

**MINUTES — JANUARY 24, 2023
CITY OF INDIAN ROCKS BEACH
CITY COMMISSION WORK SESSION**

The Indian Rocks Beach Regular City Commission Work Session was held on **TUESDAY, JANUARY 24, 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.

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 Attorney Jay Daigneault, 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, City's IT Consultant.

HANDOUTS: Ordinance 2018-01, map showing areas where short-term vacation rentals are permitted per Ordinance 2018-01, business tax receipt application for short-term vacation rentals, short-term rental fines, parking requirements, and an official zoning map.

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

1. STAFF INTRODUCTION OF SHORT-TERM RENTAL POLICY WORK SESSION AND TEMPLATE.

[Beginning of Staff Report]

In May 2016, the city attorney provided the city commission a memorandum analyzing the enforceability of the city's short-term rental restrictions in relationship to legislative preemptions set forth in Fla. Stat. § 509.032 (7). After holding a series of hearings between November 2017 and September 2018, the city adopted Ordinance 2018-01, establishing short-term rental regulations applicable in the single-family ("S"), medium-density ("RM-2, and medium-density duplex residential ("RM-1") districts. At the conclusion of a workshop on November 15, 2022, the city commission requested guidance on its current regulatory options relating to short-term rentals.

Since the May 2016 Memorandum and the city's subsequent September 2018 legislative enactment, the Legislature has not substantively amended Fla. Stat. § 509.032 (7)(b). In 2014, the Florida Legislature preempted the city's ability to adopt any law, ordinance, or regulation that: (i) prohibits vacation rentals; (ii) regulates the duration of vacation rentals; or (iii) regulates the frequency of short-term rentals. Otherwise, the city possesses the home rule power to regulate the operation of short-term rentals in its corporate boundaries, and attendant issues related to the short-term rental industry. Any regulations or ordinances the city commission adopts in this regard remain subject to applicable constitutional, statutory and administrative principles and provisions.

For purposes of the January 24, 2023 Commission Work Session, this memorandum is accompanied by an ordinance template designed to facilitate the city commission's dialogue and policy determinations (the "template"). The city commission, as the city's policymaking body, is free to accept, reject, add to, subtract from, or otherwise modify any of the individual elements of the template. The attached document does not bind the commission or its authority, but instead is designed to facilitate a substantive and efficient dialogue on this matter.

Owing to the restrictions of Florida Statute § 286.011, et seq. (Florida's Sunshine Law), the city's commissioners are only able to collectively discuss and develop policy in an open and noticed public meeting. The city commission has received significant public feedback over the course of at least the past five months, including a workshop, public comment at the city commission's regularly-scheduled meetings, and various e-mails or written submissions. City staff now seeks the city commission's input on what policy, if any, it wishes to adopt in response to the commissioners' research, receipt of public feedback, reflection, and consequent conclusions.

Against this backdrop, it is recommended that the work session substantively proceed as follows:

1. Call to order;
2. Staff introduction of work session and template;
3. City commission's complete chronological review of the template, providing consensus on individual policy elements and any acceptance, rejection, additions, deletions, or modifications thereto;
4. Public comment; and
5. Adjournment.

This procedure is proposed to ensure the work session concludes with the city commission's provision of clear policy direction so that staff may prepare a proposed ordinance for consideration, to be discussed, amended as appropriate, and eventually enacted during further public hearings.

[End of Staff Report]

Mayor-Commissioner Kennedy explained the process of the meeting.

City Attorney Mora stated this was in a public meeting. This is a work session for the city commission. No new ordinance will be adopted. The city commission will go through a template document and advise staff if they accept, reject, add, modify, amend, or delete any template part. Once the template is thoroughly reviewed, the meeting will be opened for public comments.

City Manager Mims stated as of today:

- Approximately 283 STRs are on the east side of Gulf Boulevard from 5th Avenue to 28th Avenue.
- Since the November meeting, all new requests for business tax receipts (BTR) for STRs are now being inspected before the BTR is issued to the applicant. This regulation is under Ordinance 2018-01.
- A monthly STR e-mail communication has been implemented focusing on areas of concern.
- Every STR has been contacted to ensure the city has the correct 24-hour responsible party information.
- Continued notices of violation in sight as needed for various violations of the city code.
- Additional solid waste fees are allocated where garbage exceeds average residential volumes.
- The city has had discussions with VRBOs, particularly with ones characterized as party houses. One location has voluntarily agreed to stop marketing and booking to larger groups.
- Decals have been ordered to be placed on all solid waste cans to remind everyone about the placement requirements.
- The fire district is in the process of adopting an STR ordinance. Once that ordinance is adopted, the city, the county, and fire district will coordinate the joint/annual inspection. These inspections will be done for all current STRs.
- The city is currently seeking proposals for a special magistrate.
- The city commission previously authorized him to negotiate with a host compliance company. Host compliance companies are in the business of searching the web for STR advertisements and providing backup information. They will help cities close the gap if any STRs operate without proper paperwork.
- The city will consider additional staffing based on the adopted ordinance during the budget review process. The city currently has adequate staff. Currently, the city has two full-time code enforcement officers, one financial department person, and one person up front on STRs.
- The city is also seeking proposals for a new website design.

2. **CITY COMMISSION'S COMPLETE CHRONOLOGICAL REVIEW OF TEMPLATE provides consensus on individual policy elements and any acceptance, rejection, additions, deletions, or modifications.**

The city commission began to review the template.

ORDINANCE NO. 2023-02

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, CREATING A NEW ARTICLE [INSERT CHAPTER NUMBER] TO ESTABLISH A COMPREHENSIVE REGULATORY SCHEME REGARDING THE MARKETING AND OPERATION OF SHORT-TERM RENTALS WITHIN THE CITY; CREATING CONDUCT AND REPORTING REQUIREMENTS FOR HOSTING PLATFORMS, OWNERS AND OWNER AGENTS, AND GUESTS; CREATING AN APPLICATION AND ENFORCEMENT PROCESS; PROVIDING FOR PENALTIES FOR VIOLATION; CREATING RELATED DEFINITIONS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

[INSERT WHEREAS CLAUSES]

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:

ARTICLE XXX. SHORT-TERM RENTAL REGULATIONS

DIVISION XXX. GENERAL PROVISIONS

Sec. XX-XXX. Definitions.

The following terms as used in this chapter 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, 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, such room shall not be deemed a bedroom.

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.

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 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.

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 the natural person 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 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 renter.

Commissioner Hanna stated under the definition of a bedroom, the words “or Pinellas County” should be added after approved by the city's building official because they perform the city's inspections.

City Attorney Mora stated Pinellas County is acting as the city's building official. Adding Pinellas County does not necessarily change that discourse, but if the city commission wishes to be explicit, that change can be made.

City Manager Mims stated under the contract with Pinellas County, the city uses Pinellas County as its building official.

City Attorney Mora stated his rationale for not putting that in is if, for some reason, that changes, and it is not Pinellas County serving as the building official, and the city decides to re-establish that, it should be just whoever is designated as the city's building official.

Sec. XX-XXX. Scope.

(a) This article shall apply to vacation rentals within each of the city's zoning districts. [Any districts to be excepted?]

City Attorney Mora stated this ordinance would apply within each of the city's zoning districts. There are no exceptions. This ordinance would capture the Holiday Harbourside, the B-Business district, the CT district. All districts would be subject to these regulations.

City Manager Mims stated Ordinance 2018-01 applies to the east side of Gulf Boulevard from 5th Avenue to 28th Avenue. The city commission needs to decide if the new ordinance would apply citywide or just on the east side of Gulf Boulevard.

Commissioner McCall stated the east side of Gulf Boulevard should only be addressed in this template as in Ordinance 2018-01. He noted the building types and housing change in the CT zoning district are not comparable to those in the residential neighborhoods. There are condos, multifamily units, and housing units along the shoreline.

Vice Mayor-Commissioner Houseberg asked Commissioner McCall if there should be a separate ordinance to address the issue on the west side of Gulf Boulevard.

Commissioner McCall responded possibly. He said some businesses run the gambit around the shoreline. There are condos the city has no ruling over regarding how they run their operation. He acknowledged the spattering of houses on the west side of Gulf Boulevard.

Commissioner McCall stated 95% of what the city is dealing with is happening on the east side of Gulf Boulevard, and it is noise and so forth.

Commissioner McCall stated in the B-Business district, there are multiple structures and different sizes of houses on the shoreline that would, in his opinion, could take on a separate ordinance if that needs to be addressed.

Mayor-Commissioner Kennedy said there are issues on the west side of Gulf Boulevard and stated she feels the ordinance should be citywide.

Commissioner Bond stated that all the properties along the shoreline are designated to be used in a certain way (Commercial-Tourist district). He would be reluctant to place restrictions on them because of issues elsewhere.

City Attorney Mora stated there would not be a roll call vote for the city commission's benefit as they discussed each item. The staff is looking for a consensus.

Commissioner McCall stated this ordinance would address STRs citywide. He knows some issues on the west side of Gulf Boulevard along the shoreline are more about noise. He asked if the city's noise ordinance already covered the CT district, with City Manager Mims responding affirmatively.

Mayor-Commissioner Kennedy asked about occupancy.

Commissioner McCall stated the CT district is a commercial-style area of the city, and it does not react as the residential neighborhoods do. The CT district is more of a business community, and he has no problem with revisiting the CT district as a separate ordinance.

Commissioner Bond asked if there had been any significant complaints about behaviors on the west side of Gulf Boulevard. As a resident on the west side, it is what a person expects, so he wondered if there has been any community feedback regarding STR's behavior on the west side.

Mayor-Commissioner Kennedy stated she had received feedback from individuals on the west side.

City Manager Mims stated from a staff perspective that very few had been received compared to the complaints on the east side. The city occasionally received complaints that the city commission would expect from having a public beach with people drinking and doing other things on the beach. But regarding complaints directly related to STRs on condos, not much.

CONSENSUS OF THE CITY COMMISSION FOR THE ORDINANCE TO APPLY TO ALL VACATION RENTALS WITHIN EACH OF THE CITY'S ZONING DISTRICTS. COMMISSIONER McCALL VOICED HIS OBJECTION TO INCLUDE THE WEST SIDE OF GULF BOULEVARD.

Fire Chief Davidson stated the fire district is currently reviewing a life safety ordinance that will be applied to all STR citywide.

Sec. XX-XXX. Enforcement.

- (a) 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 of the vacation rental's ability to operate under the conditions set forth in this article.
- (b) Nothing herein shall prevent the city from seeking all other available remedies which may include, but shall not be limited to, suspension of a certificate of registration, injunctive relief, liens and other civil and criminal penalties as provided by law as well as referral to other enforcing agencies.

