

**FEBRUARY 11, 2025**

**REGULAR  
CITY COMMISSION MEETING**

**@ 6:00 PM**



**CITY OF INDIAN ROCKS BEACH REGULAR CITY COMMISSION MEETING**

**TUESDAY, FEBRUARY 11, 2025 AT 6:00 P.M.**

**ORDINARY LOCATION CHANGED DUE TO DAMAGE CAUSED BY HURRICANE HELENE**

**MEETING TO BE HELD AT:**

**Holiday Inn Harborside**

**401 2<sup>nd</sup> Street, Indian Rocks Beach, FL 33785**

**Pelican Sand Piper Room**

**AGENDA - AMENDED**

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. PRESENTATIONS.**

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

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

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

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

**3. REPORTS OF:**

**A. City Attorney.**

**B. City Manager.**

**C. City Commission.**

***[3-minute time limit per City Commission Member.]***

**4. ADDITIONS/DELETIONS.**

**5. CONSENT AGENDA:**

- A. APPROVAL OF** January 14, 2025, Regular City Commission Meeting Minutes.
- B. RECEIVE/FILE** December 2024 Year-To-Date First Quarter Financials..

**6. PUBLIC HEARINGS:**

- A. BOA-2025-01 -QUASI-JUDICIAL PROCEEDING 2117 GULF BOULEVARD, INDIAN ROCKS BEACH FLORIDA:** Variance Request: from Sec.110-372(5) of the Code of Ordinances, requesting a reduction of one parking space, resulting in a total of (11) parking spaces and from Sec 110-375 requesting a reduction in the aisle width of 2 ft resulting in an aisle width of 22 ft. for property located at 2117 Gulf Blvd. Indian Rocks Beach, Florida, and legally described as Lot 1, Block 49 Re-revised Map of Indian Rocks Beach, according to the plat thereof, recorded in Plat Book 5, Page 6, of the Public Records of Pinellas County, Florida. Parcel # 01-30-14-42030-049-0010.
- B. ORDINANCE NO. 2025-01- SECOND/FINAL READING/PUBLIC READING-**  
AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING THE COMPREHENSIVE REGULATORY SCHEME REGARDING THE MARKETING AND OPERATION OF SHORT-TERM RENTALS WITHIN THE CITY; AMENDING ARTICLE V, "VACATION RENTAL REGULATIONS," WITHIN CHAPTER 18 – "BUSINESSES"; AMENDING THE ORDINANCE REGULATING THE REGISTRATION, INSPECTION, SAFETY, AND OPERATION OF VACATION RENTALS WITHIN SPECIFIED ZONING DISTRICTS IN THE CITY OF INDIAN ROCKS BEACH; AMENDING RELATED DEFINITIONS CONCERNING PERMISSIBLE OCCUPANCY; ALTERING REGISTRATION REQUIREMENTS; MODIFYING ENFORCEMENT PROVISIONS; AMENDING INSPECTION REQUIREMENTS; AMENDING THE DUTIES OF DESIGNATED RESPONSIBLE PARTIES; CLARIFYING LIFE SAFETY REQUIREMENTS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SUPREMACY, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

7. **OTHER LEGISLATIVE MATTERS:** None.

8. **WORK SESSION:** None.

9. **OTHER BUSINESS:** None.

10. **ADJOURNMENT.**

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APPEALS: Any person who decides to appeal any decision made, with respect to any matter considered at such hearing, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per s. 286.0105, F.S. Verbatim transcripts are not furnished by the City of Indian Rocks Beach, and should one be desired, arrangements should be made in advance by the interested party (i.e., Court Reporter).

In accordance with the Americans with Disability Act and s. 286.26, F.S., any person with a disability requiring reasonable accommodation to participate in this meeting should contact the City Clerk's Office with your request, telephone 727/595-2517 [lkornijtschuk@irbcity.com](mailto:lkornijtschuk@irbcity.com), no later than THREE (3) days before the proceeding for assistance.

**POSTED: February 7, 2025.**

### **Indian Rocks Beach Municipal Election**

The City of Indian Rocks Beach Municipal Election to fill (2) City Commission Seats will be held on Tuesday, March 11, 2025, at Belleair Beach City Hall, 444 Causeway Blvd., Belleair Beach, FL. 33786.  
7 a.m. to 7 p.m.

### **The Indian Rocks Beach Commissioner Swearing-in Ceremony and Regular City Commission Meeting**

Commissioner Swearing-in Ceremony will be held before the Regular City Commission Meeting on Tuesday, March 25, 2025, at 5:30 PM.

The Regular City Commission Meeting will then begin at 6:00 PM.

Both events will take place at Belleair Beach City Hall, 444 Causeway Blvd., Belleair Beach, FL. 33786.

**AGENDA ITEM NO. 1 A**

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



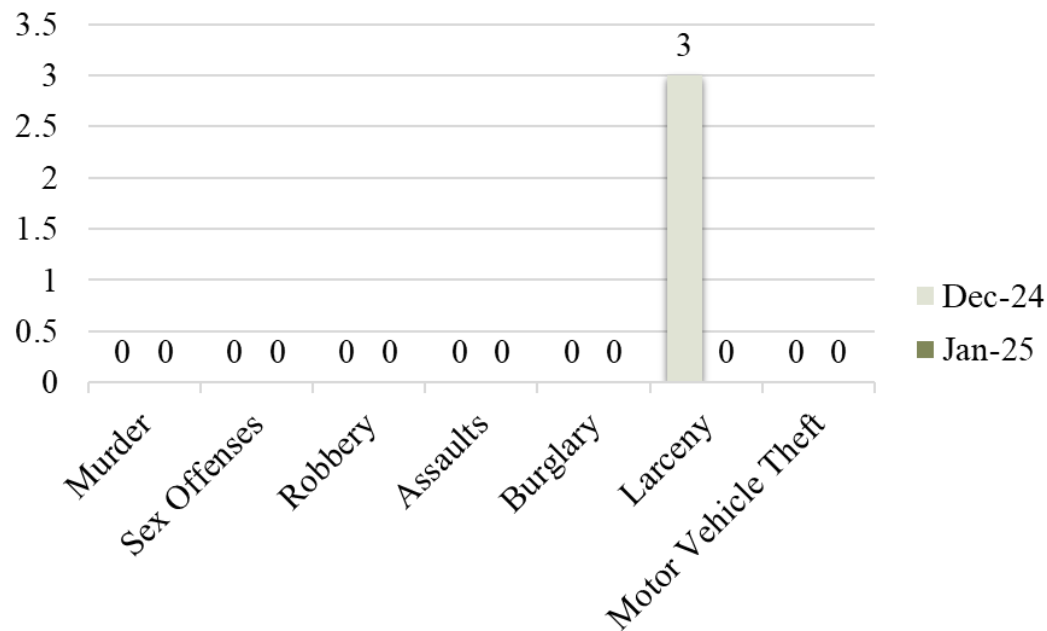
STRATEGIC PLANNING DIVISION

INDIAN ROCKS BEACH ANALYSIS

Select UCR Property & Person Crimes

January 2025

Select UCR Property & Person Crimes	December 2024	January 2025	January 2024 YTD	January 2025 YTD
Murder	0	0	0	0
Sex Offenses	0	0	0	0
Robbery	0	0	1	0
Assaults	0	0	4	0
Burglary	0	0	3	0
Larceny	3	0	4	0
Motor Vehicle Theft	0	0	0	0
<b>GRAND TOTAL</b>	<b>3</b>	<b>0</b>	<b>12</b>	<b>0</b>



## Arrests

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### January 2025

There was a total of **6** people arrested in the City of Indian Rocks Beach during the month of January resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
<b>Felony</b>	<b>2</b>
Violation Of Probation/Community Control-Adult	2
<b>Warrant</b>	<b>2</b>
Warrant Arrest	2
<b>Traffic Felony</b>	<b>2</b>
Driver's License Suspended/Revoked-3rd Conviction	2
<b>Traffic Misdemeanor</b>	<b>2</b>
Driver's License Suspended/Revoked-1st Conviction	1
No Valid Driver's License	1
<b>Grand Total</b>	<b>8</b>

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

## Deputy Activity

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There was a total of **673** events in the City of Indian Rocks Beach during the month of January resulting in **841** units responding.

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

### January 2025

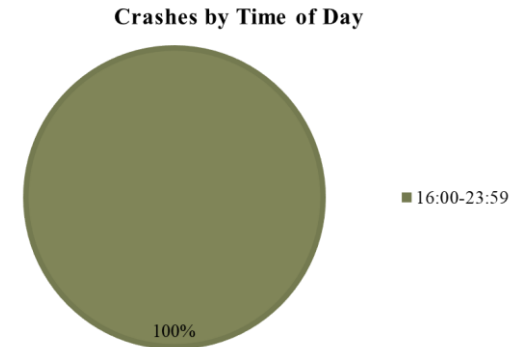
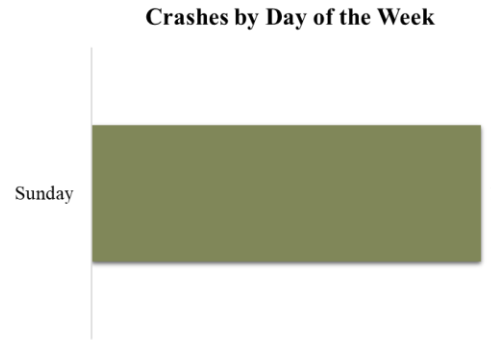
DEPUTY ACTIVITY	TOTAL
Traffic Stop	261
Directed Patrol	140
House Check	36
911 Hangup Or Open Line	32
Vehicle Abandoned/Illegally Parked	31
Assist Citizen	15
Suspicious Vehicle	14
Contact	13
Building Check Business	11
Suspicious Person	11
Warrant Service/Attempt	9
Ordinance Violation	8
Noise	8
Area Check	6
Alarm	6
Information/Other	6
Traffic/DWLSR	5
Community Contact	5
Civil Matter	4
Transport Prisoner	4
Disorderly Conduct	3
Fraud/Forgery-Not In Progress	3
Lost/Found/Abandoned Property	3
Ambulance/Fire Department Call	3
Animal Call	3



## Crash & Citation Analysis

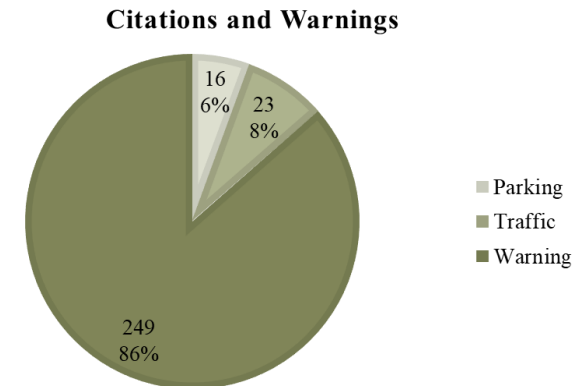
There was **1** crash in the City of Indian Rocks Beach during January 2025. \*Crash data is filtered by disposition type and may include “accident and hit and run” problem types.

CRASH LOCATION	TOTAL
100 Windrush Blvd	1



There were a total of **288** citations and warnings issued in the City of Indian Rocks Beach during January 2025.

TOP 10 TRAFFIC CITATION LOCATIONS	TOTAL
5th Ave & Gulf Blvd	6
9th Ave & Gulf Blvd	3
5th Ave & 1st St	3
8th Ave & Gulf Blvd	1
26th Ave & Gulf Blvd	1
E Gulf Blvd & Bahia Vista Drive	1
27th Ave & Gulf Blvd	1
7th Ave & Gulf Blvd	1
3rd Ave & Gulf Blvd	1
22nd Ave & Gulf Blvd	1



**AGENDA ITEM NO. 1 B**

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

**AGENDA ITEM NO. 2**

**PUBLIC COMMENTS**

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

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

# City Managers Report

## February 11, 2025

- **City Hall Restoration**

The City Administration Team continues to work with our various insurance providers on insurance claims. The city received an initial payment of **\$1,056,684.12**. This payment does not include contents coverage or payment from our Flood Insurance Company. Our contractor, working with us, has submitted permitting documents to Pinellas County. We are waiting for the permit. Once received we expect the construction to take several months.

- **Beach Accesses/Pinellas County Beach Access Park**

All IRB Beach Accesses are open. The total cost to clear and open our accesses was approximately **\$987,200**. The cost associated with this effort was clearing debris, sand, and, in some cases, building step downs. In a combined effort by Pinellas County and IRB, the IRB Pinellas County Beach Access Park is now open. The beach chair vendor will reopen soon.

