation rental owner is deemed to agree that service of notice on the responsible person at the address listed by the owner shall be deemed service of notice on the owner, responsible person, and violating guest. Copies of all code violation notices shall also be provided to the property owner in the manner set forth in Florida Statutes § 162.12. If, alternatively, a citation is issued by the code enforcement officer or deputy, the citation process set forth in Florida Statutes § 162.21.

### **DIVISION 3. STANDARDS AND REQUIREMENTS FOR VACATION RENTALS**

#### **Sec. 18-216. – Maximum occupancy based on site capacity/limitations.**

(a) **Generally.** The maximum overnight occupancy of a vacation rental unit shall be stated in the vacation rental registration form, and shall be limited as follows:

(1) In the CT zoning district, the maximum overnight occupancy shall be limited to two (2) persons per bedroom, plus two (2) additional persons may sleep in a common area. Regardless of the number of bedrooms in or on the property, the overnight occupancy shall not exceed a maximum number of twelve (12) overnight occupants.

(2) In the single family ("S"), medium density ("RM 2"), and medium density duplex residential ("RM 1"), the maximum overnight occupancy shall be limited to two (2) persons per bedroom, plus two (2) additional persons may sleep in a common area. Regardless of the number of bedrooms in or on the property, the overnight occupancy shall not exceed a maximum number of ten (10) overnight occupants.

(b) **Vesting.**

(1) Notwithstanding the above, a property that was lawfully used as a vacation rental at the time of the enactment of this section may have a higher maximum occupancy limitation for a limited period of time, in accordance with this subsection (b). As to the application of the maximum occupancy limitation of subsection (a) to vacation rentals lawfully in existence as of the effective date of this provision, it is acknowledged that there are vacation rentals that could qualify for a higher maximum occupancy limit, if the limit were set higher, based on the number of bedrooms in the vacation rental. In an effort to recognize reasonable investment backed expectations and yet balance and protect the interests of residents in surrounding single family homes which are not vacation rental properties, there shall be a phasing-in of maximum occupancy limits in accordance with the schedule below. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the City's previously-existing certificate of registration process.

(2) The maximum occupancy for vacation rentals lawfully in existence at the time of the enactment of this section shall temporarily be capped at no more than 14 occupants in the CT zoning district and 12 occupants in all other applicable zoning districts, provided that all the requirements to obtain a vacation rental registration in accordance with this article are satisfied and a certificate of registration is issued. This maximum occupancy limit shall remain in effect for two calendar years beginning on the effective date of this section's adoption.

(3) After the two-year phasing-in period contemplated in section (b)(2), above, the maximum overnight occupancy for vacation rentals lawfully in existence at the time of this section's enactment shall automatically be reduced to the established restricted number in

subsection (a), provided that all requirements to obtain a vacation rental registration in accordance with this code are satisfied and a certificate of registration is issued.

(4) The maximum occupancy limitations set forth in section (b)(2) above shall immediately terminate upon the event of the vacation rental being sold or title to the vacation rental otherwise being transferred in a manner divesting any of the vested property owners of their ownership interest in the subject property or unit. In the event of such transfer or sale, the maximum occupancy shall immediately revert to the limits set forth in 18-216 (a).

(c) **Owner-Occupied Exception.** The maximum occupancy restrictions set forth in this section shall not apply when the property is owner-occupied by the vacation rental owner, if the identified legal owner of the property is a natural person and not a trust or corporate entity. This exception shall be deemed to apply upon submission and acceptance of an affidavit in the form set forth in this article.

### **Sec. 18-217. – Minimum safety and operational requirements and limitations.**

(a) **Safety Codes Apply.** Each vacation rental shall comply with all requirements and standards under state law, including the applicable provisions of the most recently adopted version of the Florida Building Code, the Florida Administrative Code, the Florida Swimming Pool Safety Act, and the Florida Fire Prevention Code.