[Commission input requested regarding specifics of rental suspension (triggering event/mechanism, suspension periods, appellate process (due process, reinstatement process)]

Ref: City of Marathon

A property with XXXX (X) violations of this article in any XXX (X) month period shall have its vacation rental property license suspended for a period of X months. An owner may petition the City Council for reinstatement. The City Council shall consider the violations leading to the suspension before reinstatement.

A property which has had its Vacation Rental Property License suspended in the previous XXXX (X) years and receives XXXX (X) violations in any XXXX (X) month period shall have its Vacation Rental Property License revoked.

Any Vacation Rental Agent who receives XXXX (X) violations within any XXXX (X) month period shall pay double the annual registration fee in the ensuing registration year. In the event of XXXX (X) violations under this article within any XXXX (X) month period, the vacation rental agent shall have their vacation rental agent license suspended for no less than XXXX (X) months.

Any rental activity or advertisement of a property with a suspended or revoked vacation rental property license by a vacation rental licensee or vacation rental agent shall result in the immediate revocation of the property's vacation rental property license and/or the vacation rental agent's license for a period of no less than XXXX (X) months.

Failure to pay any fine imposed on a vacation rental licensee or vacation rental agent as a result of a citation or determination of violation by the Code Compliance Board shall result in the suspension of the vacation rental property license or vacation rental agent license until such time as the fine is paid.

Any property owner of a property which has had its vacation rental property license revoked shall not be issued a vacation rental property license in the event that the property owner transfers or otherwise conveys his/her/its interest to another entity in which the property owner has any financial or ownership interest.

Commissioner McCall asked what violations would be considered for suspension of the STR license. For example, if the trash cans were left out thrice in one year, the property owner's STR license would be suspended.

City Attorney Mora explained the code enforcement process as a whole. Code enforcement has its boundaries set by Chapter 162 of Florida Statutes. Under Chapter 162, the city can send a code enforcement violator to the local ordinance violation court. Alternatively, the city can have a code compliance magistrate or code enforcement board. As stated by the city manager, there is a request for a proposal out for a special magistrate. The city's third option, in that regard, where necessary, is to file injunctive actions to seek some specific compliance—assuming that the special magistrate position is filled. The way it would work is someone would receive a notice of violation. The violator can pay it, not dispute it or dispute it. Suppose the violator disputes the notice of violation. In that case, the violator will have a hearing before the special magistrate, where the magistrate will determine whether or not there has been a violation in the first place when the magistrate decides, depending on the nature of that violation. If it is continuing, the violator may be given a timeline within which to comply. The violator must notify the city when they come into compliance. If the violator complies by that date, there is no fine. Suppose the violator comes into compliance some day after that. In that case, the city can request that the violator be fined for those

days, or if the violator still has not complied, the city can request that they be fined daily until they comply. If, for some reason, somebody disputes that process, the violator can appeal the magistrate's decision to a circuit court, and so on and so on.

City Attorney Mora stated Commissioner McCall was asking more particularly about the possibility of suspensions, which is offered as an option for the city commission. The city commission would decide the boundaries of that.

City Manager Mims stated what this means for clarity purposes: just because there is an assumed violation unless someone pays a ticket or is found guilty, they do not have a strike. For example, there is immediate compliance if a deputy goes to a house for an alleged noise problem. Most likely, those individuals will not be cited, so that would not account against the property. Suspension of a license is not based on complaints, it is based on whether the individual paid the ticket or is found guilty by the magistrate.

Commissioner McCall asked if the violation would stay with the property itself or the property owner.

City Attorney Mora stated his advice would make it property specific if multiple properties are held. It comports better with due process, making the city less likely to see issues. That is a decision of the city commission.

City Attorney Mora stated that one of the phrases thrown out throughout this process is, is that legal. Legal if it is defined as preemption, duration, frequency, and prohibition. Pretty much everything except three things is legal. Will somebody assert legal challenges to other elements of this? Potentially. Will they prevail? He does not know—the demands of what the city does, how it administers it, and how that affects that individual. The law is nothing if not fact specific.

City Attorney Mora stated he would not tell the city commission that if they do this, the city will be fine, and nothing will happen. But as the city attorney, he is supposed to give the city advice and information, and the city commission is to decide. This is an exercise in risk tolerance.

Commissioner McCall stated that the vacation rental agent does not appear anywhere else in the city code.

City Attorney Mora stated that if the city commission agrees to incorporate the city of Marathon's enforcement measures, he will harmonize the language.

Vice Mayor-Commissioner Houseberg clarified that the city attorney is asking the city commission to choose if a vacation rental has three violations in 12 months, then what should that suspension be?

City Attorney Mora stated his question starts before that. Does the city commission want suspension as an option? If the city commission does, what would be the general parameter?

Vice Mayor-Commissioner Houseberg said she would like 30, 60, and 90 days to have a progressive suspension system.

Commissioner Hanna agreed.

City Attorney Mora asked if the suspension would be after multiple violations.

Vice Mayor-Commissioner Houseberg stated after three violations, the STR license for that particular property would be suspended for 30 days.

Commissioner Bond asked if that was enforceable.

City Attorney Mora stated he was not sure. He understands the question. If it is within the city code, staff can administer it. Suppose a property has three adjudicated violations or three paid fines within an "X" period. In that case, staff could ask the special magistrate to consider suspending the STR license for 30 days according to code section XX.

Commissioner McCall stated he would agree with that. He noted that one glaring component missing from Ordinance 2018-01 allowed the city to act when there were multiple violations.

City Attorney Mora stated one of the distinctions here that are different from Ordinance 2018-01 is an entire certification process. With the BTR, the city cannot suspend. However, if the city is talking about a license to do business in a particular industry that the city regulates, that is a different analysis.

CONSENSUS OF THE CITY COMMISSION TO SUSPEND A STR LICENSE AFTER THREE ADJUDICATED OR PAID VIOLATIONS FOR 30, 60, OR 90 DAYS.

Sec. XX-XXX. Appeals.

Any decision of the special magistrate finding a violation of this article may be appealed as provided for in § 2-280 of the code.

DIVISION X.
VACATION RENTAL REGISTRATION

Sec. XX-XXX. Registration required.

As of [April 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 [March 15, 2023]. Prior to the issuance of a vacation rental registration, the 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. 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.

CONSENSUS OF THE CITY COMMISSION TO IMPLEMENT A VACATION RENTAL REGISTRATION.

Sec. XX-XXX. Vacation rental registration fee. [In ordinance v. separate resolution]

City Attorney Mora explained the difference between an ordinance versus a resolution for the vacation rental registration fee. He stated more local governments are using resolutions to enact and amend fee schedules because they are easier to amend. A resolution requires only one reading.

(a) All fees to be charged under the provisions of this chapter shall be set out in this section. Such fees are as follows:

- (1) Application fee for an initial certificate of registration in accordance with section XX-XXX: [e.g. \$200 - \$500. - Commission input requested]

Commissioner Hanna asked if the staff has provided or thought about the actual cost to implement this program so that the city commission could arrive at a comfortable number.

City Manager Mims stated the short answer is no. The program's cost was not done because the city commission first had to determine whether or not the ordinance would apply citywide or just to the east side from 5th Avenue to 28th Avenue (Ordinance 2018-01).

City Manager Mims stated in discussions with the host compliance company, they estimated the city had in the neighborhood of 1,900 vacation rentals operating citywide. The city's code enforcement budget is approximately \$160,000, not including a special magistrate's cost. He stated that the city of Holmes Beach code enforcement budget is roughly \$150,000 yearly for a special magistrate. He said enforcing the STR city code takes a lot of money.

City Manager Mims stated for the next few months, the city will be okay staff-wise. The city has two full-time code enforcement officers, a finance person, and an administrative assistant up front. The city will have the help and assistance of the fire district and Pinellas County.

City Manager Mims stated by the time the city commission adopts an ordinance, it will be well into the later part of the year into the summer. The city will be getting everything set up and running with inspections and everything else, and that will be during the budget process, then he will be in a better position. He just wanted to give the city commission that information. Staff is looking at \$200 to \$500 for the initial application fee, which is backed up by a lot of the information that the city commission has looked at and information that has been sent to the city. That money range would cover the cost of the program.

Vice Mayor-Commissioner Houseberg asked about the software's cost for the host compliance company.

City Manager Mims stated he is now negotiating with a host compliance company, and the city is trying to piggyback on the city of Holmes Beach's contract. The Holmes Beach contract is approximately \$35,000 a year. If the city goes out for an RFP, it will be more than that.

Vice Mayor-Commissioner Houseberg stated she wanted to make sure that any money the city spends to manage STRs is self-funding and taxpayers' dollars are not used to manage them.

Commissioner Bond stated the city commission should not be grabbing numbers out of thin air.

Mayor-Commissioner Kennedy stated the city manager explained that the special magistrate would be approximately \$160,000 annually and the host compliance company would be \$35,000 annually.

City Manager Mims stated that Holmes Beach has five code enforcement employees that do more than vacation rentals. He is confident with the city's staff, the fire district's inspection work, and Pinellas County building staff. The city will need to look closely at the finance and technical end based on the volume and paperwork involved with STR.

City Manager Mims stated that Holmes Beach's registration fee is \$495, which is good for two years. He said that Holmes Beach is very comparable to IRB.

Commissioner Bond asked if the registration fee is for the property or per unit.

Mayor-Commissioner Kennedy stated per BTR or per unit not for the entire property.

City Manager Mims stated the city commission should make the registration fee high enough because he does not think it is cost-effective to have reinspection fees. He said there is paperwork involved in the reinspection process.

City Manager Mims stated that since he has been using Holmes Beach as a comparison, their code enforcement budget, with everything added together, is \$610,000. They do more than just vacation rentals.

The city commission discussed the vacation rental registration fee ranging from \$500 to \$400 for the initial registration fee.

Vice Mayor-Commissioner Houseberg stated that the city would need an entire short-term rental division because this issue is not getting smaller. It is getting bigger.

THE CONSENSUS OF THE CITY COMMISSION IS THAT THE COST OF THE APPLICATION FEE FOR AN INITIAL CERTIFICATE OF REGISTRATION SHOULD BE \$400.

- (2) Application fee for a renewed certificate of registration subsequent to the initial application: [Commission input requested]

THE CONSENSUS OF THE CITY COMMISSION IS THAT THE COST FOR THE APPLICATION FEE FOR A RENEWED CERTIFICATE OF REGISTRATION SUBSEQUENT TO THE INITIAL APPLICATION SHOULD BE \$400.

Vice Mayor-Commissioner Houseberg stated she would like the annual renewal date to be the date of the initial application registration.

- (3) Application fee for a an amended certificate of registration: [e.g. \$50 - \$75 – Commission input requested]

The city commission did not address this subsection.

- (4) Reinspection fees.
- a. First reinspection - Commission input requested]
 - b. Second and third reinspection - Commission input requested]

CONSENSUS OF THE CITY COMMISSION THAT THERE WILL BE NO CHARGE FOR REINSPECTION BASED ON THE CITY MANAGER'S RECOMMENDATION.