- **City of IRB Nature Preserve**

The City of IRB Nature Preserve is closed until February 18, 2025, to complete restoration and maintenance activities. Per the adopted Capital Improvement Plan the Nature Preserve Boardwalk has been reconstructed. The total cost for Boardwalk portion is **\$1,112,162**. A Nature Preserve reopening event has been set for Tuesday, February 18, 2025, at 9:00 AM. The public is invited to attend.

- **Hurricane Related Permits**

The City Team, along with our engineering firm CivilSurv, continues to work with property owners to secure renovation or demolition permits. The permitting portal is available on our website, and IRB City Hall Team Members continue to work with the public daily to complete the required documents. Mike Kelly and Frank Pecoraro are available daily to assist property owners in completing them. They may be reached at 727-595-2517 or are available on a first come first served basis at City Hall.

- **Kolb Park Tennis Lighting**

A purchase order has been issued to Musco Sports Lighting to install new lighting at the Kolb Park Tennis Courts, replacing the lighting that was damaged by the hurricanes. We expect this work to be completed within 90 days.

- **Vacation Rental Licensing**

Vacation rental operators continue to voluntarily submit the required documents to start the vacation rental licensing process. Based on the pending actions of the IRB City Commission concerning vacation rental ordinance #2025-01 the Administrative Team will adjust the registration documents if needed. Three vacation rental operators who have failed to register with the city are tentatively scheduled to appear before the City's Magistrate in April. Administrative activities associated with vacation rental compliance will greatly increase with a policy decision by the IRB City Commission concerning the pending IRB Vacation Rental Ordinance and Team Members availability as we transition from public assistance from hurricane recovery to "normal" duties.

**AGENDA ITEM NO. 3 C**

**REPORTS OF City Commission**



**AGENDA ITEM NO. 4**

**ADDITIONS/DELETIONS**

**AGENDA ITEM NO. 5 A**

**CONSENT AGENDA**

**MINUTES**  
**CITY OF INDIAN ROCKS BEACH**  
**CITY COMMISSION MEETING**  
**TUESDAY, JANUARY 14, 2025- 6:00 PM**  
**HOLIDAY INN HARBORSIDE- 401 2<sup>ND</sup> STREET – KEYWEST ROOM**  
**INDIAN ROCKS BEACH, FL 33785**

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

**MEMBERS PRESENT:** Mayor-Commissioner Denise Houseberg, Vice-Mayor Commissioner Janet Wilson, Commissioner Jude Bond, Commissioner Hope Wyant, and Commissioner John Bigelow telephonically.

**OTHERS PRESENT:** City Manager Gregg Mims, Finance Director Dan Carpenter, Public Works Director Dean Scharmen, City Clerk Lorin Kornijtschuk, Planning and Zoning Consultants Hetty Harmon and Craig Fuller.

For continuity, items are listed in agenda order, although not necessarily discussed in that order.

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

A PCSO representative reviewed the December 2024 Crime Analysis report.

**1 B. REPORT OF Pinellas Suncoast Fire & Rescue District.**

Nothing reported.

**1 C. REPORT OF Recovery Efforts from Hurricane Helene and Hurricane Milton.**

**City Manager Gregg Mims reported:**

Captain Mike Leiner's retirement was acknowledged after over 30 years of service, including a decade spent working with Indian Rocks Beach. The City is working on insurance claims and final estimates for repairing City Hall and the Public Works Building. The renovation of the Nature Preserve boardwalk is complete. The parking lot will soon be repaved, and minor restroom maintenance will be done. A reopening date for the boardwalk will be announced soon.

**Civilsurv representative Craig Fuller reported:**

Mr. Fuller addressed concerns about substantial damage determinations, emphasizing that many initial assessments may be inaccurate. Homeowners can challenge these determinations by submitting complete applications with supporting evidence, such as photos, cost breakdowns, and descriptions.

**Civilsurv Planning and Zoning Consultant Hetty Harmon reported:**

Moving forward, the Hurricane Restoration pre-approval email will be used instead of the SDR evaluation email. Permits will be reviewed along with cost breakdowns for evaluation. Even if there is no damage to a condo or townhouse, owners must submit all required documentation to proceed with renovations or repairs.

**Mayor-Commissioner Houseberg opened Public Comment.**

## **2. PUBLIC COMMENTS.**

Don House, 2104 Beach Trail, stated the beach looks good. He also stated he received a letter from Pinellas County regarding signing an easement for beach renourishment, and he reached out to John Bishop to discuss the letter.

Hilary King, 327 Bahia Vista Drive, introduced herself and announced that she is running for a City Commission seat.

Richard Alvaro, 310 La Hacienda Drive, questioned the accuracy of the substantial damage letter that he received from the county.

Scott Ayers, 108 8<sup>th</sup> Avenue, stated he manages rentals and offers affordable housing.

Anthony Pereira 1400 Bay Pine Blvd. stated his biggest concern is with the substantial damage in the building permit process.

John Pfanstiehl, 448 Harbor Drive South, read a Facebook page post regarding the investor group being given prior notice of what was to be on the agenda prior to the public knowing.

Kelly Cisarik 448 Harbor Drive South had concerns that a workshop was not scheduled for the agenda topics.

Kelly Watt, 431 Harbor Drive South stated she was surprised that there were no workshops.

### **Mayor-Commissioner Houseberg closed Public Comment.**

#### **3A. REPORT OF the City Attorney.**

City Attorney Mora reported the legislative session is scheduled to begin in March.

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

Report provided in Hurricane update.

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

Vice-Mayor Commissioner Wilson emphasized that all members of the Commission are residents of Indian Rocks Beach and have personally been affected by the recent events, each in different ways. She shared her experience of having several inches of water in her townhouse and the challenges of navigating the permitting process, including spending six hours in Clearwater to secure a permit. She assured residents that the Commission members are going through the same process and challenges, filling out the same paperwork and receiving the same letters.

Commissioner Wyant acknowledged that she had read all the residents' emails and had received their input.

Mayor-Commissioner Houseberg addressed concerns about misinformation circulating in the community, specifically regarding allegations of the Commission being influenced by investors. She firmly stated that none of the Commission members have taken any information or favors from investors and found it insulting that such claims were being treated as facts. She acknowledged that difficult decisions lay ahead for the Commission but reiterated that Indian Rocks Beach is a vacation community, and businesses in the area rely on visitors to survive. She emphasized that the town's history and identity are rooted in being a destination for tourists.

Commissioner Bond. Nothing to report.

Commissioner Bigelow. Nothing to report

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

**The City Attorney read Consent Agenda 5 A.**

**5. CONSENT AGENDA:**

**A. APPROVAL OF** December 10, 2024, Regular City Commission.

**Motion made by Vice-Mayor Commissioner Wilson, seconded by Commissioner Wyant to approve the consent agenda, consisting of agenda item 5 A.**

**Motion passed 5-0**

**6. PUBLIC HEARINGS:**

**A. AUTHORIZATION** for City Attorney to Transmit Harris Act Claim Response.

City Attorney Mora explained the responsibilities of several parties regarding the response to the Bert Harris Act claim. The Florida Legislature is first responsible due to the statutory requirements of the Harris Act, which mandates that a local government respond to a claim within 90 days. The second party responsible is the U.S. District Court for the Middle District of Florida, due to ongoing litigation related to a short-term rental ordinance, where the city had to comply with a court-ordered mediation. The third factor is the timing of events, with Mora emphasizing the need to act before the 90-day deadline, which falls before the next city commission meeting. City Attorney Mora outlined the previous attempts at mediation and the challenges faced in reaching a resolution. Despite mediation, the proposed settlement was not approved by the city commission in August 2024, and the case was reopened shortly thereafter, with further discovery and litigation continuing. He explained as the city attorney his role is to advise the commission and city administration while adhering to legal deadlines and court orders.

City Attorney Mora responded to questions about the nature of work sessions, stating that Florida's Sunshine Law, as outlined in Chapter 286 of the Florida Statutes, does not specifically mention "work sessions." The law only references public meetings and substantive discussions. Mora emphasized that there is no meaningful distinction between a work session and the first reading of an ordinance because the Commission has the authority to act or make decisions in both settings.

City Attorney Mora responded to concerns about collusion by stating that the city's adversaries in litigation were aware of all the same information as the city, as they were present during the mediation. Mora explained that the adversaries had access to the same details discussed and fully anticipated that this information would likely be presented.

City Attorney Mora clarified that the property at 455 20<sup>th</sup> Avenue is the only one with a substantive Bert Harris claim filed. The proposed settlement includes offering a change to the occupancy limit for the affected property, increasing it from 12 to 14, in exchange for the dismissal of the claim. If the settlement is accepted, the case would be resolved.

City Attorney Mora responded to the request for an alternative legal opinion but emphasized that the city is represented by a law firm through its insurance and that litigation counsel, Carlos Kelly, had already briefed the Commission.

City Attorney Mora clarified that not all properties can make the same claims as the one in question, and any potential lawsuits are fact specific. City Attorney Mora warned against delaying the discussion, as a response to the litigants is required within two weeks. He advised against leaving the issue open-ended.

City Attorney Mora empathized with the residents' concerns but emphasized that the city cannot prohibit short-term rentals outright due to legal constraints. He encouraged the community to voice concerns to legislators, as decisions affecting short-term rentals are often made at the state level.

City Attorney Mora clarified that the city cannot prevent private individuals from purchasing property and that market dynamics often lead to higher returns from short-term rentals, which can influence property sales. He noted that this is a significant challenge in managing the issue.

City Attorney Mora reviewed the 2024-2025 budget that was adopted in October.

### **Mayor-Commissioner Houseberg opened Public Comment.**

Don House, 2104 Beach Trail, stated the sitting commission is left dealing with something they did not initially vote on.

Kelly Cisarik, 448 Harbor Drive South, questioned if the property being discussed is running lawfully.

John Pfanstiehl, 448 Harbor Drive South questioned how the property could be operating legally.

Bob Copeland, 447 20<sup>th</sup> Avenue, stated "The Citizens Group" sued the fire department.

Rhett Parker, representing the property at 455 20<sup>th</sup> Avenue, explained that the FEMA compliance issue, which involved a notice of violation and subsequent inspection, has been resolved, and the property is now FEMA compliant. Regarding the lawful operation of the property, Parker emphasized that it is legally operating as a short-term rental under the 2018 ordinance, which grandfathered in the property due to the ongoing litigation. Parker also discussed the fire safety concerns raised in the complaint, asserting that the property is

compliant with fire safety regulations due to adequate means of egress, such as accessible staircases. He argued that the fire safety statutes are intended for hotels and motels, not properties like AP Six, which already have proper exit routes. Lastly, Parker clarified that even if the settlement proceeds, AP Six would still need to go through the application process required by the ordinance, ensuring that it remains compliant with all necessary regulations.

Tom Pianko, 540 20<sup>th</sup> Avenue South, raised concerns about the potential consequences of settling with the property. He suggested that the city hire a third-party legal counsel to provide independent advice.

Kelle Watt, 431 Harbor Drive South expressed concerns that settling the Harris claim could set a precedent, potentially encouraging more lawsuits.

Rhonda Smallwood, 439 Harbor Drive North, stated that the commission is encouraging more bad behavior.

Patti Katz, 124 13<sup>th</sup> Ave, expressed frustration over the impact of short-term rentals in their community. She raised concerns about the strain on local infrastructure. She suggested seeking a second legal opinion.

Laura West, 486 Harbor Drive South, expressed concern about the increasing presence of short-term rentals in her neighborhood. She expressed concern about the negative impact on property values.

Diane Daniels, 309 10<sup>th</sup> Avenue, expressed frustration with the situation. She stated she is familiar with Airbnb and rents out her own property.

Beth McMullen, 481 Harbor Drive South, shared concerns about a new owner of a large house across the street from her that was advertising the property for 18 people on a vacation rental website.

### **Mayor-Commissioner Houseberg closed Public Comment.**

Commissioner Bond questioned if 6 A is influenced by or dependent on what happens with 6B and suggested that the commission vote on 6B first.

Commissioner Bigelow stated that 455 20<sup>th</sup> Avenue purchased the property with plans to turn it into a business but failed to conduct proper due diligence. He suggests that the company is now unfairly expecting the city of Indian Rocks Beach to spend a million dollars to fix what he views as a bad investment.

Mayor Commissioner Houseberg asked if there is any value to moving item 6A to the second item.

Commissioner Wyant stated that everyone's emails were received, and she felt like they were mostly answered.

### **Mayor-Commissioner Houseberg opened Public Comment.**

Beth McMullen, 481 Harbor Drive South, stated she is aware of the vacation dynamics in the community and has had to adapt to the challenges. She acknowledged that some issues, like limiting short-term rentals in neighborhoods, may need state-level action.