#### **(b) Noise and Quiet Hours Limitations**

The following restrictions shall apply when a property or unit is in use as a vacation rental:

(1) **Nuisance Ordinances.** All City ordinances regulating noise, sound, vibration, and other similar nuisance activities are equally applicable to properties operated as vacation rentals. All terms in this section shall be construed in conformity with the definitions established in Section 26-31 of the city’s code of ordinances.

(2) **Unreasonable Noise Prohibited.** Consistent with the City’s restrictions on noise set forth in Sections 26-34 through 26-36, the following restrictions shall apply to properties operating as vacation rentals:

- i. No person shall create or permit any unreasonable noise, or excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities.
- ii. The criteria which shall be considered in determining whether there exists unreasonable noise in violation of this section, shall include, but shall not be limited to, any of the following:

- a. The volume of the noise.

- b. The intensity of the noise.
  - c. The volume and intensity of the background noise, if any.
  - d. The nature and zoning of the area within which the noise impacts.
  - e. The time of the day or night the noise occurs.
  - f. The duration of the noise.
  - g. The proximity of the sound to residential sleeping facilities.
- iii. The evaluation of whether a violation of this section has occurred, will be determined where it is perceived, received, heard, or measured at or beyond the property line from which the sound emanates.

(3) **Maximum Permissible Sound Levels.**

- i. **Sound levels established.** In addition to the foregoing provisions, no person shall make, cause, allow, or permit the operation of any source of sound in such a manner as to create, when measured at or beyond the property line from which the sound emanates, a sound level that exceeds those levels specified in this section, inclusive of table 1. For the purpose of measuring the volume, intensity, and frequencies of sound, the measurement of sound shall be made with a decibel or a sound level meter operating on the "A" or "C" weighting scale of any standard design and quality meeting the standards prescribed by the American National Standards Institute. The instruments shall be maintained in calibration and good working order. Measurements recorded shall be taken so as to provide a proper representation of the sound source. The microphone used during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A wind screen for the microphone shall be used when required. Traffic, aircraft, and other background sounds shall not be considered in taking measurements except where such background sound interferes with the primary sound being measured.

TABLE 1  
MAXIMUM SOUND LEVELS

<u>Receiving Land Use</u> <u>Zoning</u>	<u>Maximum Sound Level</u> <u>7:00 a.m. to 6:00 p.m.</u> <u>Monday through Saturday</u>	<u>Maximum Sound Level</u> <u>6:00 p.m. to 7:00 a.m.</u> <u>Monday through Saturday</u> <u>and All Day Sunday</u>
<u>Residential</u> <u>(including S, RM 1,</u> <u>and RM 2)</u>	<u>60 dB(A)</u>	<u>55 dB(A)</u>

- ii. **dB(C) octave band sound level limits.** In addition to the provisions of the city's code of ordinances and table 1 of this section, for any source of sound which can be detected on any parcel of property adjacent to the source of sound,

the maximum allowable sound level limit for the individual octave bands whose centers are 31.5, 63, 125, 250, and 500 hertz shall not exceed 60 dB(C) or a five-decibel increase from the db(A) level stated in table 1, whichever is greater.

- (4) **Amplified Sound Restriction.** Using or operating for any purpose any amplified sound between the hours of 10:00 p.m. and 7:00 a.m. of any day, not in a completely enclosed permanent structure is prohibited if it produces or reproduces sound in such a manner as to annoy, disturb, injure or endanger the comfort, repose, health, peace, or safety of a reasonable person of normal sensibilities or is in excess of the decibel levels set forth in section 18-217 (b) (3). This provision shall not apply to amplified sound for which a permit pursuant to subsection 26-33(b) has been issued by the city.