- (5) Inspection fee upon change of ownership: Commission input requested]

The city commission did not address this subsection.

Sec. XX-XXX. Vacation rental registration.

(a) 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.

(b) A registration application must be submitted by 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) A registration application shall, at a minimum, include the following:

- (1) Address of the vacation rental property being registered, 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;
- (3) Name, address, e-mail, and emergency contact phone number of responsible person for the vacation rental, which shall be a twenty-four (24) hour, seven (7) days a week contact number;

Mayor-Commissioner Kennedy clarified if the responsible person is out of the area and cannot be reached, the property owner can designate another responsible person in their absence. She stated she would like for there to be an alternate responsible person on the application.

City Attorney Mora stated the way this is written there is always a designated responsible party. There is only one responsible party at a time as written to avoid confusion with a phone tree.

- (4) The vacation rental's current and active license 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 article III of chapter 20 of the code;
- (7) Statement attesting to the number of bedrooms and paved off-street parking spaces available on the property with affirmation that the parking plan submitted by the owner will be followed by the owner's guests; [subject to any parking restrictions established by City Commission];
- (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 plan shall depict and identify the outer boundaries of the property, and all structures, docks, sheds, paved parking areas, pools, spas, hot tubs, and fencing. For purposes of the plan, off-street parking spaces allowed by the code to be used for parking shall be delineated so as to enable a fixed count of the number of spaces provided; [subject to any parking restrictions established by City Commission]
- (9) Interior structural plan by floor. An interior structural plan of the vacation rental structure by floor, drawn to scale, shall be provided. 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 by 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) Acknowledgment signed by the owner, or owner's authorized agent, acknowledging and agreeing to initial and ongoing compliance with this article and all other city codes and federal, state and county laws which are applicable to the owner's ownership, maintenance, repair, modification, and use of the vacation rental property;
- (11) An application must provide the phone number associated with the landline telephone required by § XX-XXX;

Mayor-Commissioner Kennedy asked Captain Leiner, as a first responder, whether having a landline telephone improved or impacted the PCSO's services.

Captain Leiner stated he spoke to the PCSO Communications personnel. He said landlines would take deputies or first responders directly to the house. He advised that the PCSO and 911 have software that triangulates where cell phone calls are coming from and will

also take them directly to the place. In speaking with the other captain, the software works well, so there is no difference in response time. He stated if someone called on a cell phone that was unfamiliar with the area and did not know where they were, PCSO could triangulate the signal and locate them.

THE CONSENSUS OF THE CITY COMMISSION TO DELETE SUBSECTION (c)(11): AN APPLICATION MUST PROVIDE THE PHONE NUMBER ASSOCIATED WITH THE LANDLINE TELEPHONE REQUIRED BY § XX-XXX.

CONSENSUS OF THE CITY COMMISSION TO DELETE THE REQUIREMENT OF HAVING A "LANDLINE TELEPHONE" ON THE STR PROPERTY THROUGHOUT THE ORDINANCE.

- (12) A listing of the occupancy limit established by this article, calculated in the manner set forth in this article, and an acknowledgment that the owner will ensure compliance with the occupancy limit;
- (13) A narrative parking plan [subject to any parking restrictions established by City Commission], and outlining where vehicles will be parked and how guests will be made aware of the parking rules, including the prohibition against guests parking off-site;
- (14) A copy of the 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;
- (15) A statement attesting that the owner has made all structural revisions to the vacation rental property, and all operational policies have been adopted to ensure compliance with the Americans with Disabilities Act's requirements for places of public accommodation; and

Commissioner McCall stated he does not understand subsection (c)(15) — a house is a house. So, how does ADA come into this component because he looked at DPBR as far as their regulations, and that was actually listed as something they do not control. He does not know what benefit having an owner attest that their house meets ADA requirements does besides possibly putting them into legal jeopardy down the road.

City Attorney Mora stated Commissioner McCall had expressed concern about the language in subsection (c)(15) requiring some attestation to ADA requirements. There is a correlating provision elsewhere of having ADA restrictions apply where applicable. Whether or not it is administered as part of this program is undoubtedly within the city commission's ability to address. He will not advise the city commission that it retroactively

applies to every property because that analysis has not been done. The question is whether the city commission wishes to inject this issue into the regulatory scheme.

Commissioner McCall stated his thought process is under this provision, saying the city commission does. Does that mean all STR with steps must put up a ramp? Will there be easement problems? Variances Problems?

Commissioner McCall stated it should be the STR owner's choice to offer ADA-compliant STRs for disabled people instead of making it a requirement for all STRs.

City Manager Mims stated that based on the preliminary information from Pinellas County, ADA requirements would be found on the occupancy limit that the city commission places on houses. There is no reason this evening to get in the weeds over ADA because whether ADA is going to be required will be based on an inspection in the field verifying the number of bedrooms and then tied back to the occupancy limit.

City Attorney Mora stated the city commission could decide whether or not to keep this language in.

CONSENSUS OF THE CITY COMMISSION TO DELETE SUBSECTION (c)(15): A STATEMENT ATTESTING THAT THE OWNER HAS MADE ALL STRUCTURAL REVISIONS TO THE VACATION RENTAL PROPERTY, AND ALL OPERATIONAL POLICIES HAVE BEEN ADOPTED TO ENSURE COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT'S REQUIREMENTS FOR PLACES OF PUBLIC ACCOMMODATION.

(16) A narrative statement setting forth how the owner will ensure each guest is provided a copy of, and make 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.

Commissioner McCall asked that an addendum of the city rules and regulations be included to lease where the guest can sign. The addendum to be provided to the STR owners by the city and made part of their lease agreement.

CONSENSUS OF THE CITY COMMISSION FOR THE CITY TO PROVIDE AN ADDENDUM OF THE CITY'S RULES AND REGULATIONS TO STR OWNERS TO BE ATTACHED TO THE LEASE AGREEMENT AND TO BE SIGNED BY THE GUEST.

(d) Forms must be fully completed, incomplete applications will not be processed. 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. 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 [special magistrate/city commission]. The appeal must set forth the specific factual and legal reasons supporting the applicant's appeal.

CONSENSUS OF THE CITY COMMISSION THAT ALL APPEALS WOULD GO TO THE SPECIAL MAGISTRATE.

Vice Mayor-Commissioner Houseberg suggested that the property owner provide their links on VRBO, Airbnb, and other advertising links and stated the city should if they do not.

Commissioner McCall stated that is what the host compliance company's software does.

City Attorney Mora stated the challenge with the links is to the extent that those are subject to change. Constantly making sure the city's records are consistent may be a challenge.

City Manager Mims stated if the STR owner is abiding by the ordinance, they should not have a link on the website. The host compliance company has access to approximately 80 platforms.

Commissioner Hanna stated the ordinance uses the word "residential," and these under ch. 509, F.S., are primarily commercial properties so should "residential" be changed.

City Attorney Mora responded negatively. He explained the construct of that it is a single-family home. The law treats those in the residential neighborhoods as single-family homes, residential properties, and are zoned as residential property, and its future land use designation is residential. The law treats it, whether fiction or not, that is a residential property.

Commissioner Hanna stated that usage has nothing to do with it. So, how the property is being used has nothing to do with it.

City Attorney Mora stated that a landlord owning and leasing property for a specified period is not a new legal construct and that it has not historically rendered every house a commercial property just because there is a tenant, whether for six months or six days. The property is still being used as a commercial property. The property owner is generating income from it; often above the leverage debts are on that property as an income-

producing property. So, this is still how the legal world looks at that. It is just for at a higher intensity and density. But, his advice is that the language there is deliberate as it is, and calling it differently will not change that construct.

Sec. XX-XXX. Modification/change of ownership of vacation rental registration.

(a) 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. [if so required by City Commission]
- (2) An amendment to the owner's conduct rules to be followed by guests.
- (3) A change in the designated responsible person.

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) 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. XX-XXX. 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.

THE CONSENSUS OF THE CITY COMMISSION FOR VACATION RENTAL REGISTRATION TO BE VALID FOR ONE YEAR FROM THE DATE THE APPLICATION IS APPROVED.

City Manager Mims stated the BRT program is set up where the licenses are all due October 1st. He said he needs to speak to the finance director regarding how the vacation rental registration program will be set up. All are due on October 1st or from the date the application was approved.

Commissioner Houseberg stated it makes more sense to have the registration due on the date the application is approved than trying to bill them all on one day.

Sec. XX-XXX. Renewal of vacation rental registration.

A vacation rental owner must renew its registration annually prior to the expiration date of the previous vacation rental registration and is subject to an annual inspection and applicable fees.

Sec. XX-XXX. Inspection of vacation rentals.

(a) 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 phone line (maybe more specific "landline" and fire extinguishers 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) If instances of noncompliance are found, all such instances of noncompliance shall be handled either as violations of the Florida Building, Fire, or Life Safety Codes are otherwise handled by the city and its officials under state law and city code or, if the violation is not related to a code under the jurisdiction of the building official, it shall be referred to code enforcement and handled as a code violation.

(c) 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. The 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. XX-XXX. 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-day period and any existing approved registration will expire on the thirty-first day from the date title changes.

Sec. XX-XXX. 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. XX-XXX. 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 license issued pursuant to such application, in addition to the prosecution of any related code enforcement violations.

Sec. XX-XXX. Advertising.

(a) No vacation rental may be advertised or used as an event venue for gatherings such as weddings [reconcile with city temporary use permit rules], corporate retreats, film productions.

Commissioner McCall stated he sees weddings on the list but does not see bachelor or bachelorette parties, which are a huge concern and problem.

City Attorney Mora stated that the list is non-exhaustive; however, bachelor and bachelorette parties can be added to the list as an example.

Commissioner McCall stated it was some of the feedback he received from the public and then during public comment. Those were two important things — bachelor and bachelorette parties. He asked if that language could be more general where things were not named.

City Manager Mims stated in the city code, there is a separate section entitled "Temporary Use Permit." A temporary use permit is required throughout the city, whether in a commercial district or residential district if there is a gathering of more than 50 people, which also addresses film productions. He stated he wanted to bring to the attention of the city commission the provision of the temporary use permit.

City Manager Mims stated the city commission could leave this language within the ordinance or amend the language where temporary use permits are not permitted for STRs.

City Manager Mims stated most temporary use permits processed and approved are weddings on the beach.

(b) 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 certificate of registration for the vacation rental, specifically including, but not limited to, maximum occupancy and display the city of Indian Rocks Beach Vacation Rental Certificate of 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) 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 XX-XX. The vacation rental certificate number 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. XX-XXX. Duties of vacation rental owner and responsible person.