Carol Sampey, 434 Harbor Drive North, questioned whether the lawsuit is based on the economic loss or property value of short-term rental. She emphasized that it is not the city's responsibility to guarantee the income of businesses.

Kelley Cisarik, 448 Harbor Drive South stated that the property is still advertising for 14 guests, which suggests they have not experienced an economic loss.

Matt Knez, 111 Canal, has concerns about the financial costs of moving forward with the lawsuit, particularly attorney fees and depositions. He stated that he owns property used as both a vacation home and a short-term rental to help pay for it.

Carol Britz, 466 20<sup>th</sup> Avenue, highlighted the financial impact of short-term rentals, highlighting trends in the market.

Lynn Rothman, 929 Harbour House Drive, commended the Commission and City Attorney Mora for handling a difficult decision, acknowledging the complexity of the situation.

Randy Briggs asked for clarification on how the dollar value of the lawsuit was determined.

Laura Robison, 1923 Gulf Boulevard, expressed concern about noise and crime associated with large, multi-level homes used for short-term rentals. She urged the Commission not to settle the lawsuit.

John Pfanstiel, 448 Harbor Drive South, responded to repeated claims that nothing can be done about short-term rentals, asserting that action can be taken, particularly by working with Tallahassee to preserve residential zoning. He suggested rejecting the settlement.

Patty Katz, 124 13<sup>th</sup> Avenue, expressed frustration over the Commission's consideration of changes that go against the wishes of local residents. .

Rhett Parker, representing APC, addressed misconceptions regarding the lawsuit and the Bert Harris claim. He clarified that the claim arises from the property being purchased in 2021 under the expectation of the 2018 ordinance, which was later altered in 2023, resulting in a diminished property value. He emphasizes that the Bert Harris claim is based on the reduced value of the property, not lost revenue or profits.

David Whiteside 446 Harbor Drive South, expressed concern about the impact of changes to the short-term rental regulations. He stressed the importance of upholding the current regulations.

Jennifer Riley, 510 Janice Place, expressed concerns about changes in the ordinances affecting her residential neighborhood. She emphasized that residents are not asking for short-term rentals to be shut down, but for ordinances to be enforced.



Tom Wilson, 444 Harbor Drive South, expressed sympathy for the community's recent hardships and the challenges they are facing. He shares his frustration about noise from short-term rentals.

Bob Copeland, 447 20<sup>th</sup> Avenue, discussed the value of the property, noting that the property appraiser's value is \$3.1 million, higher than the claim of \$2.6 million being made.

Kristen Smith, 484 Harbor Drive North, pointed out that the property has an unapproved four-person bunk room on the first floor.

Ms. J. Mulling, 461 20<sup>th</sup> Avenue, expressed concerns about the impact of short-term rentals on residential communities. She urged against relaxing regulations.

Laura Robinson, 1923 Gulf Boulevard, emphasized that the community is opposed to the proposed changes.

Jorge Blassino, 124 13<sup>th</sup> Avenue, urged the commission to consider both the positive and negative aspects of the issue at hand, rather than focusing solely on the potential negative outcomes.

Lan Vaughan, 301 Harbor Drive, reflected on his experience working with the community to develop the current ordinance. He encouraged the commission to vote in line with the constituents' wishes.

Matthew Barrowclough, 211 11<sup>th</sup> Avenue, stated he helped his neighbors after the hurricane and provided housing to a family.

Kellee Watt, 431 Harbor Drive South, urged the commission to prioritize the community's interests over financial concerns when making these decisions.

Jerry Newton, 438 Harbor Drive North, expressed frustration with the idea of rewarding a violator who has been problematic from the start

### **Mayor-Commissioner Houseberg closed Public Comment.**

Vice-Mayor-Commissioner Wilson clarified that there was a misconception about Matt Barrowclough meeting with the Commission as a whole. She confirmed that Matt may have met with individual members, but not with the full Commission.

Mayor -Commissioner Houseberg clarified that after the hurricane, she reached out to Matthew Barrowclough to ask if any of his properties could help house those who became unhoused. Matt responded multiple times with options that were more affordable. She expressed appreciation for the help Matt provided and emphasized that the community came together to assist, regardless of whether individuals were short-term renters or residents. Mayor Commissioner Houseberg stated that short-term rentals are not going away. She expressed confidence that, if no agreement were reached that night, mediation or arbitration would take place to resolve the matter.

Commissioner Wyant raised concerns about the potential for other property owners to file claims after a new ordinance is passed, particularly regarding occupancy restrictions. She asked if someone could purchase a property after the ordinance and then challenge it.

City Attorney Mora responded that claims can be made at any time, but such claims would not be successful if the property was purchased after the ordinance was adopted.

Mayor-Commissioner Houseberg asked Commissioner Bigelow if he would like to make a motion. Commissioner Bigelow responded no, not on this issue.

Mayor Commissioner Houseberg asked Commissioner Bond if he would like to make a motion. Commissioner Bond stated he would like to discuss item 6 B first.

**Motion made by Vice-Mayor-Commissioner Wilson, seconded by Commissioner Bigelow to send a response for no changes or accommodations.**

Commissioner Bond asked for more clarification.

City Attorney Mora explained that "no changes" to the property would result in litigation. A "yes" vote on the motion made by Vice-Mayor-Commissioner Wilson means agreeing to send the letter with no changes or provided accommodations. A "no" vote on the motion made by Vice-Mayor Commissioner Wilson would reject the motion.

**Ayes: Wilson Bigelow**

**Nay: Wyant, Houseberg, Bond**

**MOTION FAILED 3 - 2.**

**Motion made by Commissioner Wyant, seconded by Mayor-Commissioner Houseberg, to send the letter in its current form which would provide accommodation for up to 14 occupants at the property 455 20<sup>th</sup> Avenue.**

**Ayes: Wyant, Bond, Houseberg**

**Nay: Wilson, Bigelow**

**MOTION TO APPROVE CARRIED 3 - 2.**

**Motion made by Commissioner Bond and seconded by Vice-Mayor Commissioner Wilson to extend the meeting past 9:30 p.m.**

**MOTION TO APPROVE CARRIED UNANIMOUSLY.**

**B. First Reading of Ordinance 2025-01:** AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING THE COMPREHENSIVE REGULATORY SCHEME REGARDING THE MARKETING AND OPERATION OF SHORT-TERM RENTALS WITHIN THE CITY; AMENDING ARTICLE V, "VACATION RENTAL REGULATIONS," WITHIN CHAPTER 18 – "BUSINESSES"; AMENDING THE ORDINANCE REGULATING THE REGISTRATION, INSPECTION, SAFETY, AND OPERATION OF VACATION RENTALS WITHIN SPECIFIED ZONING DISTRICTS IN THE CITY OF INDIAN ROCKS BEACH; AMENDING RELATED DEFINITIONS CONCERNING PERMISSIBLE OCCUPANCY; ALTERING REGISTRATION REQUIREMENTS; MODIFYING ENFORCEMENT PROVISIONS; AMENDING INSPECTION REQUIREMENTS; AMENDING THE DUTIES OF DESIGNATED RESPONSIBLE PARTIES; CLARIFYING LIFE SAFETY REQUIREMENTS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SUPREMACY, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

City Attorney Mora read Agenda Item 6B.

City Attorney Mora stated that Ordinance 2025-01 largely mirrors Ordinance 2023-02.

City Attorney Mora's memo to the City Commission details updates to an ordinance regarding vacation rentals:

**Habitable Living Space Definition:** The updated ordinance clarifies that spaces like bathrooms, kitchens, storage areas, and offices (if approved) are excluded from being considered habitable for sleeping purposes, which impacts where occupants can be placed.

**Registration Process:** The registration for vacation rentals would occur every two years instead of annually.

**Inspection Requirements:** Inspections will still be required.

**Advertising Changes:** The requirement to post a "neighborhood notice" about being in a residential area has been removed, though the noise ordinance still applies. The ordinance also clarifies rules about advertising occupancy for adjoining units under one property owner.

**Occupancy Limits:** The ordinance establishes a maximum of 12 overnight occupants, or fewer, based on square footage calculations. A detailed formula outlines how occupancy limits are determined by room size.

**Life Safety Compliance:** Vacation rentals must comply with the Florida Fire Prevention Code, with enforcement handled by the Fire Marshal.

**Suspension/Revocation:** A provision regarding the suspension and revocation of vacation rental licenses has been eliminated.

If approved on first and second readings, the ordinance would resolve seven pending lawsuits. If not passed, the city would need to litigate its existing ordinance. City Attorney Mora concluded with a request from the City Commission's direction on how to proceed, with public comment invited before a vote.

## **PUBLIC COMMENT**

Don House, 2104 Beach Trail, raised concerns about whether the current vacation rental ordinance is legally defensible in court.

City Attorney Mora responded to Don House by explaining that the current ordinance is legally defensible, particularly with respect to the Tallahassee preemption rules (Section 509.0327B), which limit local regulations on the duration and frequency of short-term rentals. While there are ongoing constitutional challenges—such as the First Amendment and due process claims, Mora believes the city's position is strong and that the ordinance is compliant with state law. Mora acknowledged that the litigation is complex and may involve other legal issues beyond the Tallahassee preemption. He also clarified that the proposed changes in the ordinance do not remove inspections. Inspections would continue as part of the registration process for vacation rentals, and any modifications to properties would still need to comply with building and fire safety codes. Mora emphasized that the ordinance is designed to be clear and defensible in court, and any changes to the ordinance are intended to address specific issues raised in litigation.

Patti Katz, 124 13<sup>th</sup> Avenue, expressed disappointment with the city commission. Katz took issue with commissioners allegedly having conversations with someone suing the city.

Bob Copeland, 447 20<sup>th</sup> Avenue, praised the current ordinance as "superb," emphasizing that it ensures due process and justice. He argued that there is no need to change it unless there is a problem.

John Pfanstiehl, 448 Harbor Drive South, expressed concern that the proposed changes to the ordinance would have negative consequences for neighborhoods and safety.

Scotti Vaughan, 301 Harbor Drive, expressed frustration over the proposed changes to the ordinances, emphasizing the hard work and thought that had gone into creating the current rules. She explained that her husband, who had served on the Commission, and the community had invested significant time and effort to carefully craft these ordinances. She urged the Commission to not change the ordinance.

Diane Daniel, 309 10<sup>th</sup> Avenue, expressed confusion about the changes to the short-term rental ordinances and suggested a comparison list highlighting the differences between the old and new rules. She shared her personal experience of renting her home part-time.

Beth McMullen, 481 Harbor Drive South, expressed concern about the long-term changes that will occur in the town due to the aftermath of recent hurricanes.

Matt Knez, 111 Canal, questioned whether legal advice had been sought regarding the changes and emphasized that not all short-term rental owners are large corporations, as some are individuals who rent for personal or family reasons.

Dan Mynsberge, 442 Harbor Drive North expressed concerns about the proposed changes to occupancy rules in residential areas.

Kelly Cisarik 448 Harbor Drive North, recommended tabling the ordinance until the outcome of the Bert Harris settlement case is resolved.

RB Johnson 1206 Beach Trail, emphasized that the original ordinance was carefully crafted with input from the community and the city attorney, was well-received by most residents, and was defensible. He stated the City Commission's role is to prioritize the happiness of the citizens, not to appease opponents.

Eddie Bie, 497 20<sup>th</sup> Ave, agreed with many points raised by others, particularly regarding the changes made to the ordinance, which they feel will significantly weaken it.

Ms. J. Mulling, 461 20<sup>th</sup> Avenue, emphasized the importance of rules and enforcement in any organization or society.

### **Mayor Commissioner Houseberg closed Public Comment.**

Commissioner Bond asked what was not allowed to be restricted.

City Attorney Mora stated according to Florida Statute 509.032 any restrictions that were not in place before 2011, restricting duration, frequency, or otherwise prohibiting the operation of a short-term rental in any zoning restriction.

Commissioner Bond explained that he and Mayor-Commissioner Houseberg were the only commissioners seated at this meeting who were involved in creating the ordinance that is now being discussed. He acknowledged that not everyone was fully supportive of it when it was first proposed, as some wanted more than what was offered, but they crafted it based on what they felt was feasible. Bond emphasized that while they agree in principle with the concerns raised, the challenge is in the execution. He noted that the ordinance was designed with caution to avoid potential negative consequences for the city, which is why risk must be carefully assessed. Bond expressed that the proposed modifications may not significantly change the overall impact, such as improving neighborhood quietness or reducing chaos, as enforcement measures like suspensions or revocations are not being implemented.