**(c) Required Postings At Unit Entrance.**

All required postings shall be rendered in English, using a non-script font such as times new roman or arial, and shall be in a font no smaller than 14-point in size. Each vacation rental shall post a copy of the following either on the interior front door of the vacation rental, or on a wall within five feet of the front door:

- (1) **Owner's Conduct Rules.** Each vacation rental shall post a copy of the owner's conduct rules referenced in § 18-206.
- (2) **Occupancy Limitation.** The overnight occupancy capacity limit for the vacation rental.
- (3) **Designated Responsible Party.** Each vacation rental shall post the name, email and phone number of the owner or designated responsible person(s).
- (4) **Noise Disturbances.** Notice of the need for respect for the peace and quiet of neighborhood residents, especially between the quiet hours of 10 p.m. and 7 a.m., established in this article. There shall be sign posted on any exterior lounges, patios, porches, and patios stating:

*"You are vacationing in a residential area. Please be a good neighbor by keeping the noise to a respectful level during the day and night. Excessive and unreasonable noise can deprive neighbors of the peaceful enjoyment of their private property."*

- (5) **Building Evacuation.** There shall be posted, next to the interior door of each bedroom, and the exterior doors exiting the vacation rental a legible copy of a building evacuation map conforming to the requirements of the Florida Fire Prevention Code, latest adopted edition.

**(d) Additional Information.** In addition to the foregoing, there shall also be provided, in a prominent location on the inside of the vacation rental, the following written information:

- (1) **The official street address and unit number, if applicable, of the vacation rental.**

- (2) A copy of a document to be supplied by the city which includes excerpts from city code provisions of general application relevant to vacation rentals to include solid waste pick-up regulations, noise regulations, and regulations related to sea turtles and sea turtle lighting.
- (3) The maximum number of vehicles that will be allowed to park at the vacation rental, along with a sketch of the location of the paved off-street parking.
- (4) The days and times of trash and recycling pickup.
- (5) Phone number and address of HCA Florida Largo Hospital and Morton Plant Hospital, and directions from the vacation rental to each hospital.
- (6) Emergency and nonemergency phone numbers for the Pinellas County Sheriff's Office and Pinellas Suncoast Fire and Rescue District.
- (7) Emergency evacuation instructions and driving routes.
- (8) Rip currents are prevalent in the Gulf of Mexico, information from the National Weather Service, available via from <http://weather.gov> shall be provided to occupants on the dangers of rip currents that occur in the Gulf of Mexico.

**Sec. 18-218. – Parking, solid waste disposal, legal compliance, evacuations, and miscellaneous provisions.**

**(a) Parking.**

- (1) **Minimum Required Parking.** Vacation rental units within the city are required to provide on-site parking in the following manner:
  - i. Single-family and two -family dwellings: one on-site parking space per each bedroom, within each dwelling unit, as designated through the vacation rental registration process.
  - ii. Multifamily dwellings: two on-site parking spaces for dwellings containing one or two bedroom units, as designated through the vacation rental registration process. In the event a multifamily dwelling has units with more than two bedroom units, as designated through the vacation rental registration process, then the vacation rental shall be required to maintain one on-site parking space per each designated bedroom.

This provision shall not be construed to require the modification of any existing parking infrastructure of any condominium property in the city's CT zoning district, where the condominium property contains units lawfully operating as short term vacation rentals. In such instance, the unit owner shall ensure any designated parking spot or allocation made for the subject unit remains vacant and accessible for its guest. Such spot or allocation shall be described and identified in the parking plan submitted with the rental registration.

**(2) Permissible Parking Locations.**

- i. All vehicles associated with the vacation rental, including visitors not residing at the vacation rental shall, to the extent possible, be parked within a driveway or parking area located on the premises and in compliance with the City of Indian Rocks Beach Code of Ordinances.
- ii. For purposes of calculating permissible parking spaces a property may include the capacity of the garage, provided the garage is sufficiently vacant to safely accommodate a compact car in the identified space. It shall be deemed a violation of this code if a rental owner identifies space in the garage as being available for parking in its rental registration, but the space is rendered unavailable by the owner or with the owner's knowledge during a rental tenancy.

**(b) Solid Waste.**

- (1) Solid waste disposal (household garbage, recycling, and yard trash) created at vacation rentals shall be stored and put out for pick up in compliance with Chapter 50 of this code, and on the day(s) of the week set out in the city's solid waste code of ordinances, franchise agreement, and official policies.
- (2) Any vacation rental operating within a condominium or multi-family structure shall ensure all solid waste is disposed of in the location and manner otherwise established for that structure.