(a) Every vacation rental owner, or responsible person if one is designated, shall be available by phone at the listed phone number twenty-four (24) hours a day, seven (7) days a week, including holidays, to respond to contact by the sheriff's office, fire district, or other emergency personnel, or by any other regulatory personnel of the city. Failure of the vacation rental owner or responsible person to comply with this requirement shall be a violation of this article.

(b) Responsible person. If a vacation rental owner does not directly manage the registered vacation rental property owned by the owner, the owner shall designate a responsible person.

- (1) The responsible person shall 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. 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.
- (2) An owner may change his/her/its designation of a responsible person temporarily, up to thirty (30) cumulative days during any consecutive twelve (12) month period, or permanently; however, there shall only be one designated responsible person for each vacation rental property at any given time.
- (3) It shall be the sole responsibility of the property owner to appoint a reliable responsible person and to inform the manager of his or her correct mailing address. Failure to do so shall not be a defense to a violation of this section. Service of notice on the responsible person shall be deemed service of notice on the property owner, guest, occupant and violator.

(c) The vacation rental owner or responsible person shall obtain a copy of the photo identification of each vacation rental occupant who is 18 years of age or older prior to check-in, and shall maintain those records for a period of two years from the date of check-in and make such record available to the city upon request. [Commission input requested]

Commissioner McCall stated he would like the rest of the city commission's opinion on the copy of the photo identification for each vacation rental occupant.

Vice Mayor-Commissioner Houseberg stated it is intrusive.

Commissioner McCall stated he has rented across the country and has not run into this yet. He is not sure what the advantage of this would be. If there were an altercation or an issue, law enforcement would be called and they would check the ID.

Commissioner McCall stated he has a problem with someone holding onto someone's ID for two years in today's day and age.

THE CONSENSUS TO DELETE SUBSECTION (c): THE VACATION RENTAL OWNER OR RESPONSIBLE PERSON SHALL OBTAIN A COPY OF THE PHOTO IDENTIFICATION OF EACH VACATION RENTAL OCCUPANT WHO IS 18 YEARS OF AGE OR OLDER PRIOR TO CHECK-IN AND SHALL MAINTAIN THOSE RECORDS FOR A PERIOD OF TWO YEARS FROM THE DATE OF CHECK-IN AND MAKE SUCH RECORD AVAILABLE TO THE CITY UPON REQUEST.

(d) The owner or responsible person shall provide the city and post in a conspicuous place in the premises, 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.

(e) 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. [Commission input requested]

(f) An owner may change his or her designation of a responsible person; however, there shall only be one (1) responsible person for each vacation rental property at any given time. 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 subsection 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.

(g) It shall be the sole responsibility of the property owner to appoint a reliable responsible person and to inform the responsible person of his or her correct mailing address. Failure to do so shall not be a defense to a violation of this section. No property owner shall designate as a responsible person any person who does not expressly comply with the provisions of this section. 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. [Commission input requested on any other requirements]

DIVISION X.
STANDARDS AND REQUIREMENTS FOR VACATION RENTALS

Sec. XX-XXX. Generally.

The standards and requirements set forth in this article shall apply to the rental, use, and occupancy of vacation rentals in the city.

Sec. XX-XXX. Maximum occupancy based on site capacity/limitations.

[Commission input requested]

(a) Occupancy Restriction. The maximum occupancy of a vacation rental shall be stated in the vacation rental registration form, and shall be limited to:

- Reference: Anna Maria: A total of eight occupants per vacation rental. In the event there is more than one building or dwelling on one platted lot, the maximum occupancy shall be capped at eight occupants per lot or structure, whichever is less.*
- Reference: Flagler County: Two (2) persons per sleeping room, meeting the requirements for a sleeping room, plus two (2) additional persons that may sleep in a common area. ******(in certain districts, occupancy is capped at 10 persons, and in others it is capped at 16)*******
- Reference: Holmes Beach: The maximum overnight occupancy of a vacation rental unit shall not exceed six (6) persons or two persons per bedroom, whichever is greater.*
- Reference: Indian Harbour Beach: The maximum occupancy of a vacation rental shall be limited to two (2) occupants (as defined herein) per bedroom (as defined herein) plus two (2) occupants with a maximum capacity of twelve (12) persons.*
- Reference: Marathon County: The occupancy of an individual dwelling shall conform to the occupancy limits of the Florida Fire Prevention Code and the Florida Building Code. Notwithstanding the foregoing, total occupancy in all cases shall be subject to the following:*
 - a. *The maximum overnight tenant occupancy load of any vacation rental unit shall not exceed two (2) persons for each bedroom in the vacation rental unit, plus two (2) persons.*

- b. *Before the hours of 7:00 a.m. or dawn, whichever is earlier, and after 10:00 p.m., the occupancy load of the vacation rental may not exceed the maximum allowed number of overnight tenants.*
 - c. *The city may grant additional occupancy limits, upon the application by the property owner, if the city determines that the vacation rental unit is on a lot greater than one-half (½) acre in area, has sufficient parking to accommodate a greater number of tenants than prescribed by this article, greater occupancy limits will not have an adverse impact on traffic, and that the additional occupancy would not cause a threat to fire safety. In no event shall the occupancy limit exceed the occupancy limits of the Florida Fire Prevention Code and the Florida Building Code.*
- ☐ *Reference: Redington Beach: Two (2) occupants (as defined herein) per bedroom (as defined in this article), but with a maximum capacity of eight (8) persons.*
 - ☐ *Reference: Sarasota: Maximum occupancy for vacation rentals in residential single-family zone districts shall be two (2) persons per bedroom, plus two (2) additional persons per property or ten (10) persons, whichever is less. Children under six (6) years of age shall not be included in the calculation of maximum occupancy. Maximum occupancy for vacation rentals in residential multiple-family zone districts shall be two (2) persons per bedroom, plus two (2) additional persons per property or twelve (12) persons, whichever is less. Children under six (6) years of age shall not be included in the calculation of maximum occupancy.*

City Attorney Mora stated staff had provided the city commission with a sampling of occupancy limits based on cities raised at previous meetings.

The city commission discussed at length occupancy limits and whether or not there should be different occupancy limits for STRs on the east side of Gulf Boulevard and on the west side of Gulf Boulevard.

Vice Mayor-Commissioner Houseberg suggested 2 per bedroom, with a maximum capacity of 10.

Commissioner McCall suggested 2 per bedroom, plus 2. He stated this is a beach community that likes children. If they have illegal, unpermitted bedrooms those will be rectified with inspections by the city, fire district, and county.

Commissioner McCall stated that since the ordinance includes the CT zoning district, his conflict comes in.

City Attorney Mora stated that in some of the examples that were provided, some of the communities broke down the occupancy limits into zoning districts. The city commission can make that delineation.

Commissioner Hanna stated 2 per bedroom, plus 2 with a maximum capacity of 8.

Mayor-Commissioner Kennedy stated one of the questions raised was about children under 6 and how that worked. She was looking at Sarasota because they have specific guidelines concerning children.

Commissioner McCall stated he agrees with that but, he is concerned with enforcement and management of that. How is that determined, and how do they advertise that?

Mayor-Commissioner Kennedy stated Indian Harbour Beach and Sarasota do not include children under 6 in the calculation of maximum occupancy. She would like the city commission to consider including language to that effect.

City Attorney Mora stated whether or not to have a children's restriction is a policy decision for the city commission.

City Attorney Mora stated there are at least three city commission members who agreed to 2 per bedroom, and two city commissioners have decided to 2 per bedroom, plus 2.

City Attorney Mora stated Mayor-Commissioner Kennedy and Commissioner Bond had not given their input.

Commissioner Bond stated he has done a lot of traveling with children in a scenario like this. The city commission can look at the bachelor party thing and all of that. But, most people are not traveling that way, and he wanted to ensure the city was not penalizing people for being a family.

Vice Mayor-Commissioner Houseberg stated the city commission is trying to decide the maximum occupancy for a house because a person can still put four adults and six children in place.

Commissioner Bond stated that is what the city comes up against — it is the intention versus the reality.

Vice Mayor-Commissioner Houseberg stated the city commission is not here to regulate little children having fun here.

Commissioner Bond stated the city commission likes 2 per bedroom, plus 2. What about the game room?

City Attorney Mora stated the way it is written it will not be by room. The way the regulation is written is 2 per bedroom, plus 2. Where they sleep is beside the point.

Commissioner McCall stated he does not understand how the city would administer children under 6 because the software that the city will be using would surf the internet for STRs with a maximum occupancy of over 12.

City Manager Mims stated from an administrative standpoint, it is easier to have a maximum occupancy total.

Commissioner McCall stated his other concern is maximum occupancy limits in the CT zoning district. He asked what happens if there is a beach house with six bedrooms. The city says six couples cannot come down and rent a six-bedroom beach room if the maximum occupancy is ten.

City Attorney Mora stated there necessarily does not need to be a maximum occupancy limit. The max can flow just from the number of bedrooms. All those options exist.

Commissioner McCall stated there needs to be a maximum occupancy cap because if there is not one, someone will come in and build a ten-bedroom house.

Commissioner McCall stated he is at 2 per bedroom, plus 2 with a maximum capacity of 10.

Vice Mayor-Commissioner Houseberg stated she is at 2 per bedroom, plus 2, with a maximum capacity of 10.

Commissioner Bond stated he would like to see the maximum capacity a little higher than that.

Commissioner McCall stated he would like to see the CT zoning district's occupancy maximum capacity separate, with Commissioner Bond agreeing.

Mayor-Commissioner Kennedy stated she is also fine with 2 per bedroom, plus 2 with a maximum capacity of 10. She agrees with a higher maximum. If the city commission is talking about bedrooms and there are very few, she believes there has to be a maximum capacity limit.

Commissioner Bond stated he lives in what was a vacation rental home and has a ridiculous number of bedrooms and bathrooms, which are very small. But, the fact is this ordinance would not conform to his property if it were an STR. He does not want to deny anybody else the right to do what they need with their property and the amount of space they have.

Vice Mayor-Commissioner Houseberg suggested 2 per bedroom, plus 2 with a maximum capacity of 10, not including children under 12.

Commissioner Bond stated he does not see the value of putting a cap that constricts someone beyond the number of bedrooms they have. It does not make sense to him.

Commissioner McCall stated he does agree with his general principle on property rights. He said there needs to be a maximum capacity limit because the city will start seeing mc-mansions, which is his concern.

Commissioner McCall stated 2 per bedroom, plus 2 with a maximum capacity of 10, is acceptable and would reduce the issues the city has been having with a 2-bedroom, 2-bath being advertised as sleeping 16.

Mayor-Commissioner Kennedy stated she agrees — 2 per bedroom, plus 2 with a maximum capacity of 10.

City Attorney Mora stated he is not clear with Commissioner McCall's recommendations. He said in the zoning districts on the east side of Gulf Boulevard, from 5th Avenue to 28th Avenue, Commissioner McCall suggested 2 per bedroom, with a maximum capacity of 10. In the CT zoning district, 2 per bedroom, with a maximum capacity of 16.