Commissioner Wyant recalled that during the August 2024 City Commission Meeting, she was the tiebreaker, who shut down the issue. The matter was then sent back to court by a judge. Wyant acknowledged the significant effort put into the 2023 ordinance, noting it took from 2011 to 2018 to impose restrictions on short-term rentals, and from 2018 to 2023 to finalize the current ordinance. Wyant expressed understanding of the work involved but stated that, given the changing environment, there are currently more pressing issues than making a few changes to the ordinance.

Vice-Mayor Commissioner Wilson stated that the City is fortunate to have Randy Mora as its City Attorney. He is very well respected. We are going to be fighting the issue of short-term rentals until something changes in Tallahassee. She stated she knows the cost of hurricane recovery has put the city in a situation that it was not in back in August 2024. She stated that she just cannot give up the fight.

Commissioner Bigelow stated that residents have spoken and said that they do not want to change the Ordinance.

Mayor-Commissioner Houseberg expressed that she does not see the proposal for every-other-year inspections as a major obstacle. She acknowledged the city's small staff and the preference not to expand it by managing short-term rentals. Given the over \$200,000 already spent on litigation, she felt sacrificing a few minor aspects was not a significant issue. She also clarified that assuming every short-term rental will have 12 occupants is inaccurate. Mayor-Commissioner Houseberg noted that everyone anticipated a legal pushback in 2023 and expected the lawsuit would lead to negotiations for a different resolution.

**Motion made by Commissioner Wyant to adopt Ordinance 2025-01 and seconded by Commissioner Bond.**

**AYES: Wyant, Bond, Houseberg**

**NAY: Bigelow, Wilson**

**MOTION TO APPROVE CARRIED 3 - 2.**

7. **OTHER LEGISLATIVE MATTERS:** None.
8. **WORK SESSION:** None.
9. **OTHER BUSINESS:** None.
10. **ADJOURNMENT.**

**Motion to adjourn was made by Commissioner Wyant and seconded by Vice-Mayor Commissioner Wilson to adjourn at 10:42 p.m. Unanimous approval by acclamation.**

\_\_\_\_\_  
**Date Approved**

\_\_\_\_\_  
**Denise Houseberg, Mayor-Commissioner**

**Attest:** \_\_\_\_\_  
**Lorin A. Kornijtschuk, City Clerk**

**AGENDA ITEM NO. 5 B**

**CONSENT AGENDA**

# AGENDA MEMO

## INDIAN ROCKS BEACH CITY COMMISSION

**MEETING OF:** February 11, 2025

**AGENDA ITEM:** 5B

**ORIGINATED BY:** Dan Carpenter, Finance Director   
**AUTHORIZED BY:** Brently Gregg Mims, City Manager   
**SUBJECT:** December 2024 Year-to-Date Financial Report

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### **BACKGROUND:**

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

### **ANALYSIS:**

Financial reports comparing December 2024 fiscal year-to-date actual revenues and expenditures to budget are attached. Expenditures related to both Hurricane Helene and Milton including damage repairs and debris removal costs are included within the details for the General Fund and the Solid Waste Fund analysis. In total, \$1.1 million dollars of unbudgeted expenditures from the two hurricanes are reflected in the first quarter fiscal year or December 2024 financial report.



**City of Indian Rocks Beach**  
**FY 2025 BUDGET TO ACTUAL REPORT**  
**AS OF DECEMBER 31, 2024**

	12/31/2024 Period to Date <u>Actual</u>	FY 2025 TOTAL <u>APPROVED BUDGET</u>	OVER/(UNDER) <u>BUDGET</u>	% OF TOTAL FY 2025 <u>APPROVED BUDGET</u>
<b>001 GENERAL FUND</b>				
AD VALOREM TAX	\$ 2,647,072	\$ 3,549,380	\$ (902,308)	75%
FRANCHISE FEE	\$ 105,221	\$ 564,000	\$ (458,779)	19%
COMMUNICATIONS SERVICES TAX	\$ 17,454	\$ 90,000	\$ (72,546)	19%
BUSINESS REG & OCC LICENSES	\$ 45,048	\$ 138,010	\$ (92,962)	33%
PERMITS & FEES	\$ 1,694	\$ 9,300	\$ (7,606)	18%
INTERGOVERNMENTAL	\$ 73,125	\$ 447,930	\$ (374,805)	16%
CHARGES FOR SERVICES	\$ 282	\$ 9,860	\$ (9,578)	3%
PARKING FEES	\$ (1,851)	\$ 200,000	\$ (201,851)	-1%
FINES AND FOREFITS	\$ 145,549	\$ 100,000	\$ 45,549	146%
INTEREST ON INVESTMENT	\$ 88,955	\$ 250,000	\$ (161,045)	36%
MISCELLANEOUS	\$ 53,923	\$ 30,360	\$ 23,563	178%
<b>TOTAL REVENUE</b>	<b>\$ 3,176,472</b>	<b>\$ 5,388,840</b>	<b>\$ (2,212,368)</b>	<b>59%</b>
CITY COMMISSION	\$ 24,105	\$ 60,800	\$ (36,695)	40%
CITY MANAGER	\$ 77,508	\$ 289,650	\$ (212,142)	27%
FINANCE	\$ 103,066	\$ 498,680	\$ (395,614)	21%
CITY ATTORNEY	\$ 19,672	\$ 157,000	\$ (137,328)	13%
PLANNING	\$ 15,271	\$ 85,200	\$ (69,929)	18%
CITY CLERK	\$ 43,636	\$ 150,180	\$ (106,544)	29%
LAW ENFORCEMENT	\$ 341,955	\$ 1,377,820	\$ (1,035,865)	25%
BUILDING & CODE ENFORCEMENT	\$ 120,691	\$ 300,270	\$ (179,579)	40%
PUBLIC WORKS	\$ 869,294	\$ 1,323,300	\$ (454,006)	66%
LIBRARY	\$ 22,124	\$ 123,660	\$ (101,536)	18%
RECREATION	\$ 2,537	\$ 36,700	\$ (34,163)	7%
CENTRAL SERVICES	\$ 138,602	\$ 478,010	\$ (339,408)	29%
<b>TOTAL EXPENDITURES</b>	<b>\$ 1,778,461</b>	<b>\$ 4,881,270</b>	<b>\$ (3,102,809)</b>	<b>36%</b>
<b>101 CAPITAL PROJECTS</b>				
IC SURTAX PENNY FOR PINELLAS	\$ 108,944	\$ 600,000	\$ (491,056)	18%
UTILITY UNDERGROUND GRANT	\$ -	\$ -	\$ -	0%
GRANTS - AMERICAN RESCUE PLAN & D	\$ -	\$ 1,308,170	\$ (1,308,170)	0%
GRANTS -SWFWMD	\$ 197,500	\$ -	\$ -	0%
GRANTS -OTHER STATE OF FLORIDA	\$ -	\$ 480,000	\$ -	0%
<b>TOTAL REVENUE</b>	<b>\$ 306,444</b>	<b>\$ 2,388,170</b>	<b>\$ (2,081,726)</b>	<b>13%</b>
CONTRUCTION PROJECTS	\$ 681,470	\$ 2,789,170	\$ (2,107,700)	24%
<b>TOTAL EXPENDITURE</b>	<b>\$ 681,470</b>	<b>\$ 2,789,170</b>	<b>\$ (2,107,700)</b>	<b>24%</b>
<b>402 SOLID WASTE FUND</b>				
GRANT REVENUE	\$ -	\$ 3,200	\$ -	0%
SOLID WASTE	\$ 405,346	\$ 1,960,180	\$ (1,554,834)	21%
<b>TOTAL REVENUE</b>	<b>\$ 405,346</b>	<b>\$ 1,963,380</b>	<b>\$ (1,554,834)</b>	<b>21%</b>
SOLID WASTE	\$ 1,214,340	\$ 1,713,290	\$ (498,950)	71%
<b>TOTAL EXPENDITURE</b>	<b>\$ 1,214,340</b>	<b>\$ 1,713,290</b>	<b>\$ (498,950)</b>	<b>71%</b>

**AGENDA ITEM NO. 6 A**

**PUBLIC HEARINGS**

**INDIAN ROCKS CITY COMMISSION STAFF REPORT**

**MEETING OF: FEBRUARY 11, 2025**

**AGENDA ITEM: 6A**

**ORIGINATED BY:** Hetty C. Harmon, AICP, City Planner

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

**BOARD OF ADJUSTMENTS AND APPEALS:** The board of adjustments and appeals recommended approval to the city commission by a vote of 3-0.

**SUBJECT:BOA CASE NO. 2025-01 – 2117 Gulf Blvd.**

Variance request from Sec.110-372(5) of the Code of Ordinances, requesting a reduction of one parking space, resulting in a total of 11 parking spaces and from Sec 110-375 requesting a reduction in the aisle width of 2 ft resulting in an aisle width of 22 ft. for property located at 2117 Gulf Blvd Indian Rocks Beach, Florida, and legally described as Lot 1, Block 49 Re-revised Map of Indian Rocks Beach , according to the plat thereof, recorded in Plat Book 5, Page 6, of the Public Records of Pinellas County, Florida

Parcel # 01-30-14-42030-049-0010

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**OWNER** **ESMARK, INC**  
**LOCATION of PROPERTY:** 2117 Gulf Blvd  
**ZONING:** P1- Professional Office

<b>Direction</b>	<b>Existing Use</b>	<b>Zoning Category</b>
North	Vacant	P1
East	Residential	RM-2
South	Office	P1
West	Residential	CT

**BACKGROUND:**

The applicant is proposing a two story office building on this location and proposes access from the alley and exist onto 22<sup>nd</sup> Avenue instead off of Gulf Blvd as is exists today. In order to provide parking within the rear of the building as well as underneath the building they proposing to reduce the drive aisle width from 24ft to 22ft. They are proposing no parking in the front yard setback and they are requesting to reduce the required parking spaces from 12 to 11.

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

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

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

a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

*The County requires a permit to access the property from Gulf Blvd and if there are other options the permit will most likely be denied.*

b. The special conditions and circumstances do not result from the actions of the applicant.

*The applicant did not create any special conditions or circumstances.*

c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district.

*Granting the variance would confer special privileges to the applicant.*

d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant.

*The approval of this variance request would not deprive other owners of use and enjoyment of their properties.*

e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building; and

*This is the minimum variance to allow the development of the office building as proposed.*

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

*Granting the variance will be in harmony with the general intent and purpose of subpart B.*

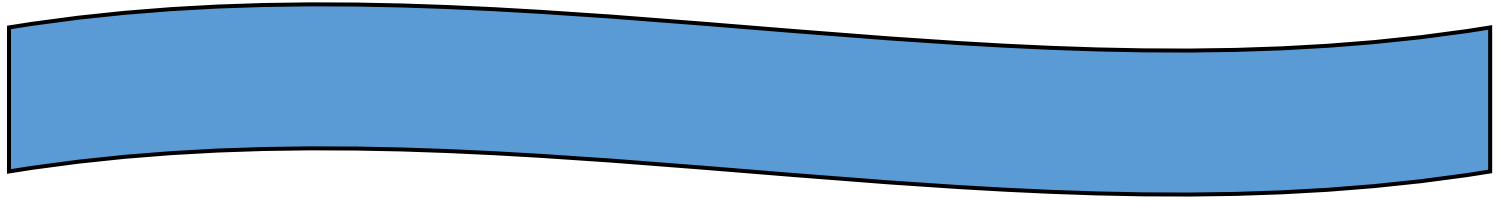
**NOTICE:** A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on January 6, 2025 (Sec. 2-149 of the Code of Ordinances.)

**LEGAL NOTICE:** A legal notice was published in the January 15,2025 -Edition, of the St. Pete Times Section of the Tampa Bay Times. For a public hearing that has been scheduled for February 11, 2025, for BOA Case No. 2025-01.

**CORRESPONDENCE:** No objections were received.

**MOTION:**

I move to recommend that the City Commission **APPROVE/DENY BOA CASE NO. 2025-01 – 2117 Gulf Blvd.** Variance request from Sec.110-372(5) of the Code of Ordinances, requesting a reduction of one parking space, resulting in a total of 11 parking spaces and from Sec 110-375 requesting a reduction in the aisle width of 2 ft resulting in an aisle width of 22 ft. for property located at 2117 Gulf Blvd Indian Rocks Beach, Florida, and legally described as Lot 1, Block 49 Re-revised Map of Indian Rocks Beach , according to the plat thereof, recorded in Plat Book 5, Page 6, of the Public Records of Pinellas County, Florida



2117 Gulf Blvd  
**BOA CASE NO. 2025-01**



**BOA CASE NO. 2025-01 – 2117 Gulf Blvd.**

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# Looking East



# Looking West





# Proposed Building -not approved



**APPLICATION FOR VARIANCE**

CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING

Enquiries City Hall: 727.595.2517 or Hetty Harmon: 863.646.4771 x211 Email: hharmon@irbcity.com  
Address: 1507 Bay Palm Boulevard, Indian Rocks Beach, FL 33785

For Office Use Only

Application No.