**(c) Legal Compliance.** All persons renting and occupying a vacation rental shall comply with all local, state and federal laws applicable to their conduct at all times, including those related to illegal activities, the creation of nuisances, disturbances of the peace, and responses to emergency declarations.

**(d) Evacuation.** Vacation rental occupants are required to participate in all mandatory evacuations due to hurricanes, tropical storms or other threats to resident safety, as required by state and local laws.

**(e) Temporary Use Permit.** A vacation rental property, when rented or occupied by a vacation rental tenant or guest, shall not be eligible for a special event permit to be conducted on the vacation rental property. The owner of a property possessing a rental registration may apply for a special event permit, upon a sworn statement under penalty of perjury that the permit they seek is for their personal use as the property owner and not by a transient rental guest or occupant. It shall be unlawful for any person to give any false or misleading information in connection with any application for a special event permit as required by this article.

**(f) Temporary Storage.** No temporary storage containers may be stored on the vacation rental premises. The term "temporary storage container" shall mean any container, structure, box, cylinder, or crate made of any material not permanently affixed to real property, that is



enclosed or capable of being enclosed on all sides, top and bottom, that is stored, placed, located or put on any real property within the city for the purpose of storing personal property, construction material, trash, refuse, garbage, debris, or other material or matter. Provided, however, with prior authorization from the building department a temporary storage container may be authorized during valid construction permit activity for this location. For purposes of this section, a garbage can or a recycling container, as those terms are used in sections 50-33, 50-61, and 50-62 of this code, are not temporary storage containers.

- (g) **Impermissible Rental.** No accessory structure, vehicle, recreational vehicle, trailer, camper, boat, yacht, or similar apparatus shall be utilized or rented as a vacation rental, or used to impermissibly provide sleeping quarters or otherwise accommodate more than the permitted number of overnight occupants on a property when used as a vacation rental.

**Sec. 18-219. Residential Amenities - rentals prohibited.**

- (a) The owner, tenant, or authorized agent of an owner or tenant of a single-family dwelling, duplex, duplex townhouse, or townhouse is prohibited from listing on any online marketplace for rent or lease, any amenity, feature, or accessory building or structure, appurtenant to or associated with such single-family dwelling, regardless of the purpose or length of time of said rental or lease, or otherwise renting or leasing individual amenities, features, or accessory buildings or structures on the property separate or apart from the primary structure.
- (b) For purposes of this section, the words “amenity, feature, or accessory building or structure” includes, but is not limited to, sheds, garages, docks, boat slips and lifts, driveways, rooftops, attics, pools, spas, saunas, fire pit, putting greens, sports courts, gardens, gazebos, outdoor kitchens, or front, rear or side yards.
- (c) This section does not apply to the renting or leasing of clubhouse rooms or spaces, storage closets, parking spaces or garages of condominiums, as that term is defined in § 110-1 of this code, when the rental or lease is between the condominium association and its residents or between a condominium resident and another condominium resident.

**Sec. 18-220. – Minimum life/safety requirements.**

- (a) **Swimming pool, spa, and hot tub safety.** A swimming pool, spa, or hot tub shall comply with the applicable standards of Florida Statutes Chapter 515 Residential Swimming Pool Safety Act.
- (b) **Smoke and carbon monoxide (CO) detection and notification system.** There shall be a hard-wired smoke and carbon monoxide detection system, installed and maintained in compliance with the requirements of Florida Building Code Residential, Sections R314 Smoke Alarms R315 Carbon Monoxide Alarms.
- (c) **Exit Signage.** Each doorway operating as an exit to the property shall be designated by a sign stating “EXIT”, that is illuminated or otherwise composed of reflective material such that it

could be readily perceived with the assistance of a flashlight, in conformity with the applicable requirements of the Florida Fire Prevention Code

- (d) **Fire extinguisher.** Each vacation rental shall install and maintain at least one working multi-purpose (ABC) dry chemical extinguisher on each floor of the rental property or unit. The fire extinguishers shall not be installed inside of a closet or cabinet, but rather must be installed on a wall in an area clearly visible to guests. Each fire extinguisher shall be installed and maintained in compliance with NFPA 10.
- (e) **Battery powered emergency lighting.** Battery powered emergency lighting which is hard-wired, and illuminates automatically for at least ninety (90) minutes when electricity is interrupted, is required at each building exit.