Mayor-Commissioner Kennedy responded negatively.

Commissioner Bond asked historically how the city has dealt with STRs on the west side of Gulf Boulevard. Have there been any occupancy restrictions on the west side?

Mayor-Commissioner Kennedy responded negatively.

Commissioner Bond stated what the city commission is proposing is putting occupancy restrictions on both the east and west sides of Gulf Boulevard. So while the issue is happening on the east side of Gulf Boulevard, why should the city put occupancy limits on the STRs on the west side?

Commissioner Bond stated he does not know if the city wants to put a damper on development on the west side of Gulf Boulevard. The usage on the west side does not seem problematic. He does not see the value of laying on another level of stuff for them to worry about on the west side.

Mayor-Commissioner Kennedy stated that property owners are having some issues and problems with STRs on the west side of Gulf Boulevard.

Commissioner Bond stated just because the city commission is addressing the east side of Gulf Boulevard problems, does the city commission want to wrap the west side into this just because it is there?

Mayor-Commissioner Kennedy asked if each zoning district could have different occupancy maximum capacities.

City Attorney Mora responded affirmatively.

Commissioner McCall asked whether the maximum capacity would apply to each unit or the entire property, such as a duplex.

City Attorney Mora stated he had seen maximum capacity treated in other communities based upon dwelling unit. A single-family home is a single-dwelling unit. If it is a duplex, there is Unit A and Unit B, those are distinct dwelling units, and each unit would be limited to the bedrooms within that unit. The city commission can decide that.

THE CONSENSUS OF THE CITY COMMISSION FOR OCCUPANCY MAXIMUM CAPACITY FOR VACATION RENTALS ON THE EAST SIDE OF GULF BOULEVARD (RESIDENTIAL NEIGHBORHOODS) IS 2 PER BEDROOM, PLUS 2 WITH A MAXIMUM OCCUPANCY CAPACITY OF 10.

Commissioner Bond stated he would not have a maximum capacity in the CT zoning district but would have 2 per bedroom, plus 2.

Commissioner McCall stated his concern with not having a maximum capacity would be the possibility of losing the cottages and properties to redevelopment.

THE CONSENSUS OF THE CITY COMMISSION FOR OCCUPANCY MAXIMUM CAPACITY FOR VACATION RENTALS ON THE WEST SIDE OF GULF BOULEVARD (CT ZONING DISTRICT) IS 2 PER BEDROOM, PLUS 2 WITH A MAXIMUM OCCUPANCY OF 12.

THE CONSENSUS OF THE CITY COMMISSION IS TO HAVE NO MINIMUM CAPACITY REQUIREMENT.

(b) *Phased in Occupancy Uses.* (Reference: Anna Maria & Sarasota). Notwithstanding the above, a vacation rental that was lawfully used as a vacation rental [prior to the effective date], 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 certificate of registration process.

THE CONSENSUS OF THE CITY COMMISSION TO HAVE A PHASE IN OCCUPANCY USES SECTION.

- (1) The maximum occupancy for vacation rentals lawfully in existence on [prior to the effective date] shall temporarily be capped at no more than number (##) provided that all the requirements to obtain a certificate of registration in accordance with this code are satisfied and a certificate of registration is issued. This maximum occupancy limit shall remain in effect from effective date through March 1, 2025.

CONSENSUS OF THE CITY COMMISSION FOR THE MAXIMUM OCCUPANCY FOR VACATION RENTALS LAWFULLY IN EXISTENCE ON [PRIOR TO THE EFFECTIVE DATE] SHALL TEMPORARILY BE CAPPED AT NO MORE THAN TWO (2) . . .

- (2) The maximum occupancy for vacation rentals lawfully in existence on [prior to effective date] shall be reduced from number (##) to established restricted number) for the one-year period commencing date through date provided that all requirements to obtain a certificate of registration in accordance with this code are satisfied and a certificate of registration is issued.

THE CONSENSUS OF THE CITY COMMISSION FOR THE MAXIMUM OCCUPANCY FOR VACATION RENTALS LAWFULLY IN EXISTENCE ON [PRIOR TO EFFECTIVE DATE] SHALL BE REDUCED FROM TWO (2) TO ESTABLISHED RESTRICTED NUMBER) FOR THE ONE-YEAR PERIOD COMMENCING. . .

- (3) After [set period], the maximum occupancy for all vacation rentals shall be as provided in [established restriction].
- (4) The maximum occupancy limitations set forth above shall not apply in the event two (2) or more adjudicated violations of this chapter, another provision of the City Code or the city zoning code occur at the vacation rental and shall terminate in the event the vacation rental is sold or title to the vacation rental is otherwise transferred.

- (c) Owner-Occupied Exception. The maximum occupancy restriction as set forth above shall not apply when the property is owner-occupied by the vacation rental owner, if the owner is a natural person.

Commissioner McCall stated that this subsection should not be deleted as this is a person's primary home and that may have a rental component with them. The house would be opened up to inspections, etc.

CONSENSUS OF THE CITY COMMISSION TO DELETE SUBSECTION (c). OWNER-OCCUPIED EXCEPTION. THE MAXIMUM OCCUPANCY RESTRICTION AS SET FORTH

ABOVE SHALL NOT APPLY WHEN THE PROPERTY IS OWNER- OCCUPIED BY THE VACATION RENTAL OWNER, IF THE OWNER IS A NATURAL PERSON.

Sec. XX-XXX. Minimum safety and operational requirements and limitations.

(a) 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.

(b) Each vacation rental shall install, maintain and have ready for guest use at least one working landline telephone with the ability to call 911. [Commission input requested] This telephone shall be located in the common area on the first occupied floor of the vacation rental. The landline telephone number shall be registered at all times with Pinellas County Emergency Management for the purpose of receiving emergency alerts for items including, but not limited to, mandatory evacuations for hurricanes and requests to limit utility usage. Additionally, the landline telephone number shall be registered at all times with the Pinellas County Utilities Department for the purposes of receiving boil water alerts.

~~THE CONSENSUS OF THE CITY COMMISSION TO DELETE SUBSECTION (b): EACH VACATION RENTAL SHALL INSTALL, MAINTAIN AND HAVE READY FOR GUEST USE AT LEAST ONE WORKING LANDLINE TELEPHONE WITH THE ABILITY TO CALL 911. THIS TELEPHONE SHALL BE LOCATED IN THE COMMON AREA ON THE FIRST OCCUPIED FLOOR OF THE VACATION RENTAL. THE LANDLINE TELEPHONE NUMBER SHALL BE REGISTERED AT ALL TIMES WITH PINELLAS COUNTY EMERGENCY MANAGEMENT FOR THE PURPOSE OF RECEIVING EMERGENCY ALERTS FOR ITEMS INCLUDING, BUT NOT LIMITED TO, MANDATORY EVACUATIONS FOR HURRICANES AND REQUESTS TO LIMIT UTILITY USAGE. ADDITIONALLY, THE LANDLINE TELEPHONE NUMBER SHALL BE REGISTERED AT ALL TIMES WITH THE PINELLAS COUNTY UTILITIES DEPARTMENT FOR THE PURPOSES OF RECEIVING BOIL WATER ALERTS.~~

(c) Each vacation rental shall post a copy of the city's rules required by § XX-XXX either on the interior of the front door of the vacation rental, or on a wall within five feet of the front door. The rules 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. If the city publishes rules applicable to vacation rentals on the city's website, the posted rules must, at a minimum, contain those rules.

(d) Since vacation rentals are places of public accommodation, all vacation rentals shall be structurally modified in such a manner as to be compliant with the applicable provisions of the Americans with Disabilities Act and the Florida Accessibility Code. Owners shall ensure their operational policies and hosting platforms comply with the requirements of the Americans with Disabilities Act.

~~CONSENSUS OF THE CITY COMMISSION TO DELETE SUBSECTION (d): SINCE VACATION RENTALS ARE PLACES OF PUBLIC ACCOMMODATION, ALL VACATION RENTALS SHALL BE STRUCTURALLY MODIFIED IN SUCH A MANNER AS TO BE COMPLIANT WITH THE APPLICABLE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT AND THE FLORIDA ACCESSIBILITY CODE. OWNERS SHALL ENSURE THEIR OPERATIONAL POLICIES AND HOSTING PLATFORMS COMPLY WITH THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT.~~

(e) Each vacation rental shall post a copy of the owner's conduct rules required by § XX-XXX either on the interior of the front door of the vacation rental, or on a wall within five feet of the front door. The rules 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.

(f) Each vacation rental shall post the occupancy capacity limit for the vacation rental. The occupancy capacity limit for the vacation rental shall be posted either on the interior of the front door of the vacation rental, or on a wall within five feet of the front door. The occupancy capacity limit 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 20-point.

(g) Each vacation rental shall post the name, email and phone number of the owner or designated responsible person. This information shall be posted either on the interior of the front door of the vacation rental, or on a wall within five feet of the front door, 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.

(h) 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. [Commission input requested – ref § 26-37]

(i) No pool, spa, Jacuzzi, or outdoor sport courts on the property of a vacation rental may be used by any person between the quiet time hours of 10 p.m. and 7 a.m. [Commission input requested]

Commissioner Bond stated he would not want to restrict pool use between the hours of 10 p.m. and 7:00 a.m.

Mayor-Commissioner Kennedy stated that is part of the problem with vacation rentals.

Commissioner Hanna stated that language needs to stay in because a lot of noise and other issues have come from the pool areas.

Vice Mayor-Commissioner Houseberg stated that pools always generate music and noise after 10:00 p.m.

Commissioner McCall stated it is a noise issue, unfortunately.

THE CONSENSUS OF THE CITY COMMISSION TO PRESERVE SUBSECTION (j): NO POOL, SPA, JACUZZI, OR OUTDOOR SPORT COURTS ON THE PROPERTY OF A VACATION RENTAL MAY BE USED BY ANY PERSON BETWEEN THE QUIET TIME HOURS OF 10:00 P.M. AND 7:00 A.M.

(j) Amplified music or other sound, including amplified spoken voices, is strictly prohibited from being played at any time on the property of a vacation rental, except where such amplified music or sound is played within the residential structure, over speakers located only within and not on the exterior of the residential structure, and where the windows and doors of the vacation rental are closed.

Commissioner McCall clarified that subsection (j) means that someone could not have a speaker by the pool at any time because he does not see any time frames in this subsection for amplified music.

City Attorney Mora responded as written. That is what it says—no outside speakers.

Commissioner McCall stated that deputies would be called for a floatable speaker during regular hours — not after 10:00 p.m. He said the city's noise ordinance falls in if it gets out of hand.

City Attorney Mora stated that, as written, it is a per se prohibition. The city commission can amend that language because its noise ordinance regulates it. As noted, as Commissioner McCall described, a person could not have a blue tooth speaker by the pool, such as a cell phone, at a vacation rental.