Date Received

**APPLICANT**

Name:

Address:

City:

Zip Code:

Tel:

Fax:

Mobile:

Email:

**AGENT/REPRESENTATIVE**

Name:

Company:

Address:

City:

Zip Code:

Tel:

Fax:

Mobile:

Email:

**SITE DETAILS**

Address:

Parcel ID:

City:

Zip Code:

Legal Description:

Zoning:

Future Land Use:

Size:

**SITE DETAILS CONTINUED...**

Does applicant own any property contiguous to the subject property?  Yes  No

If yes, provide address and legal description:

Have previous applications been filed for this property?  Yes  No

If yes, describe:

Has a certificate of occupancy or completion been refused?  Yes  No

If yes, describe:

Does any other person have ownership or interest in the property?  Yes  No

If yes, is ownership or interest contingent or absolute:

Is there an existing contract for sale on the property?  Yes  No

If yes, list all parties on the contract:

Is contract conditional or absolute?  Conditional  Absolute

Are there options to purchase?  Yes  No

**VARIANCE REQUEST**

<b><u>Regulation</u></b>	<b><u>Required</u></b>	<b><u>Proposed</u></b>	<b><u>Total Requested</u></b>
Gulf-front setback (feet):	N/a	N/a	N/a
Bay-front setback (feet):	N/a	N/a	N/a
Alley setback (feet):	15'	38.5'	N/a

**VARIANCE REQUEST CONTINUED...**

<b>Regulation</b>	<b>Required</b>	<b>Proposed</b>	<b>Total Requested</b>
Rear-no alley setback (feet):	N/a	N/a	N/a
Rear-north/south street (feet):	N/a	N/a	N/a
Street-front setback (feet):	25'	25'	N/a
Side-one/both setback (feet):	7'/15'	10'	N/a
Minimum green space (%):	30%	31%	N/a
Habitable stories (#):	N/a	2	N/a
Minimum lot size (sq. ft.):	7,200 SF	7,200 SF	N/a
Building height (feet):	35'	< 35'	N/a
Off-street parking (spaces):	12	11	1
ISR (%):	70%	69%	N/a
FAR (%):	40%	39%	N/a
Dock length (feet):	N/a	N/a	N/a
Dock width (feet):	N/a	N/a	N/a
Signage (#):	N/a	N/a	N/a
Accessory structure (sq. ft.):	N/a	N/a	N/a
Accessory structure height (feet):	N/a	N/a	N/a
Lot size (sq. ft.):	7,200 SF	7,200 SF	N/a

Other: The requested variance is to reduce the required off street parking from 12 to 11 and to reduce the required off street parking from back-out requirement from 24' to 22' within the east parking area.

What is the proposed use of the property? Office



## **HARDSHIP**

A variance is granted on the basis of evidence being presented that justifies an undue and unnecessary hardship upon the applicant; a hardship that prevents reasonable use of the property. The following criteria, set forth in Code Section 2-152, Variances, will be used to evaluate the request for variance in order to determine if a hardship is present and if the variance will impact the overall public welfare.

Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district:

Due to the size constraints of the site, the required parking for this use, and the required parking stall length, providing the off street parking required within the site is not feasible. By reducing the required parking back-out and reducing the required parking based on the limited traffic associated with this particular use, this required necessary parking for this specific use can be achieved. Other site have additional length to allow the required parking and drive aisle length.

Special conditions and circumstances do not result from the actions of the applicant:

Due to the size constraints of the site, the required parking for this use, and the required parking stall length, providing the off street parking required within the site is not feasible. By reducing the required parking back-out and reducing the required parking based on the limited traffic associated with this particular use, this required necessary parking for this specific use can be achieved. Other site have additional length to allow the required parking and drive aisle length.

Granting this variance will not confer on the applicant any special privilege that is denied by the chapter to other lands, structures or buildings in the same zoning district:

Granting this request will not afford any special privileges as other sites have adequate width to allow for a typical parking configuration that meets the city's parking requirements.

The literal interpretation of the provisions of Subpart B, Code Sections 78 through 110, would deprive other properties in the same zoning district under the terms of Subpart B and would work unnecessary and undue hardship upon the applicant:

The interpretation of the code would deprive adequate parking within the site. The purpose of the code is to allow adequate circulation within a parking area. Due to the limited traffic associated with this particular use, the reductions requested would not interfere with the literal interpretation of the code.

**HARDSHIP CONTINUED...**

The variance granted is the minimum that will make possible the reasonable use of the land, structure or building:

Due to the size constraints of the site, the required parking per code for this land use, and required parking stall length, providing the required back-out and minimum parking is not feasible. This reduction would be the minimum needed to make reasonable use of the land based on the constraints present.

The granting of the variance will be in harmony with the general intent and purpose of Subpart B and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare:

The interpretation of the code would deprive adequate parking within the site. The purpose of the code is to allow adequate circulation within a parking area. Due to the limited traffic associated with this particular use, this reduction would not interfere with the literal interpretation of the code and would not be detrimental to the public welfare.

I (we) believe the Board of Adjustment and Appeals and the City Commission should grant this application because:

Due to the size constraints of the site, the required parking per code for this land use, and required parking stall length, providing the required back-out and minimum parking is not feasible. The reduction of the required back-out and the limited traffic associated with the specific use on site still provides the public with safe travel and access to and from the site. For this reason, the literal interpretation of the code is met and this variance request should be granted.

**CERTIFICATION**

Date: November 18<sup>th</sup>, 2024

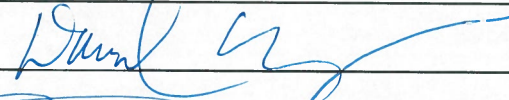
I hereby certify that I have read and understand the contents of this application, and that this application together with supplemental data and information, is a true representation of the facts related to the request; that this application is filed with my approval, as owner, evidenced by my signature appearing below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request. Further, if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions and regulations pertaining to the use of the property.

I hereby grant authorization to any city official to inspect, as reasonable times, the site of the request.

Before me this date personally appeared: \_\_\_\_\_

Name: Daniel J. Epperly, P.E.

Signature: 

Personally known/Form of Identification

Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 18<sup>th</sup> Month: November, 2024

Notary Public State of Florida at Large: 

Notary Public Commission Expiration: 12/5/2026

State of Florida  
County: Pinellas



ANTONIO LANZILOTTA  
Notary Public  
State of Florida  
Comm# HH338323  
Expires 12/5/2026

APPLICATIONS FILED BY CORPORATIONS MUST BEAR THE SEAL OF THE CORPORATION OVER THE SIGNATURE OF AN OFFICER AUTHORIZED TO ACT ON BEHALF OF THE CORPORATION.

AGENT OF RECORD

Date: 11/18/2024

I, John Burger do hereby designate and appoint Daniel J. Epperly, PE / ARO Engineering as my agent of record for the purposes of representing me during the Planning and Zoning Department's review process of my application. My agent of record is hereby vested with authority to make any representations, agreements or promises, which are necessary or desirable in conjunction with the review process. My agent of record is authorized to accept or reject any conditions imposed by any reviewing board or entity.

Name: John Burger Signature: [Signature]

My agent of record may be contacted at:

Company: ARO Engineering

Address: 780 94th Ave. N. Suite 102

City/State: St. Petersburg, FL Zip Code: 33702

Telephone: 727-527-5900 Fax:

Before me this date personally appeared:

Name: John Burger

Signature: [Signature]

Personally known/Form of Identification

Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 18th Month: November, 2024

Notary Public State of Florida at Large: [Signature]

Notary Public Commission Expiration: 12/5/2026

State of Florida
County: Pinellas



ANTONIO LANZILOTTA
Notary Public
State of Florida
Comm# HH338323
Expires 12/5/2026

**AGENDA ITEM NO. 6 B**

**PUBLIC HEARINGS**

**ORDINANCE NO. 2025-01**

**AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING THE COMPREHENSIVE REGULATORY SCHEME REGARDING THE MARKETING AND OPERATION OF SHORT-TERM RENTALS WITHIN THE CITY; AMENDING ARTICLE V, “VACATION RENTAL REGULATIONS,” WITHIN CHAPTER 18 – “BUSINESSES”; AMENDING THE ORDINANCE REGULATING THE REGISTRATION, INSPECTION, SAFETY, AND OPERATION OF VACATION RENTALS WITHIN SPECIFIED ZONING DISTRICTS IN THE CITY OF INDIAN ROCKS BEACH; AMENDING RELATED DEFINITIONS CONCERNING PERMISSIBLE OCCUPANCY; ALTERING REGISTRATION REQUIREMENTS; MODIFYING ENFORCEMENT PROVISIONS; AMENDING INSPECTION REQUIREMENTS; AMENDING THE DUTIES OF DESIGNATED RESPONSIBLE PARTIES; CLARIFYING LIFE SAFETY REQUIREMENTS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SUPREMACY, SEVERABILITY, AND FOR AN EFFECTIVE DATE.**

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

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

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

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

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

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

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

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

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

**WHEREAS**, Florida Statutes § 509.242(1)(c) further provides for a subset of transient public lodging establishments, called "vacation rental" which is any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family or four-family house or dwelling unit that is also a transient public lodging establishment, but that is not a timeshare project; and

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

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

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

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

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

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

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

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

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

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

**WHEREAS**, the regulation of vacation rentals will contribute to the stability of the City's existing residential neighborhoods as well as the health, safety, and welfare of the City's residents and guests; and

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

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

**WHEREAS**, after multiple public work sessions and upon significant public comment by various interested shareholders that resided in, owned property, or visited the City, the City Commission in May 2023 adopted Ordinance 2023-02, which established a comprehensive regulatory scheme governing the operation of short term vacations rentals; and

**WHEREAS**, it was not the intent of Ordinance 2023-02, whether *de facto* or *de jure*, to prohibit vacation rentals, or to regulate the duration or frequency of rental of vacation rentals but instead to regulate vacation rentals in a manner that ensured their safe and lawful operation; and

**WHEREAS**, after adopting Ordinance 2023-02, the City was sued by multiple parties advancing legal and constitutional challenges to the Ordinance; and

**WHEREAS**, the City Commission now desires to amend Ordinance 2023-02 after further considering the interests of the community and the rights and interests of property owners, and in a manner that strives to reach an equitable balance considering the legal challenges directed to the Ordinance; and



**WHEREAS**, the Commission finds that it is also necessary to maintain a registration fee for short-term rental properties in the City which will be periodically established by the Commission, and which will be commensurate with the cost to the City of the regulatory activities required by this Ordinance, to the extent permitted by law; and

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

**WHEREAS**, the Commission finds that it is therefore in the interest of the City and its citizens to adopt the regulatory provisions set forth in this Ordinance.

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

**SECTION 1.** Chapter 18 of the City of Indian Rocks Beach Code is hereby amended to read as follows:

## **CHAPTER 18 - BUSINESSES**

### **ARTICLE V. – VACATION RENTAL REGULATIONS**

#### **DIVISION 1. – GENERAL PROVISIONS**

##### **Sec. 18-200. – Definitions.**

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

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

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

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

*Dwelling Unit* means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating, whether such unit is occupied or vacant.

*Habitable Living Space for Sleeping Purposes* shall mean the square footage of any room or enclosed floor space used or intended to be used for living and sleeping purposes, which has a bed or other furniture for sleeping. This definition shall exclude bathrooms, water closet compartments, laundries, pantries, foyers, communicating corridors, closets, storage spaces, kitchens, dining rooms, utility rooms, offices, garages, and unpermitted area below base flood elevation. For purposes of this article, in the registration process staff shall strictly adhere to the definitions of these spaces as they appear in the Residential Edition of the Florida Building Code, as amended from time to time, unless the term is specifically defined in a different manner in this Article, to determine the amount of habitable living space for sleeping purposes within any dwelling unit for the operation of a vacation rental.

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

- ~~(1) Any room or area accessible from any other room or area within the framework shall constitute living area.~~
- ~~(2) A room or area must be totally enclosed by walls and covered by roofing.~~
- ~~(3) A room or area must be protected from the elements.~~
- ~~(4) A utility room within the framework of the main building and accessible within the main living area constitutes living area.~~

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

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

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

*Peer-to-peer platform/entity* shall mean any person, service, business, company, marketplace, or other entity that, for a fee or other consideration, provides property owners and responsible

parties a platform or means to offer vacation rentals to transient occupants whether through the internet or other means.