**Sec. 18-221. – Exemption for pre-existing rental agreements.**

Notwithstanding any other provision of this article, a rental agreement with prospective occupants for vacations rentals that were entered into prior to the enactment of this section (hereinafter “pre-existing agreement”) is exempt from the provisions of this article to the extent any newly-adopted term of this article conflicts with a term of the pre-existing agreement.

If a vacation rental is cited for a violation of this article, (that would not be a violation if it were not for newly-adopted terms of this article), when the vacation rental is occupied under the terms of a pre-existing agreement, the vacation rental owner may defend such violation based on the fact that the vacation rental was exempt from this article 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 vacation 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 a pre-existing agreement under this article; or
- (4) Written vacation rental agreement establishing or evidencing it was entered into prior to the adoption and enactment of this section.

If it is reasonably determined by the code enforcement officer or deputy, and confirmed by the Magistrate, that any information supplied to the city 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 code enforcement proceeding and prosecution under Florida Statutes § 837.06.

**Sec. 18-222. – Exemption for owner occupied vacation rentals.**

The provisions of this article shall not apply to owner occupied vacation rentals or property which is designated homestead under the Florida Constitution and Florida law from forced sale under any process of law. Before granting such exemption City staff shall verify that the identified property is afforded status as a homestead for the identified property owner, pursuant to the records maintained by Pinellas County. Any person desiring to qualify for the exemption herein shall file an affidavit in substantially the following form.:

“Affidavit of Exemption”

State of \_\_\_\_\_

County \_\_\_\_\_

Before me the undersigned authority personally appeared \_\_\_\_\_ (hereinafter the "Owner") who upon oath deposes and states:

1. I am over the age of 18 and competent to make this Affidavit.
2. I own the following real property in the City of Indian Rocks Beach, Pinellas County, State of Florida: (Legal description and Street Address)
3. Check as applicable:  
( ) I currently occupy the property described in paragraph 2 above and have resided on this property continuously and uninterruptedly from (date) to the date of this Affidavit. and  
( ) I have applied for and received the homestead tax exemption as to the above-described property, that \_\_\_\_\_ is the tax identification parcel number of this property, and that the undersigned has resided on this property continuously and uninterruptedly from (date) to the date of this Affidavit.
4. The purpose of this Affidavit is to qualify for exemption from the City of Indian Rocks Beach Vacation Rental Ordinance.

Sworn and subscribed before me by \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
Notary

**SECTION 2.** For purposes of codification of any existing section of the City of Indian Rocks Beach’s Code herein amended, words **underlined** represent additions to original text, words **stricken** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

**SECTION 3.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**SECTION 4.** The Codifier shall codify the substantive amendments to the City of Indian Rocks Beach's Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

**SECTION 5.** Pursuant to Florida Statutes § 166.041 (4), this Ordinance shall take effect immediately upon adoption.

**ADOPTED ON FIRST READING** on the 11<sup>th</sup> day of April, 2023, by the City Commission of the City of Indian Rocks Beach, Florida.

**ADOPTED ON SECOND AND FINAL READING** on the \_\_\_\_ day of \_\_\_\_\_, 2023, by City Commission of the City of Indian Rocks Beach, Florida.

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Joanne Moston "Cookie" Kennedy  
Mayor-Commissioner

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Deanne Bulino O'Reilly  
City Clerk

**AGENDA ITEM NO. 7A**

**OTHER LEGISLATIVE MATTERS**

**None**

**AGENDA ITEM NO. 8**

**WORK SESSION ITEMS**

**None**

**AGENDA ITEM NO. 9**

**OTHER BUSINESS**

**AGENDA ITEM NO. 10**  
**ADJOURNMENT.**