Commissioner Bond suggested that amplified music be allowed at vacation rentals between 10:00 p.m. and 7:00 a.m., the same time frame as for pools, spas, and jacuzzis.

CONSENSUS OF THE CITY COMMISSION NO AMPLIFIED MUSIC ON THE PROPERTY OF VACATION RENTALS MAY BE USED BY ANY PERSON BETWEEN THE QUIET TIME HOURS OF 10:00 P.M. AND 7:00 A.M.

Sec. XX-XXX. Parking, solid waste disposal, legal compliance, evacuations, miscellaneous provisions.

(a) [subject to any parking restrictions to be established by City Commission].

Reference: Anna Maria: The maximum number of vehicles that will be allowed to park at the vacation rental. Such number of vehicles shall not exceed the number of parking spaces located at the vacation rental as shown in the sketch submitted

with the vacation rental registration, plus any other legal parking spaces that the vacation rental owner can show are available to the vacation rental.

- Reference: Flagler County: Parking standard. Based on the maximum short-term transient occupancy permitted, minimum off-street parking shall be provided as one (1) space per three (3) transient occupants. Garage spaces shall count if the space is open and available and the transient occupants are given vehicular access to the garage. On-street parking shall not be permitted.*
- Reference: Holmes Beach: All vacation rental units within the city are required to provide one on-site parking space per bedroom.*
- Reference: Indian Harbour Beach: All vehicles associated with the vacation rental, including visitors not residing at the vacation rental, must be parked in compliance with the City of Indian Harbour Beach Code of Ordinances. All vehicles associated with the vacation rental must be parked within a driveway located on the subject property. There shall be no sidewalk, on street, right-of-way, or grass parking. Parking shall be paved and shall not be located off the vacation rental property, including common areas.*
- Reference: Marathon: The owner shall provide off-street parking on property owned or lawfully leased by the owner of the property or the occupants for all vehicles, watercraft and trailers to be used by the tenants during any occupancy. The watercraft may be moored at either an existing on-site docking facility or stored on a trailer in an approved parking space. Vehicles, watercraft, and trailers may be parked on the right-of-way within the limits of the vacation rental unit property lines if it is the common practice of those on the street where the vacation rental is located, and the placement of the vehicle, watercraft, or trailers would not impede the normal and safe flow of traffic on the street.*
- Reference Redington Beach: All vehicles associated with the vacation rental, including the vehicles of temporary visitors present between the hours of 7 a.m. and 9 p.m., must be parked in compliance with the town's parking regulations and must be parked within the legal boundaries of the property and on a paved or bricked parking surface depicted in the registration application's parking diagram. Vehicles associated with the vacation rental are strictly prohibited from parking in any other manner or location within the town, including on any town sidewalk, street, right-of-way, swale, or grass parking. Recreational vehicles (RVs), boats, jet skis and similar watercraft, campers, and trailers may not be parked at vacation rentals. Commercial motor vehicles, as defined in § 21-1 may not be parked at vacation rentals.*
- Reference: Sarasota: All vehicles associated with the vacation rental shall be parked within a driveway or parking area located on the premises and in compliance with all applicable city ordinances.*

City Attorney Mora stated the city code provides that any property owner can park on the street and the grass. The city does not have any restrictions specific to that, which the city commission has discussed.

City Manager Mims stated the city commission had been provided with section 110-372, Required number of parking spaces, of the Code of Ordinances that defines the required parking for each of the different uses. For example, single-family and two-family dwellings are required two parking spaces per dwelling unit. He would recommend that multi-family and the business district be left as they are because their requirements are already more restrictive. If the city commission is going to discuss amending parking requirements, he would recommend discussing the single-family and two-family dwelling districts, as that is where the parking issues have been.

Mayor-Commissioner Kennedy stated she discussed the city of Holmes Beach parking requirement for vacation rentals with the city manager, which is one on-site parking space per bedroom.

Vice Mayor-Commissioner Houseberg stated she prefers the city of Anna Maria Island's regulations, which says "such number of vehicles shall not exceed the number of parking spaces located at the vacation rental," and on-street parking shall be prohibited.

City Attorney Mora stated that is a good starting point, but the challenge is that it does not establish a number. It says the "maximum number of vehicles that will be allowed to park at the vacation rental. Such vehicles shall not exceed the number of parking spaces on the vacation rental." The property owner would be required to provide a parking plan to the city, and on-street parking shall not be permitted.

City Manager Mims stated if the city commission enacted an ordinance that said all parking had to be located on the vacation rental, which the PCSO receives a call about on-street parking in the surrounding area, how would the deputy determine whose car belongs to what property?

Captain Leiner responded that it would be difficult from an enforcement standpoint. The PCSO cannot share information with the city that it receives from running vehicle tags.

Commissioner McCall stated he likes one parking space per bedroom. He also liked Flagler County because it was based on the maximum short-term transient occupancy permitted — one parking space per three transient occupants. He stated the occupancy capacity helps the city's parking situation with vacation rentals.

Commissioner Hanna stated his concern is about people parking on the grass — it looks terrible and could cause drainage. The biggest complaints that he has heard are noise and traffic.

THE CONSENSUS OF THE CITY COMMISSION FOR ALL VACATION RENTAL UNITS WITHIN THE CITY IS REQUIRED TO PROVIDE ONE ON-SITE PARKING SPACE PER BEDROOM AND ALL PARKING SPACES TO BE ON A PERMITTED PAVED SURFACE.

(b) Solid waste disposal (household garbage, recycling, and yard trash) created at vacation rentals shall be stored and put out for pick up in compliance § [insert cross reference] of the code, and on the day(s) of the week set out in the city's solid waste franchise agreement.

(c) 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) Vacation rental occupants must participate in all mandatory evacuations due to hurricanes, tropical storms or other threats to resident safety, as required by state and local laws.

(e) [Reconcile with City temporary use permit rules] Neither a vacation rental property, nor a person renting or occupying a vacation rental, shall be eligible for a special event permit to be conducted on the vacation rental property.

(f) 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 §XX-X of the code, are not temporary storage containers.

(g) No accessory structure, vehicle, recreational vehicle, trailer, camper, or similar apparatus shall be utilized or rented as a vacation rental.

Sec. XX-XXX. Residential amenities rentals prohibited.

(a) The owner or the tenant or authorized agent of an owner of a single-family dwelling, duplex, duplex townhouse, or townhouse (as those terms are defined in § XX-X of this code) 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, putting greens, sports courts, gardens, gazebos, 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 § XX-X 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.

(d) Notwithstanding the prohibition in subsection (a), an owner may rent or lease the owner's boat slip or boat lift where such rental is for a minimum of thirty consecutive days.

Sec. XX-XXX. Additional required local information provided in a vacation rental.

(a) In addition to the information required to be posted in each vacation rental pursuant to § XX-XXX, 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 landline telephone phone number 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. [Commission input requested]
- (4) The days and times of trash and recycling pickup.
- (5) Phone number and address of HCA Florida Largo Hospital, HCA Florida St. Petersburg 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 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.
- (9) 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. [Commission input requested] established in this article, and a statement that all occupants are prohibited from playing amplified music or sound outside of the vacation rental structure, and from making excessive or boisterous noise in or on the vacation rental property, at all times.
- (10) 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").

Sec. XX-XXX. **Minimum life/safety requirements.** [to check against PSFRD Requirements]

(a) Swimming pool, spa, and hot tub safety. A swimming pool, spa, or hot tub shall comply with the current 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 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) Fire extinguisher. Each vacation rental shall install and maintain a working AFFF (aqueous film-forming foam) or FFFP (film-forming fluoroprotein) fire extinguisher rated for use on both Class A and Class B fires on each floor. 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.

(d) Battery powered emergency lighting. Battery powered emergency lighting, which illuminates automatically for at least one (1) hour when electricity is interrupted, is required at each building exit.

**DIVISION X.
EXEMPTIONS**

Sec. XX-XXX. 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 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 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 chapter; 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 city's special 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. XX-XXX. Exemption for owner occupied vacation rentals. [Commission input requested]

The provisions of this article shall not apply to owner occupied vacation rentals or property which is homestead under the Florida Constitution and Florida law from forced sale under any process of law. 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 one or both 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.
or
() 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"

Commissioner McCall stated that owner-occupied vacation rentals should be exempt because it is their home. It is their primary residence.

THE CONSENSUS FOR THE CITY COMMISSION TO KEEP THIS SECTION IN ABOUT EXEMPTION FOR OWNER-OCCUPIED VACATION RENTALS REGARDING HOMESTEAD UNDER THE FLORIDA CONSTITUTION AND FLORIDA LAW FROM FORCED SALE UNDER ANY PROCESS OF LAW.

3. PUBLIC COMMENT.

Don House, 2104 Beach Trail, stated he lives in the CT zoning district. He noted the CT zoning district needs to be carved out. When he first moved here, four motels and 30 other units were within 100 steps from his house. There were only two permanent residences. He stated his family lived with a lot of short-term rentals. There was never a problem with the short-term rentals because they were rented to older northern tourists, and the motels had on-site management.

Mr. House stated that about 100 feet from his front door (north and south) are two public beach access parking lots with no restrictions, and behind him is the public beach where beach-goers can do anything. He would be happy if the city enforced half the rules adopted for short-term rentals on the east side of Gulf Boulevard to the beach accesses and the beach.

Mary Kay Carodine, 612 Barry Place, stated that communication is the key between the STR owner and the renter and between the STR owner and the city. She said developing relationships with neighbors, the code enforcement officers, and other STRs is another essential key to helping resolve the problems.

Rod Baker, 364 Bahia Vista Drive, stated square footage of a residence is a better metric for limiting occupancy of STRs. If the city does not know the number of bedrooms, the city will not catch the garage conversions, but with square footage, garage conversions will be caught. He asked if both sides could declare victory. He stated the proposed regulations address the locals or homeowners' issues. They are commonsense regulations that do not burden the STRs and are not overreaching.

Jason Arnold, 108-11th Avenue, stated the city needs to bring back that energy and that positivity. If someone lives on the beach, everyone should enjoy it, support each other, and do things the right way together. Enforcement is a big issue for him, which is missing and lacking with the STRs. He stated the regulations are in place but are the procedures, the processes, and the people in the area to enforce those to make an impact. He thinks that is a better solution than adding regulation after regulation.

Mr. Arnold stated he is an owner of his property, does short-term rentals as well, and is there as often as he can be — several months throughout the year. For 14 years, he and his family have spent Thanksgiving at his IRB house. With these new regulations, he cannot host his entire family at his house. They will not be able to park at his property any longer. These regulations are not fair. He is sure that these regulations will not only impact him.