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

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

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

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

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

### **Sec. 18-201. – Scope**

This article shall apply to all structures used as vacation rentals within the single family ("S"), medium density ("RM 2"), medium density duplex residential ("RM 1"), and the high density commercial tourist ("CT") zoning districts.

To the extent applicable within the City’s CT zoning district, this provision shall not extend to the operation of any legally established and permitted timeshare properties or timeshare units subject to a timeshare instrument, as those terms are defined in Fla. Stat. § 721.05, in existence ~~at the time of the adoption of this ordinance~~ as of May 9, 2023.

**Sec. 18-202. – Enforcement.**

- (a) **Generally.** Unless specified otherwise in this article, violations of this article shall be enforced in the manner set forth in Chapter 1, Section 1-14 of the code, and potential penalties shall include, ~~in addition to the imposition of daily fines, the suspension or revocation of the vacation rental's ability to operate under the conditions set forth in this article~~ liens, and all other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.
- (b) **Fines.** The Magistrate's decision whether to impose a fine and the amount of the fine shall remain subject to the provisions, considerations, and limitations set forth in Fla. Stat. 162.09, as well as the following factors:
- (1) the gravity of the violation;
  - (2) any action(s) taken by the violator or property owner to correct the violation;
  - (3) any previous violations committed by the violator;
  - (4) the property owner or designated responsible party's efforts to resolve or avoid the violation;
  - (5) the temporal duration of the violation;
  - (6) whether the violation was a function of the property owner's action or inaction, or those of their transient guests;
  - (7) any evidence of the property owner's adjudication or admission to violations of a similar nature in the City;
  - (8) any evidence of deliberate misrepresentation by the owner(s) to the city or its agents in connection with the violation; and
  - (9) any documentation from an online rental platform of any warning, rebuke, censure, suspension, penalty, or prohibition of the property owner or owners' use of its platform for the purpose of offering properties as transient public lodging establishments as a violation of the platform's policies, procedures, or terms of service.
- ~~(c) **Rental Registration Suspension.** Upon a third adjudicated or admitted violation of the City's code of ordinances within a twelve (12) month period at the same rental unit or property, the Magistrate shall have the discretion to temporarily suspend the property owner or owners' vacation rental registration for the property or unit at issue. The Magistrate's decision whether to suspend a vacation rental registration and for what duration shall remain subject to consideration of the same factors evaluated when determining the imposition of the initial fine.~~

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

~~Upon the expiration of a suspension period imposed by the Magistrate, the city manager or his/her designee shall reinstate the property or unit's vacation rental registration. A suspended~~

~~vacation rental registration shall not, however, be reinstated while any fine imposed as against property owner as a result of an admitted or adjudicated determination of a violation of the City's code of ordinances at the subject property for which reinstatement is sought remains due and owing.~~

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

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

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

#### **Sec. 18-203. – Appeals.**

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

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

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

~~As of July 3, 2023, a vacation rental registration shall be required to operate a vacation rental within the city, utilizing forms promulgated by the city. The city manager may extend the date that such registration is required by notice on the city's website should the city not publish forms and fees for registration by June 16, 2023.~~

Prior to the issuance of a vacation rental registration, the owner or primary responsible person has the affirmative duty to ensure that the dwelling unit and property in or on which the vacation rental is or will be located, is in full compliance with the city Code, Florida Statutes Chapter 509, the applicable Florida Building Code from the time of permitting for each dwelling unit, the Florida Administrative Code, and the Florida Fire Prevention Code, unless any of those codes include explicit language requiring the retroactive application of a provision, or the subsequent modification of the dwelling unit or structure otherwise triggers the conditional application of a provision within those codes. A separate vacation rental registration shall be required for each

vacation rental unit. The operation of a vacation rental without registration ~~after the date registration is required~~ shall be a violation of this article, ~~except in the instance of providing accommodations to fulfill a rental contract existing as of the effective date of this Ordinance.~~

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

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

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

- (a) **Rental Registration Application Required.** A vacation rental registration application must be filed and signed by the vacation rental owner. In the event a rental registration is submitted by a corporate entity, the application must identify each shareholder in the corporate entity and be signed by each owner of the corporate entity.
- (b) **Rental Registration Submission.** A registration application must be submitted using the forms promulgated by the city for such purpose. Application forms shall be submitted to the city employee or official designated by the city manager for processing. All applicable registration and inspection fees established by the city shall be submitted at the same time as the application form.
- (c) **Rental Registration Contents.** A registration application shall, at a minimum, include the following:
  - (1) Address of the vacation rental property being registered, including any corresponding unit number, along with proof of ownership, which may be in the form of a copy of the deed or the property appraiser’s website information on the property; and
  - (2) Name, address, phone number, and e-mail of the property owner and the date upon which the owner took title to the property. No rental registration shall issue to a lessee, tenant, sub-lessee or sub-tenant of a property; and
  - (3) Name, address, e-mail, and emergency contact phone number of the primary responsible person(s), and any secondary or tertiary contact for the vacation rental. ~~At least~~ at least one of the designated responsible person(s) shall be available in the manner required in this article at the contact numbers provided in the rental registration submissions; and
  - (4) The vacation rental’s current and active license or registration number as a transient public lodging establishment with the Florida Department of Business and Professional Regulation (DBPR); and

- (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; and
- (6) Business tax receipt from the city, in accordance with chapter 58 of the city code; and
- (7) Statement attesting to ~~the number of bedrooms, as defined in this article~~ the amount of habitable living spaces in square feet and number of bedrooms, as defined in this article, and identifying the number and location of parking spaces available on the property, with affirmation that the owner will make its guests aware of the parking plan submitted by the owner will be followed by the owner's guests; and
- ~~(8) Exterior site plan. An exterior plan of the vacation rental property drawn to scale, identifying the structures and dimensions of those portions of the property outside of the primary residential structure. The submitted plan shall include the name and phone number of the person who prepared the drawing. The plan shall depict and identify the outer boundaries of the property, and all structures, docks, sheds, outdoor kitchens, paved parking areas, pools, spas, hot tubs, and fencing. The exterior site plan can be prepared by the property owner, and do not need to be prepared by a surveyor, architect, or engineer;~~
- ~~(9)~~ (8) Interior structural plan by floor. An interior structural plan of the vacation rental structure by floor, drawn to scale, shall be provided. The submitted plan shall include the name and phone number of the person who prepared the drawing. The interior structural plan shall depict a floor layout identifying all spaces on each floor, and shall label each space as a ~~bedroom~~ habitable living space for sleeping purposes, (as defined in this article) bathroom, kitchen, office, den, dining room, family room, sunroom, closet, utility room, laundry room, hallway, stairway, or any other spatial element of the structure. The interior structural plans can be prepared by the property owner, and do not need to be prepared by an architect or engineer. The interior structural plan must specify the claimed square footage of any habitable living space for sleeping purposes; and
- ~~(10)~~ (9) Acknowledgement signed by each owner, acknowledging and agreeing to initial and ongoing compliance with this article and all other city codes and federal, including FEMA requirements, as well as state and county laws which are applicable to the owner's ownership, maintenance, repair, modification, and use of the vacation rental property; and
- ~~(11)~~ (10) A listing of the occupancy limit for the vacation rental established by this article, calculated in the manner set forth in this article, and an acknowledgement that the owner will use best efforts to ensure compliance with the occupancy limit; and
- ~~(12)~~ (11) A narrative parking plan, ~~and~~ outlining where vehicles will be parked and how guests will be made aware of the parking rules, including the prohibition against guests parking on the street or adjacent right of way. The parking plan can be prepared by the property owner; and

~~(13)~~ (12) A copy of any conduct rules adopted by the owner which will apply to the conduct of the owner's guests, and a narrative statement setting forth how the owner will ensure each guest ~~are~~ is provided a copy of, and made to acknowledge, these rules;

~~(14) A narrative statement setting forth how the owner will ensure each guest is provided a copy of, and made to acknowledge, the city rules which must be disclosed to each guest, including the city's rules related to solid waste storage, setting out solid waste on correct collection days, the noise restrictions associated with the vacation rental's use, the parking restrictions, and the quiet hour rules, all as are set forth in this article and as otherwise set forth in the code.~~

(d) **Complete Submission Required.** Forms must be fully completed. Incomplete applications will not be processed.

(1) The city's administrative employees do not have the discretion to deny a registration application which is found to be complete, and which is found to satisfy the requirements of this article. If a registration application is found by a city employee or official to be incomplete, or that the information submitted does not satisfy a requirement of this article, the city employee or official will notify the applicant in writing setting forth the deficiencies to be addressed. The applicant will then be allowed fifteen (15) days to provide any missing information or to otherwise revise the application to make it compliant with this article.

(2) If an applicant disagrees with a determination of the city employee or official as to the completeness of an application, or an application's compliance with this article, the applicant may, within fifteen (15) days of the date of the employee or official's determination, file a written appeal to the Magistrate, submitted via contemporaneous e-mail and certified mail submissions to the direct attention of the city manager. The appeal must set forth the specific factual and legal reasons supporting the applicant's appeal. Any such hearing shall be noticed and convened within 21 days of the date of the appeal being noticed to the city manager.

(3) A completed vacation rental registration shall not be approved until the subject property or unit has completed and passed the inspection process set forth in this article.

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

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

(1) An amendment to the owner's safety or parking plans; or

(2) A change in the designated responsible person(s).



- (3) Any structural change altering, whether increasing or decreasing, the amount of habitable living space for sleeping in the vacation rental.

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

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

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

A vacation rental registration shall be valid for ~~one (1) year~~ two (2) years from the date the application is approved. An approved registration shall constitute permission to operate the vacation rental for which the registration is required.

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

Each vacation rental owner has a duty to ensure they renew their registration ~~annually~~ prior to the expiration date of the previous vacation rental registration. Each renewal shall render the rented property or unit subject to ~~an annual~~ a reinspection and payment of all applicable fees.

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

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

Each vacation rental shall, in conjunction with its initial and renewal applications, be inspected by the city's code inspector, a representative of the fire district servicing the City and, to the extent necessary, the City's building official or designated agent thereof. The city's code inspector shall inspect the property for compliance with the provisions of this article and the City's code of ordinances. The City shall provide vacation rental owners with a check list identifying the items that will be inspected during such inspections. Any inspection conducted for the purpose of determining compliance with the Florida Building Code and the Florida Fire Prevention Code shall apply the versions of those codes that were in effect at the time of permitting approval for construction of the vacation rental structure, unless those codes include explicit language requiring the retroactive application of a provision, or subsequent

modification of the dwelling unit or structure otherwise triggers the conditional application of a provision within those codes.

The city will ~~endeavor to~~ coordinate an inspection date with the vacation rental 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. The City shall not unreasonably withhold or delay the inspection or review process.

- (b) **Code Compliance Violations.** If instances of noncompliance are discovered during or as a result of an inspection, all such instances of noncompliance shall be handled ~~either as violations of the applicable provisions of the most recently adopted version of the Florida Building Code, or Florida Fire Prevention Code~~ are otherwise handled by the city and its officials under state law and city code, including but not limited to referral to the Magistrate, Local Ordinance Violation Court, and any investigative, administrative, or enforcement agency with legal jurisdiction over the subject violation.
- (c) **Frequency of Inspections.** ~~Initial and annual~~ inspections required under this section shall be made by the city's code inspectors and, to the extent possible, a representative of fire district servicing the city through coordinating an appointment with the vacation rental owner or the owner's authorized agent or responsible person. If an inspection date is set but the required officials are, due to an action or inaction of the owner, the responsible person, or occupant, denied or otherwise unable to make entry onto the property to conduct the inspection on the date set, the owner must re-apply for an inspection and pay an additional inspection fee. Any applicable re-inspection fee shall be paid prior to scheduling the re-inspection. Failure of a vacation rental owner agent, or responsible person, as applicable, to make the vacation rental available for an inspection within twenty (20) days after notification by the city in writing that the city is ready to conduct the annual inspection shall constitute a violation of this article. Such violation shall continue until the inspection is accomplished.

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

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

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

Approval of a vacation rental registration shall not be construed to establish any vested rights or entitle the registered vacation rental to any rights under the theory of estoppel, nor shall it be construed as a waiver of any other requirements contained in the city code. It is not an approval of

any other code requirement outside this article. The registration of a vacation rental is not an approval of a use or activity that would otherwise be illegal under state law or the Florida Building, Fire Prevention, or Life Safety Codes, or a violation of the code. In the event the city regains, either through judicial or legislative action, the authority to prohibit vacation rentals, or regulate their duration or frequency throughout the city or in specified zoning districts, the city reserves the right to terminate all vacation rental registrations. In that event, the city will coordinate with registered owners to develop an orderly cessation of operations.

**Sec. 18-213. – False information.**

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

**Sec. 18-214. – Advertising.**

- (a) **No Advertising Gatherings.** No vacation rental may be advertised as an event venue for gatherings such as weddings, corporate retreats, or film productions, which are likely or intended to draw attendance in excess of the permissible occupancy as set forth in section 18-216, or parking in excess of the restrictions set forth in section 18-218 of this article.
- (b) **Consistency with Rental Registration.** Any advertising of the vacation rental shall conform to the information submitted with the application for registration of the vacation rental and to the information shown on the vacation rental registration for the vacation rental, specifically including, but not limited to the maximum occupancy, available parking, and display the City of Indian Rocks Beach Vacation Rental Registration number, ~~and shall include the following statement:~~

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

- (c) **Advertising Violations.** Advertisements that do not contain this information or that contain inaccurate information shall be deemed a violation of this section and subject to the penalties contained in section 18-202. The vacation rental registration number issued by the city shall be included on all advertising, including, but not limited to print and internet-based advertising. For advertisements published in newspapers, the owner or manager of the vacation rental unit may use an abbreviated version of the required advertising information provided that the newspaper ad refers readers to a website and posted notices in the vacation rental unit for a more detailed version of rules and regulations of booking a vacation rental unit. Nothing in this section shall prevent a property owner in the CT District from advertising the total available occupancy in immediately adjacent dwelling units that are under the unified ownership of an individual or entity, so long as the adjacent dwelling units are under a single

roof, with a shared wall and an internal passthrough connecting the separate units, and the advertisement explicitly identifies the number of separate dwelling units correlating to the advertised total available occupancy.

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

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

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

(2) **Availability of Designated Responsible Person.** The responsible person(s) shall use best efforts to be available twenty-four (24) hours per day, seven (7) days a week, including holidays, for the purpose of promptly responding to complaints from city personnel, officers, or authorized agents regarding conduct or behavior of vacation rental occupants or alleged violations of these regulations, as well as communications from the sheriff's department, fire department, other emergency personnel, or by any other regulatory personnel of the city. This person must have authority to ~~immediately address and take affirmative action~~ speak on behalf of the owner of the vacation rental unit and shall use best efforts to respond to the city or other governmental agency within one (1) hour two (2) hours 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. As to parking violations, any citation issued by the City or law enforcement shall be issued to the owner of the vehicle, not the property owner.

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

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

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

- (b) **Exterior Posting.** The owner and responsible party shall ensure a non-illuminated sign, that is one square foot in size on each side, is prominently displayed in the frontage of a vacation rental property. The sign must identify the business tax receipt number for the property and the phone number of the primary designated responsible party. The sign's background shall be white in color, and the font shall be in black Times New Roman or Arial font, and in no smaller than 144 point typeface, or otherwise no smaller than an inch and a half (1 ½") in height. The sign must be constructed of weather-resistant wood or plastic. An exterior posting shall not be required for properties within the city's CT zoning district.
- (c) **Interior Posting.** The owner or responsible person shall provide the city, and conspicuously post on the interior surface of the front door of the premises ~~or on a wall within five feet of the front door~~, the name, address, and day/evening telephone numbers of the responsible person and be available twenty-four (24) hours per day, seven (7) days a week for the purpose of promptly responding to complaints regarding conduct or behavior of vacation rental occupants or alleged violations of these regulations. Any change in the responsible person shall require written notification to the city on forms provided by the city and in a manner promulgated by the city upon payment of the applicable fees.
- (d) **Response Time.** ~~Complaints~~ Designated responsible persons must use best efforts to respond to complaints to the responsible person concerning violations by occupants of vacation rental units to this section. Complaints shall be responded to within a reasonable time but in no instance greater than ~~one (1)~~ two (2) hours. A record shall be kept of the complaint and the manager's response, by the manager, for a period of at least two (2) years after the incident, a copy of which shall be made available to the city upon request.
- (e) **Redesignation.** An owner may change his or her designated responsible person(s). To change the designated agent or responsible person, the owner shall notify the city in writing of the name, contact information and other information required in this article for the new responsible person, along with a signed affidavit from the new responsible person acknowledging receipt of a copy of this article and agreeing to serve in this capacity and perform the duties set forth in this article. Any notice of violation or legal process which has been delivered or served upon the previous responsible person, prior to the city's receipt of notice of change of the responsible person, shall be deemed effective service.
- (f) **Legal Duties.** No property owner shall designate as a responsible person any person who does not expressly comply with the provisions of this article. The property owner and the responsible person shall jointly and severally be deemed to be the "violator" of this article as the term is used in Florida Statutes § 162.06. By designating a responsible person, a vacation rental owner is deemed to agree that service of notice on the responsible person at the address listed by the owner shall be deemed service of notice on the owner, responsible person, and violating guest. Copies of all code violation notices shall also be provided to the property owner in the manner set forth in Florida Statutes § 162.12. If, alternatively, a citation is issued by the code enforcement officer or deputy, the citation process set forth in Florida Statutes § 162.21.

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

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

(a) **Generally.** No person shall advertise, rent, or occupy any dwelling or dwelling unit intended to be used for the purpose of operating a vacation rental which does not comply with the requirements of this section. The maximum overnight occupancy of a vacation rental unit shall be stated in the vacation rental registration form, and shall be limited as follows:

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

~~(2) In the single family ("S"), medium density ("RM 2"), and medium density duplex residential ("RM 1"), the maximum overnight occupancy shall be limited to two (2) persons per bedroom, plus two (2) additional persons may sleep in a common area. Regardless of the number of bedrooms in or on the property, the overnight occupancy shall not exceed a maximum number of ten (10) overnight occupants.~~

#### (b) **Maximum Occupancy Restricted.**

The maximum overnight occupancy of a vacation rental unit as applied to a particular property or dwelling unit shall be stated in the issued vacation rental registration. The approved maximum overnight occupancy shall be based on the data concerning the amount of habitable living space for sleeping purposes provided in the rental registration application and secured during the City's inspection.

(1) In all zoning districts to which this article applies, the maximum overnight occupancy of a vacation rental unit authorized in the vacation rental registration process shall be limited to the lesser of:

- i. twelve (12) overnight occupants; or
- ii. the number of occupants permitted by the following calculus:
  - a) in every dwelling unit, every habitable living space occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space; and
  - b) every habitable living space occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each additional occupant beyond the first occupant; and
  - c) in addition to the occupancy limitations imposed by subsections ii. (a) and (b), above, the property shall be granted four additional occupants.

- d) Under no circumstances shall the calculus set forth in this subsection be construed, interpreted, or applied in a manner to allow for a maximum overnight occupancy in excess of twelve (12) overnight occupants.

**~~(b) Vesting.~~**

~~(1) Notwithstanding the above, a property that was lawfully used as a vacation rental at the time of the enactment of this section may have a higher maximum occupancy limitation for a limited period of time, in accordance with this subsection (b). As to the application of the maximum occupancy limitation of subsection (a) to vacation rentals lawfully in existence as of the effective date of this provision, it is acknowledged that there are vacation rentals that could qualify for a higher maximum occupancy limit, if the limit were set higher, based on the number of bedrooms in the vacation rental. In an effort to recognize reasonable investment backed expectations and yet balance and protect the interests of residents in surrounding single family homes which are not vacation rental properties, there shall be a phasing in of maximum occupancy limits in accordance with the schedule below. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the City's previously existing certificate of registration process.~~

~~(2) The maximum occupancy for vacation rentals lawfully in existence at the time of the enactment of this section shall temporarily be capped at no more than 14 occupants in the CT zoning district and 12 occupants in all other applicable zoning districts, provided that all the requirements to obtain a vacation rental registration in accordance with this article are satisfied and a certificate of registration is issued. This maximum occupancy limit shall remain in effect for two calendar years beginning on the effective date of this section's adoption.~~

~~(3) After the two year phasing in period contemplated in section (b)(2), above, the maximum overnight occupancy for vacation rentals lawfully in existence at the time of this section's enactment shall automatically be reduced to the established restricted number in subsection (a), provided that all requirements to obtain a vacation rental registration in accordance with this code are satisfied and a certificate of registration is issued.~~

~~(4) The maximum occupancy limitations set forth in section (b)(2) above shall immediately terminate upon the event of the vacation rental being sold or title to the vacation rental otherwise being transferred in a manner divesting any of the vested property owners of their ownership interest in the subject property or unit. In the event of such transfer or sale, the maximum occupancy shall immediately revert to the limits set forth in 18-216 (a).~~

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

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

(a) **Safety Codes Apply.** Each vacation rental shall comply with all applicable requirements and standards under state law, including the applicable provisions of the most recently adopted version of the Florida Building Code, the Florida Administrative Code, the Florida Swimming Pool Safety Act, and the Florida Fire Prevention Code.

(b) **Noise and Quiet Hours Limitations**

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

(1) **Nuisance Ordinances.** All City ordinances regulating noise, sound, vibration, and other similar nuisance activities are equally applicable to properties operated as vacation rentals. All terms in this section shall be construed in conformity with the definitions established in Section 26-31 of the city's code of ordinances.

(2) **Unreasonable Noise Prohibited.** Consistent with the City's restrictions on noise set forth in Sections 26-34 through 26-36, the following restrictions shall apply to properties operating as vacation rentals:

- i. No person shall create or permit any unreasonable noise, or excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities.
- ii. The criteria which shall be considered in determining whether there exists unreasonable noise in violation of this section, shall include, but shall not be limited to, any of the following:
  - a. The volume of the noise.
  - b. The intensity of the noise.
  - c. The volume and intensity of the background noise, if any.
  - d. The nature and zoning of the area within which the noise impacts.
  - e. The time of the day or night the noise occurs.
  - f. The duration of the noise.
  - g. The proximity of the sound to residential sleeping facilities.
- iii. The evaluation of whether a violation of this section has occurred, will be determined where it is perceived, received, heard, or measured at or beyond the property line from which the sound emanates.



(3) **Maximum Permissible Sound Levels.**

- i. **Sound levels established.** In addition to the foregoing provisions, no person shall make, cause, allow, or permit the operation of any source of sound in such a manner as to create, when measured at or beyond the property line from which the sound emanates, a sound level that exceeds those levels specified in this section, inclusive of table 1. For the purpose of measuring the volume, intensity, and frequencies of sound, the measurement of sound shall be made with a decibel or a sound level meter operating on the "A" or "C" weighting scale of any standard design and quality meeting the standards prescribed by the American National Standards Institute. The instruments shall be maintained in calibration and good working order. Measurements recorded shall be taken so as to provide a proper representation of the sound source. The microphone used during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A wind screen for the microphone shall be used when required. Traffic, aircraft, and other background sounds shall not be considered in taking measurements except where such background sound interferes with the primary sound being measured.

TABLE 1  
MAXIMUM SOUND LEVELS

Receiving Land Use Zoning	Maximum Sound Level 7:00 a.m. to 6:00 p.m. Monday through Saturday	Maximum Sound Level 6:00 p.m. to 7:00 a.m. Monday through Saturday and All Day Sunday
Residential (including S, RM 1, and RM 2)	60 dB(A)	55 dB(A)

- ii. **dB(C) octave band sound level limits.** In addition to the provisions of the city's code of ordinances and table 1 of this section, for any source of sound which can be detected on any parcel of property adjacent to the source of sound, the maximum allowable sound level limit for the individual octave bands whose centers are 31.5, 63, 125, 250, and 500 hertz shall not exceed 60 dB(C) or a five-decibel increase from the db(A) level stated in table 1, whichever is greater.

- (4) **Amplified Sound Restriction.** Using or operating for any purpose any amplified sound between the hours of 10:00 p.m. and 7:00 a.m. of any day, not in a completely enclosed permanent structure is prohibited if it produces or reproduces sound in such a manner as to annoy, disturb, injure or endanger the comfort, repose, health, peace, or safety of a reasonable person of normal sensibilities or is in excess of the decibel levels set forth in section 18-217 (b) (3). This provision shall not apply to amplified sound for which a permit pursuant to subsection 26-33(b) has been issued by the city.