Mr. Arnold stated in addition, his renters will not be able to park in front of his residence. However, anyone from Largo or elsewhere can park in front of his place. These are some of the things that the city commission needs to think about — how will those regulations impact the property owners? He stated permanent residents cause just as much noise as other vacation rentals. Some of these regulations should be considered across the board, not just for vacation rentals.

Patti Katz, 124-13th Avenue, stated vacation rentals are businesses and should be considered different from homeowners. She lives in a residential neighborhood where she should be able to enjoy certain things. Businesses should have restrictions as all businesses do. She disagrees with children not counting as part of the occupancy. For example, if six children and four adults are in a two-bedroom STR, the amount of noise

generated from that house would be outrageous. She reiterated that she lives in a residential neighborhood, and people parade up and down her streets that she does not know, and she does not feel safe anymore.

Darrell (LNU) stated this whole process should focus on the real noise issue. These monumental regulations that the city commission tries to put on rental owners will cause bureaucratic nightmares. The real problem is the noise and the disturbance to the friendly people who live in the residential neighborhoods.

Joyce Swankie, 323 La Hacienda Drive, stated the city should not waste taxpayers' money on lawsuits. She would like for the city to use its tax dollars productively. Do what is right for the entire town and select unbiased, reasonable, feasible ordinances that someone can economically enforce. Do not open this town to lawsuits.

Tracy Kapres, 1204 Bayshore Boulevard, asked about the 24-hour responsible party person, which she completely understood. However, the one-hour response time will probably be tough sometimes. She suggested that the city accept an alternate person as a responsible party on the application because she was unsure if that was agreed upon.

Mayor-Commissioner Kennedy stated the city would accept an alternate person on the application.

Eddie Bie, 497-20th Avenue, stated a lot of effort has gone into this to try and make it a balanced ordinance where people can still have vacation rentals. Still, there also have to be some provisions in there that prevent the kind of problems that the city has been having. There is one thing that the city commission may have overlooked, and that is the cottages. Some old cottages and motels do not have bedrooms — they are efficiencies.

George (LNU), 42 Gulf Boulevard, stated he owns seven vacation rentals and spoke on the economic impacts and property and tourist taxes. He noted the big northern government philosophy is to punish the 95% that obey rather than dealing with the 5% that do not. A small number of out-of-town residents/owners use pretty unscrupulous vacation property management companies that are just chasing the dollars, and they do not do anything about the nuisances. He would say to act on them with excessive punishment.

Rajesh Mittal, 717 East Gulf Boulevard, (unintelligible — on Zoom). He stated the city should apply the pool, spa, and Jacuzzi restrictions to residents and vacation rentals because both can be equally obnoxious.

Michael Loverde, 407 Maxwell Place, stated that they can spend every day with his daughters, teach them lessons, and home-school them because he owns vacation rentals. If the city took those rights away from him, it would completely change the dynamics of his family and prevent his children from seeing their family as his parents, grandparents, cousins, aunts, and uncles have stayed at vacation rentals in the last couple of months.

Ninety-five complaints are from the big party houses, and with the occupancy limits, it will take care of that issue.

Mr. Loverde stated maybe the city commission could consider exempting the one and two-bedroom vacation rentals from some of the regulations and make the regulations more geared to the more significant rentals.

Alicia Harris, 1211-20th Avenue, stated she has eight children and rents a vacation rental in Indian Rocks Beach. She said she loves her vacation rental and would like to enjoy the pool as a resident does. She stated that with all the regulations, not every family, child, parent, adult, or square peg fit in a round hole. Some families come down here with special needs that someone might hear as screaming. She is just worried that with too many regulations, the city will get neighbors starting to police neighbors. She has a special needs child who cannot go to a hotel room; they have to go to an Airbnb. She had to call the police at 10:00 p.m. when they were in the pool. Her son loves the pool. She stated with more regulations, the city commission is trying to fit everybody into this one hole, and not all families are the same.

Todd Gehrke, 323 Harbor Drive, asked if a gravel side parking space would meet the required parking space regulation and, after that, asked about boat parking. He wondered if all the parking on grass regulations pertain to residents. He asked if all violations were equal. For example, if someone throws a frat party or leaves their trash cans out for an extra day, is that the same, or will there be a different classification?

Adrienne Dauses, 2008 Gulf Boulevard, Gulf Breeze Inn, stated the CT zoning district should not be grouped with the residential properties on the east side of Gulf Boulevard. The CT zoning district should be separate. The Gulf Breeze Inn has been a vacation rental for 73 years, like many cottages in Indian Rocks Beach. Gulf Breeze Inn just received the preservation award two years ago from the city. The inn has been following these life safety rules since its operation. The health department, the fire district, and the fire marshal inspect them. The inn must follow a whole set of rules that the east side vacation rentals are not required to follow.

Chad Miller, 1809 Gulf Boulevard, asked that the city commission reconsider the \$400 application fee and make it a more reasonable fee, like \$150. Instead of a single responsible person, he referred to a "call tree."

Laura Rowland, 1206 Gulf Boulevard, stated she is a full-time resident of IRB and owns a vacation rental. Her family believes in sharing the community with others, which is what IRB has always been built on. Her family never wanted to negatively affect other residents or vacationers, so they are responsible vacation rental owners and feel that is important. She would like the city commission to reconsider including the CT zoning district in this legislation. She lives in the CT zoning district and is surrounded by vacation rentals. She is rarely bothered by it. This city section should be handled separately as there are a few

issues with noise complaints, parking, etc. She comes from a financial background and does not understand how the numbers add up for the \$400 vacation rental application registration fee. Based on 1,900 vacation rentals, the city would collect \$360,000 annually and asked where that money would go.

Matt Knez, 621-2nd Street, stated he owns a duplex in IRB but decided to live in Palm Harbor due to the school system. His family does stay at the property from time to time. He clarified that the document says if he comes and stays at his house, he cannot use his pool or hot tub after 10:00 p.m. The city has a noise ordinance that addresses loud and excessive noise and loud amplified music, and a deputy should be called to shut it down. Much of what is being put into place is great for the community. However, the city should address more widespread issues throughout the community. One issue is parking. Parking is a huge issue everywhere. People from everywhere park on the side streets in front of houses, and it is not vacation renters; it is the beach-goers. He does not know why the city does not have paid parking on the side streets, but he thinks that should be widely considered. Paid parking would curb the parking issue citywide and curb outsiders from coming into the community utilizing free beach parking and clogging the streets.

Mr. Knez stated the city commission should consider prohibiting boat or boat trailer parking in the front yard for longer than 48 hours to help clean up the parking in front yards.

Ernie Bach, Largo, stated this is not just an Indian Rocks Beach issue but a nationwide one. He has seen whole towns ruin by short-term rentals.

Annie Lopez, 337-12th Avenue, stated she owns a smaller motel on 2nd Street, one of the older motels, that was grandfathered in to be a hotel/motel. She said it was one of the first ones in Indian Rocks Beach. As a business owner, it is important to her to have a level playing field. Two years, she received a notice from Pinellas County that the motel's pool was unsafe for the 14 occupants. She had two choices: (1) remove the pool, or (2) remove two units and go down ten occupants. She chose to keep 14 occupants and six units and closed her motels down for six months. She had to install a new pool for \$125,000 with a lift and a new pool service.

Ms. Lopez stated she gets to witness a lot of vacation rentals renting to 14, 16, and 18 occupants and everyone swimming in a small pool. She feels that some of the legislation needs to level the playing field. She had to remove a perfect pool when other vacation rental owners did not because of a safety issue. She has a question about that.

Ms. Lopez stated she had addressed this with Pinellas County pool people, and she has Pinellas County pool people that will be addressing it at a State level as well per a safety issue.

Wanda Rusinowki, 450 Harbor Drive South, stated she has lived in IRB for many years. For her, the issue of noise is very important. She lives on a finger, and noise carries from

one finger to another finger easily. She reiterated that emergency vehicles have difficulty getting to her residence because of the cars parked on the sides of the streets. She stated the roads are very narrow in Indian Rocks Beach, especially on the fingers.

Jerry Newton, 438 Harbor Drive North, asked why someone would make any attempt to meet the inspection needs if there is not any reinspection fee. If someone does not get penalized for making the inspectors come back for a second or third reinspection, he does not understand the motivation to get it right the first time.

Mr. Newton asked if the inspection fees are included in the registration fees. If so, he hopes that all the math was done on that.

Mr. Newton stated he did not hear much discussion on fines for violation. He said unless the violations of the regulations have some bite to them and some penalties involved, there is no reason to follow the regulations.

Mr. Newton asked if eliminating the ADA requirements for vacation rentals is a call for the city. He stated the federal government is involved with ADA requirements across the board, and he is pretty sure that the city cannot exempt itself from ADA requirements for commercial properties.

Mr. Newton stated that when the city identifies a violation, it must be corrected before the property can be rented.

Mr. Newton stated people should be prohibited from sleeping in RVs.

Laura Lindsey, 115-12th Avenue, and 432-18th Avenue, stated pool hours should be deferred to the noise ordinance and asked how that would be enforced absent the noise. The only way to enforce the 10:00 p.m., rule would be the intrusion of people's privacy. She thinks that is excessive. There was an exemption for owner-occupy, but she would also propose an exemption for owner-occupy when the owner is on vacation. She stated that noise and on-street parking are a nuisance and are a nuisance to everyone and can be applied universally. She said a car is parked in front of her properties every day, and it is not related to anyone she rents to.

R.B. Johnson, 1206 Beach Trail, stated he lives on the west side of Gulf Boulevard and has already expressed the difficulties he has been experiencing with the vacation rental next to his home. He stated that the city commission is coming perilously close to rendering toothless provisions in this proposed ordinance for corralling excessive and unreasonable noise. If the city always defers back to the noise ordinance in the city code, that is something invisible to renters and vacationers. When arriving here, the renters need to know the city's rules and regulations. It must be put in front of them that they cannot disturb the neighbors, whether on the door or attached to the lease agreement they sign. He

should not have to hear his vacation rentals' music inside his house when his windows are closed. It should not go beyond their property and impose on the neighbors.

Ashley Russell, 511 and 513-1st Street, stated vacation rentals have a stigma. She said many vacation rentals are invested in and active in the community. Her family has stayed at their vacation rentals at least once a month for many years. She recommended the city commission focus on the regulations that are in place and enforce those first before continuing to put more in place. She stated she is concerned with the new parking requirement because she and her husband drive separate cars to their rental, which is a two-bedroom unit, and now her friend from Tampa cannot join them.

Erika Dietz, 534 Harbor Drive North, stated a slight gap in the owner/occupied definition because it only refers to family members, blood relatives, and other married people. It does not address other friends or guests not paying rent.

Ms. Dietz stated in terms of the enforcement section, there has to be some delineation between someone using an illegal garage as a bedroom and someone who accidentally put their trash at five in the afternoon instead of seven because of the licensure issue. According to the new regulations, if she receives three violations for trash and she pays the ticket, the paid ticket constitutes a strike. After three strikes of a trash violation, the license is suspended.