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

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

- (1) **Owner's Conduct Rules.** Each vacation rental shall post a copy of the owner's conduct rules referenced in § 18-206, if any exist.
- (2) **Occupancy Limitation.** The overnight occupancy capacity limit for the vacation rental.
- (3) **Designated Responsible Party.** Each vacation rental shall post the name, email and phone number of the owner or designated responsible person(s).
- (4) **Noise Disturbances.** Notice of the city's ordinances regarding noise disturbances, including notice that the quiet hours are between 10 p.m. and 7 a.m. ~~There shall be signs posted on any exterior lounges, patios, porches, and patios stating:~~

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

- (5) **Building Evacuation.** There shall be posted, on the interior of the unit, next to ~~the interior door of each bedroom, and the exterior doors exiting the vacation rental~~ the door at the primary point of ingress and egress of the vacation rental, a legible copy of a building evacuation map conforming to the requirements of the Florida Fire Prevention Code, latest adopted edition.

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

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

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

**(a) Parking.**

- (1) **Minimum Required Parking.** Vacation rental units within the city are required to provide on-site parking in the following manner:
  - i. Single-family and two -family dwellings: one on-site parking space per each bedroom, within each dwelling unit, as designated through the vacation rental registration process.
  - ii. Multifamily dwellings: two on-site parking spaces for dwellings containing one or two bedroom units, as designated through the vacation rental registration process. In the event a multifamily dwelling has units with more than two bedroom units, as designated through the vacation rental registration process, then the vacation rental shall be required to maintain one on-site parking space per each designated bedroom.

This provision shall not be construed to require the modification of any existing parking infrastructure of any condominium property in the city's CT zoning district or properties historically recognized as a cottage in the city, where the condominium property or cottage

contains units lawfully operating as short term vacation rentals. In such instance, the unit owner shall ensure any designated parking spot or allocation made for the subject unit remains vacant and accessible for its guest. Such spot or allocation shall be described and identified in the parking plan submitted with the rental registration.

**(2) Permissible Parking Locations.**

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

**(b) Solid Waste.**

- (1) Solid waste disposal (household garbage, recycling, and yard trash) created at vacation rentals shall be stored and put out for pick up in compliance with Chapter 50 of this code, and on the day(s) of the week set out in the city's solid waste code of ordinances, franchise agreement, and official policies.
- (2) Any vacation rental operating within a condominium or multi-family structure shall ensure all solid waste is disposed of in the location and manner otherwise established for that structure.

**(c) Legal Compliance.** All persons renting and occupying a vacation rental shall comply with all local, state and federal laws applicable to their conduct at all times, including those related to illegal activities, the creation of nuisances, disturbances of the peace, and responses to emergency declarations.

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

**(e) Temporary Use Permit.** A vacation rental property, when rented or occupied by a vacation rental tenant, shall not be eligible for a temporary use permit for any event to be conducted on the vacation rental property. The owner of a property possessing a rental registration may apply for a special event permit, upon a sworn statement under penalty of perjury that the permit they seek is for their personal use as the property owner and not by a transient rental guest or occupant. It shall be unlawful for any person to give any false or misleading information in connection with any application for a special event permit as required by this article.

- (f) **Temporary Storage.** No temporary storage containers may be stored on the vacation rental premises. The term “temporary storage container” shall mean any container, structure, box, cylinder, or crate made of any material not permanently affixed to real property, that is enclosed or capable of being enclosed on all sides, top and bottom, that is stored, placed, located or put on any real property within the city for the purpose of storing personal property, construction material, trash, refuse, garbage, debris, or other material or matter. Provided, however, with prior authorization from the building department a temporary storage container may be authorized during valid construction permit activity for this location. For purposes of this section, a garbage can or a recycling container, as those terms are used in sections 50-33, 50-61, and 50-62 of this code, are not temporary storage containers.
- (g) **Impermissible Rental.** No accessory structure, vehicle, recreational vehicle, trailer, camper, boat, yacht, or similar apparatus shall be utilized or rented as a vacation rental, or used to impermissibly provide sleeping quarters or otherwise accommodate more than the permitted number of overnight occupants on a property when used as a vacation rental.

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

- (a) The owner, tenant, or authorized agent of an owner or tenant of a single-family dwelling, duplex, duplex townhouse, or townhouse is prohibited from listing on any online marketplace for rent or lease, any amenity, feature, or accessory building or structure, appurtenant to or associated with such single-family dwelling, regardless of the purpose or length of time of said rental or lease, or otherwise renting or leasing individual amenities, features, or accessory buildings or structures on the property separate or apart from the primary structure.
- (b) For purposes of this section, the words “amenity, feature, or accessory building or structure” includes, but is not limited to, sheds, garages, docks, boat slips and lifts, driveways, rooftops, attics, pools, spas, saunas, fire pit, putting greens, sports courts, gardens, gazebos, outdoor kitchens, or front, rear or side yards.
- (c) This section does not apply to the renting or leasing of clubhouse rooms or spaces, storage closets, parking spaces or garages of condominiums, as that term is defined in § 110-1 of this code, when the rental or lease is between the condominium association and its residents or between a condominium resident and another condominium resident.

**Sec. 18-220. – Minimum life/safety requirements.**

- (a) **Swimming pool, spa, and hot tub safety.** A swimming pool, spa, or hot tub shall comply with the applicable standards of Florida Statutes Chapter 515 Residential Swimming Pool Safety Act.
- (b) Fire and Life Safety Requirements.** Each dwelling unit operated as a vacation rental shall comply with the applicable provisions of the Florida Fire Prevention Code and any modifications or amendments thereto adopted by the Pinellas Suncoast Fire & Rescue District

or any successor entity serving as the authority having jurisdiction to interpret, modify, and administer the Florida Fire Prevention Code.

- ~~(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, as interpreted and administered by the fire district servicing the City.~~
- ~~(c) **Exit Signage.** Each doorway operating as an exit to the property shall be designated by a sign stating “EXIT”, that is illuminated or otherwise composed of reflective material such that it could be readily perceived with the assistance of a flashlight, in conformity with the applicable requirements of the Florida Fire Prevention Code~~
- ~~(d) **Fire extinguisher.** Each vacation rental shall install and maintain at least one working multi-purpose (ABC) dry chemical extinguisher on each floor of the rental property or unit. The fire extinguishers shall not be installed inside of a closet or cabinet, but rather must be installed on a wall in an area clearly visible to guests. Each fire extinguisher shall be installed and maintained in compliance with NFPA 10.~~
- ~~(e) **Battery powered emergency lighting.** Battery powered emergency lighting which is hard-wired, and illuminates automatically for at least ninety (90) minutes when electricity is interrupted, is required at each building exit.~~

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

Notwithstanding any other provision of this article, a rental agreement with prospective occupants for vacations rentals that were entered into prior to May 9, 2023, (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 newly-adopted terms of this article), when the vacation rental is occupied under the terms of a pre-existing agreement, the vacation rental owner may defend such violation based on the fact that the vacation rental was exempt from this article due to it being occupied pursuant to a pre-existing agreement. Such defense shall be determined based upon the following information, and upon any additional information supplied by the vacation rental owner or otherwise determined by the fact finder:

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

- (4) Written vacation rental agreement establishing or evidencing it was entered into prior to the adoption and enactment of this section.

If it is reasonably determined by the code enforcement officer or deputy, and confirmed by the Magistrate, that any information supplied to the city in support of an application for exemption or in support of a defense based upon pre-existing agreement was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to a code enforcement proceeding and prosecution under Florida Statutes § 837.06.

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

The provisions of this article shall not apply to owner occupied vacation rentals or property which is designated homestead under the Florida Constitution and Florida law from forced sale under any process of law. Before granting such exemption City staff shall verify that the identified property is afforded status as a homestead for the identified property owner, pursuant to the records maintained by Pinellas County. Any person desiring to qualify for the exemption herein shall file an affidavit in the format prepared and made available by the City’s administration. ~~substantially the following form.:~~

“Affidavit of Exemption”

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

County \_\_\_\_\_

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

1. ~~I am over the age of 18 and competent to make this Affidavit.~~
2. ~~I own the following real property in the City of Indian Rocks Beach, Pinellas County, State of Florida: (Legal description and Street Address)~~
3. Check as applicable:
  - ~~(-) I currently occupy the property described in paragraph 2 above and have resided on this property continuously and uninterruptedly from (date) to the date of this Affidavit, and~~
  - ~~(-) I have applied for and received the homestead tax exemption as to the above described property, that \_\_\_\_\_ is the tax identification parcel number of this property, and that the undersigned has resided on this property continuously and uninterruptedly from (date) to the date of this Affidavit.~~
4. ~~The purpose of this Affidavit is to qualify for exemption from the City of Indian Rocks Beach Vacation Rental Ordinance. Sworn and subscribed before me by \_\_\_\_\_ this \_ day of \_\_\_\_\_ 20~~

Notary

**SECTION 2.** The provisions of this Ordinance shall control and supersede any existing ordinance or resolution to the contrary or in direct conflict herewith.

**SECTION 3.** For purposes of codification of any existing section of the City of Indian Rocks Beach's Code herein amended, words **underlined** represent additions to original text, words **stricken** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

**SECTION 4.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**SECTION 5.** The Codifier shall codify the substantive amendments to the City of Indian Rocks Beach's Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

**SECTION 6.** Pursuant to Florida Statutes § 166.041 (4), this Ordinance shall take effect immediately upon adoption.



**ADOPTED ON FIRST READING** on the \_\_\_\_ day of \_\_\_\_\_, 2025,  
by the City Commission of the City of Indian Rocks Beach, Florida.

**ADOPTED ON SECOND AND FINAL READING** on the \_\_\_\_ day of \_\_\_\_\_, 2025, by the City Commission of the City of Indian Rocks Beach, Florida.

\_\_\_\_\_  
Mayor-Commissioner

\_\_\_\_\_  
Lorin A. Kornijtschuk, City Clerk

# Business Impact Estimate

*This form should be included in the agenda packet for the item under which the proposed ordinance or resolution is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published.*

Proposed resolution's title/reference: **ORDINANCE 2025-01**

**AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING THE COMPREHENSIVE REGULATORY SCHEME REGARDING THE MARKETING AND OPERATION OF SHORT-TERM RENTALS WITHIN THE CITY; AMENDING ARTICLE V, "VACATION RENTAL REGULATIONS," WITHIN CHAPTER 18 – "BUSINESSES"; AMENDING THE ORDINANCE REGULATING THE REGISTRATION, INSPECTION, SAFETY, AND OPERATION OF VACATION RENTALS WITHIN SPECIFIED ZONING DISTRICTS IN THE CITY OF INDIAN ROCKS BEACH; AMENDING RELATED DEFINITIONS CONCERNING PERMISSIBLE OCCUPANCY; ALTERING REGISTRATION REQUIREMENTS; MODIFYING ENFORCEMENT PROVISIONS; AMENDING INSPECTION REQUIREMENTS; AMENDING THE DUTIES OF DESIGNATED RESPONSIBLE PARTIES; CLARIFYING LIFE SAFETY REQUIREMENTS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SUPREMACY, SEVERABILITY, AND FOR AN EFFECTIVE DATE.**

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

If one or more boxes are checked below, this means the City is of the view that a business impact estimate is *not* required by state law<sup>1</sup> for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:

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<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

- a. Development orders and development permits, as those terms are defined in Florida Statutes § 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under Florida Statutes § 163.3220-163.3243;
- b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the City;
- c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

**This Ordinance amends the regulatory framework governing the operation of short-term rentals, as last adopted in May 2023. This Ordinance balances the concerns of the public’s health, safety, and welfare. Additionally, if adopted, the Ordinance will resolve a series of legal claims directed to the City’s 2023 enactment regulating vacation rentals.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

**This Ordinance may have the effect of reducing compliance costs for businesses, as it reduces the amount of requisite postings and clarifies what is required for purposes of compliance.**

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

**There are no new charges or fees imposed by this Ordinance. Vacation rental operators will still have to pay all applicable taxes and fees associated with operation.**

(c) An estimate of the City’s regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

**The City cannot reasonably estimate the precise amount of its regulatory costs associated with the operation of this Ordinance. The variables preventing a precise estimate are contingent on the volume of registrants, timing of registration, inspection and coordination with other governmental authorities, and any compliance costs caused by any potential violations of the Ordinance’s restrictions.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

**The City cannot precisely identify the number of businesses. At present, the City has approximately 390 registered short term vacation rental operators. This number may increase or decrease based on the Ordinance, and owing to factors having nothing to do with the Ordinance's requirements.**

4. Additional information the governing body deems useful (if any):

**None.**

**AGENDA ITEM NO. 7**

**OTHER LEGISLATIVE MATTERS**

**AGENDA ITEM NO. 8**

**WORK SESSION**

**AGENDA ITEM NO. 9**

**OTHER BUSINESS**

**AGENDA ITEM NO. 10**

**ADJOURNMENT**