Ms. Dietz stated under enforcement it also said that any rental activity or advertisement of a property with a suspended or revoked license by the licensee or agent shall result in the immediate revocation of the property's license if a license is suspended. She stated that means the property owner could not rent it even as a long-term rental, which the city would want. As written, the owner would be unable to rent to any one, and not allowing them to rent them as long-term rentals would cause mortgage foreclosures.

Ms. Dietz stated she is not sure that the mayor-commissioner's question was addressed when she asked about a second person as a responsible period on the registration paperwork because the staff did not want that secondary person or phone tree. The way it is written, the city is not allowing for a second person to be designated.

Dave Huff, 2718 Gulf Boulevard, spoke about occupancy and the fair housing act and stated the state and federal governments administer it.

Mr. Huff stated the city should have resident and nonresident parking to improve the parking situation. If the city enforced parking, the streets would be free from nonresident parking.

Al Paz, 2014-20th Avenue Parkway, stated he has lived here since 1994. He noted the city could not regulate the sense of loss that the residents have had that they no longer have a neighborhood. Children do not come to his house to trick and treat like they used

to. He cannot say hello to grandma, who is 97 years old that walks to the beach every day. But that is the reality! The law is the law. Unfortunately, many people who come to IRB do not treat them the way they would want to be treated in their neighborhood. They speed, park their cars in inappropriate places when they very well do not have to and create a lot of noise by shooting fireworks off and having loud parties. It is 24 hours, seven days a week. The city needs to hone in on the troublemakers.

Mr. Paz stated as the city commission thinks about all the policies, perhaps the city commission might want to consider globally raising the policies, restrictions, and regulations of Airbnb as close as the city can to what the hotel industry does.

Mr. Paz expressed his concern with cars being parked on the side of the streets and stated some times he is unable to get out of his car.

Marco Cunha, 1st Street, stated he felt the \$400 registration was relatively high. He asked the city commission to consider shells as an alternative to a paved additional parking space. He stated the occupancy count of 2 per bedroom, plus 2 with a maximum capacity of 8, is fair. However, the city commission should consider children under 4 years old. (Parts of Mr. Cunha's statements were unintelligible - Zoom)

Darlene Rusinowki-Cavanaugh, 450 Harbor Drive North, reiterated her statements from the previous city commission meetings concerning vacation rentals. She stated vacation rentals have increased traffic on Gulf Boulevard and throughout the neighborhoods. They park their cars wherever they want, i.e., in front of other people's houses, on lawns, etc. She asked how the city would regulate the parking for vacation rentals and stop them from parking on the Street all over the neighborhoods. She stated there are times when emergency vehicles have trouble getting down the Harbor Drives because of the on-street parking of cars.

Tony Ruth, no address given, stated there are many people out in the community who care deeply about this issue in terms of proper regulation and maintaining the health and welfare of the community as a whole. The real problem that everyone would probably agree on is noise if the city tries to over-regulate with these backdoor approaches, where the town starts to skirt the property rights issue. It is opening the city up to the potential massive litigation. He stated the city commission is probably aware of that. He does not know the city's tolerance for spending other people's money. Mr. Ruth said he does not claim to understand that, but this could turn ugly fast. The town could mitigate 99% of this problem, but the city wants to start giving in to figuring out whether or not someone has permitted or unpermitted bedrooms. The city wants to know how many people are sleeping in there or how many people are there today and wants to know who the cars belong to. It will become a logistical nightmare for the city instead of taking the simple approach, which would be enforcing the noise ordinance and putting real teeth to it.

Cindy Haydon, Realtor, 116-131st Avenue, Madeira Beach, stated she currently has four homes under contract in Indian Rocks Beach and closed on one last month. She wanted to share something that had happened to her recently. She has been a realtor for 18 years and was named Realtor of the year by the Florida Realtors this year, and CRS of the year, so she does a good job. She was holding an open house in Indian Rocks Beach, and local neighbors came in and demonstrated and screamed at the other people at the open house: "We hope you're not buying this for a short-term rental. We're taking care of that. We're going to bleed them dry." They voiced this and were aggressive. She has never experienced this behavior in 18 years. She loves Indian Rocks Beach. She does know who the people are. In Davis Island, neighbors interfered with people selling properties, and the courts did not look at it favorably. She stated Realtors hold fair housing very high. She treats all people equally, and she invites all people into any home. She does not discriminate. She now has to sit there and manage who is coming through the front door and their intent. In the future, she will be videotaping anyone who comes through the door to her open houses. She had other local neighbors coming to the open house videotaping, and it is such a shame the vectorial (3:55:57) that has occurred.

Beth McMullin, 481 Harbor Drive South, reiterated her comments from the previous city commission concerning the increase of boat traffic in the Intracoastal Waterways caused by vacation rentals and the lack of knowledge that this area is a manatee zone. The vacationers do not know the Florida rules, and the city, county, and state need to develop a way to educate these vacationers. She stated it was not a noise but an occupancy issue for her. She just found out that the house across the Street was supposed to have only 14 occupants and is now increasing the occupancy to 20. The house two doors down have an occupancy of 14 or 16, which means there could be over 30 people in just those two houses at any given time at full occupancy.

Dana McArthur, 414-12th Avenue, asked if breaking the city into three different residential zones is possible. She suggested providing a maximum number of vacation rentals in each residential zone.

City Attorney Mora stated the city could not legally do that.

Ms. McArthur stated new homes are being built to code and have five or six bedrooms. The bedrooms are more oversized and fit two queen-size beds instead one king-size bed to occupy more people. She recommended the city commission look at the square footage for occupancy versus the number of bedrooms.

Ms. McArthur stated the violations need to be designated as minor and major, and maybe the renter should be fined when the code enforcement officer has to show up the second time to get the point across.

Ms. McArthur stated they purchased in IRB because there is no HOA. They had property rights. She wants to make sure everybody has an equal balance.

Kelley Cisarik, 448 Harbor Drive South, stated she is a 30-year resident of IRB. She noted the state and county receive the revenue, and the city gets the bills. The city commission has to do this job of regulation because the state will not, and the online platforms cannot. In 2018, the city's ordinance allowed vacation rental owners to self-certify that they were in compliance. The city did not do any inspections after 2018, which has not worked. There are 300 homes with homes, not hotels signs because hundreds of frustrated residents used to have neighbors next doors and now have unattended hotels. There is no desk clerk to monitor who is coming and going. The residents have already seen drug crimes and shooting on Florida's east coast that happened in vacation rentals, and the residents want to keep that out of IRB neighborhoods. She commends the city commission for putting sensible occupancy maximums in place and starting the inspection process to ensure that these properties will become as safe as hotels.

Kevin Hayslet, 501 Janice Place, stated he looks at this with a different lens because he anticipates whatever the city commission does, the city's ordinance will end up in litigation. One of the things that he looks at from being a practicing lawyer in Pinellas County for 34 years is that it is done the right way. His concern is that in 2018, the city passed several ordinances. The data will show that the number of complaints and the number of citations that were issued expeditiously increased. The city availed itself of all other remedies before passing this ordinance, including going to the local ordinance court. He assumed the town tried to hire a magistrate to cover the plethora of violations that the city had. These are questions that a circuit court will ask the city. What steps did the city take, why did they fail, and why did the city pass this ordinance?

Paul (LNU), 726-1st Street, stated his block is filled with short-term rentals, and he owns a duplex, which they rent out to short-term renters. He thinks what he hears from his friends and neighbors in the area is not such much of a problem with short-term rentals but with investors from out of the area. They are not talking about families that come here so many times a year and then rent their homes out the rest of the time. It is the institutional investors and the property investors who have no idea about the community's culture or values.

John Pfanstiehl, 448 Harbor Drive South, stated, as the city manager said, Holmes Beach used to have a population of around 5,000 residents, but because of the evasion of short-term rentals, it is down to 900 residents. He stated the city had lost approximately 600 residents on the east side of Gulf Boulevard. He said all the items presented have been reasonable and deemed necessary by other cities. If people want to sue the city, they should do it. He assumes they will lose their money. These lawsuits have been held up in court.

Mr. Pfanstiehl stated he agrees with R.B. Johnson that there should not be amplified speakers outside because that is cut and dry.

Mr. Pfanstiehl stated that most cities have a maximum occupancy capacity and that the city should have a maximum occupancy capacity and a set cap for the number of guests for vacation rentals.

Luke Lirot, Attorney, 2240 Belleair Road, Suite 190, Clearwater, stated he reviewed all the ordinances from the municipalities that City Attorney Mora has reviewed and the paperwork provided to him by the city attorney. He noted that the IRB Ordinance 2018-01 has many of the same definitions, minimum requirements, life safety requirements, etc. The people he represents are responsible corporate citizens, and just from looking at everything that has happened here, he thinks the answer to what the city needs to do to solve this problem is to go through Ordinance 2018-01 and make the appropriate amendments. He further stated the city has a noise ordinance to address the loud and nuisance noise issues.

Attorney Lirot suggested rather than getting involved in adopting a new ordinance, which remains untested, just amended Ordinance 2018-01. He stated that when the courts look at the restrictions adopted by various communities, they look to see how much they deviate from the community's regulations on single-family homes. That is the theme. No case has been decided anywhere in Florida that has upheld the level or intensity of the restrictions the city is considering.

Attorney Lirot stated that if the city gives Ordinance 2018-01 a chance with a new special magistrate, the town does not have to endure all this agony. It is not so much a question of occupancy as it is a question of conduct.

Jessica Foderingham, 2300-1st Street, stated she owns a short-term rental. She does not feel welcome. Her neighbors do not want her around, and it is very apparent. They call the police constantly, and in the reports, it is noted by the police that they did not like them as vacation renters, and the police have never violated the property. There are a lot of complaints, and it is unnecessary. She fears that the violation policy (3 strikes) will be an issue for STRs with neighbors such as hers, which is unfortunate. She does not want that to be an issue. She asked the city commission to reconsider the 10:00 p.m. pool hour closing because she is a responsible adult who should be able to talk quietly with someone in her pool after 10:00 p.m. She asked that the city commission give some allowance for children with the maximum occupancy capacity, specifically babies or very young children.

Ms. Foderingham stated she and her husband drive separate cars to their vacation rental in IRB because they both work and said there should be exceptions to the rules.

Scott Shapiro, 2032-20th Avenue Parkway, commended the city commission on a job well done this evening. He stated this was the best resolution and the best job the city commission has ever done that City Attorney Mora led.

Mr. Shapiro stated there are ordinances in place but not enforced, such as the boat ramp.

Mr. Shapiro recommended the city purchase a speaker's clock.

4. ADJOURNMENT.

MOTION MADE BY VICE MAYOR-COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER McCALL, TO ADJOURN THE MEETING AT 9:30 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

March 28, 2023

Date Approved

/DOR