

ORDINANCE 2019-238

AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE), *ORDINANCE CODE*, TO CREATE A NEW PART 17 (SHORT TERM RENTALS) TO PROVIDE REGULATIONS AND ENFORCEMENT REGARDING SHORT TERM RENTALS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Amending Chapter 656 (ZONING CODE), *Ordinance Code*, to create a new PART 17 (SHORT TERM RENTALS). Chapter 656 (ZONING CODE), *Ordinance Code*, is hereby amended to create a new PART 17 (SHORT TERM RENTALS) to read as follows:

Chapter 656 - ZONING CODE

\* \* \*

PART 17. - SHORT TERM RENTALS

Sec. 656.1701. - Applicability, purpose, intent and definitions.

(a) *Applicability and purpose.* This Part shall apply to any Person who seeks to operate a Short Term Rental on any property within the City of Jacksonville. In adopting this Part, the Council finds that these reasonable rules, regulations and standards are necessary to protect the public health, safety and welfare of the citizens of, and visitors to, the City of Jacksonville, and to prevent unreasonable burdens on services and impacts on neighborhoods posed by Short Term Rentals. Special regulation of Short Term Rentals is necessary to ensure that they are compatible with surrounding residential uses, and do not harm

1 or alter the neighborhoods in which they are located. Maintenance  
2 of existing neighborhoods is essential to the City of  
3 Jacksonville's continued economic strength.

4 (b) *Intent.* It is the intent of this Part to minimize the  
5 impact of Short Term Rentals on neighborhoods, and to minimize the  
6 impact of the commercial character of Short Term Rentals. It is  
7 the further intent of this Part to regulate Short Term Rentals to  
8 ensure that they do not unreasonably interfere, disrupt or impact  
9 the quiet use and enjoyment of other properties proximate to the  
10 Short Term Rental, and to provide an enforcement mechanism to  
11 ensure that Short Term Rentals do not violate the provisions of  
12 this Part or this Code. In doing so, it is the Council's intent to  
13 promote the public health, safety and welfare of the citizens of,  
14 and visitors to, the City of Jacksonville.

15 (c) *Definitions.* As used in this Part, the following words  
16 or phrases shall have the meaning ascribed to them below, unless  
17 the context clearly indicates otherwise:

18 *Director* shall mean the Director of the Planning and  
19 Development Department.

20 *Operator* shall mean any Person who engages in the promotion,  
21 management and/or operation of a Short Term Rental, but is not the  
22 Property Owner of the property upon which the Short Term Rental is  
23 located.

24 *Person* shall mean any human being, any private corporation  
25 (for-profit and non-profit), any partnership, any firm, association  
26 or other organization, any receiver, trustee, assignee, agent, or  
27 other legal representative of any of the foregoing, or any other  
28 legal entity.

29 *Point of Contact* shall mean an individual designated by the  
30 Property Owner or Operator of the Short Term Rental who is  
31 available 24 hours per day to respond to telephone calls or text

1 messages related to the Short Term Rental.

2 *Property Owner* shall mean the owner of fee simple title of  
3 record for any property upon which a Short Term Rental is located,  
4 or is proposed to be located.

5 *Short Term Rental* shall mean the rental of any legally  
6 permitted dwelling unit, as that term is defined in Chapter 656,  
7 Part 16, *Ordinance Code*, or any portion of any legally permitted  
8 dwelling unit, for temporary and transient occupancy for dwelling,  
9 lodging or sleeping purposes, for any period of less than 182  
10 consecutive calendar days, including daily rental. Short Term  
11 Rental includes any contract or agreement that initially defined  
12 the rental term to be greater than 182 consecutive days and that  
13 was subsequently amended, either orally, or in writing, to permit  
14 the occupant(s) of the Short Term Rental to surrender the subject  
15 dwelling unit before the expiration of the initial rental term that  
16 results in an actual rental term of less than 182 consecutive days.  
17 This term excludes dwelling units where local regulation is  
18 preempted by state or federal law, including, but not limited to,  
19 dwelling units owned by the federal government, the state, or any  
20 of their agencies or political subdivisions, facilities licensed by  
21 the state as health care facilities, permanently affordable  
22 dwelling units, units rented or offered to individuals for health  
23 care purposes or social services purposes, and hotels, motels and  
24 bed and breakfast establishments, as such terms are defined in  
25 Chapter 656, Part 16, *Ordinance Code*.

26 *Short Term Rental Rules of Conduct* or *Rules of Conduct* shall  
27 mean a list of rules and regulations posted and maintained within  
28 each Short Term Rental, and shall include the Point of Contact,  
29 emergency and non-emergency fire, rescue and police contact  
30 numbers, and the site map. The Rules of Conduct shall also  
31 enumerate the City's regulations pertaining to noise, solid waste,

1 parking, open burning and any other City regulations deemed  
2 necessary by the Director.

3 **Sec. 656.1702. - Short Term Rentals permitted.** Short Term  
4 Rentals are permitted in any dwelling unit on any property, so long  
5 as such dwelling unit is a permitted use on such property pursuant  
6 to its zoning classification. This Section supersedes anything to  
7 the contrary in Chapter 656, Part 16, *Ordinance Code*.

8 **Sec. 656.1703. - Certificate of Use/registration required.**

9 No Property Owner or Operator shall use, or allow to be used,  
10 any property as a Short Term Rental without first obtaining a  
11 Certificate of Use for such property. Multiple units on a single  
12 property may be included under one Certificate of Use. The  
13 Certificate of Use shall also serve as the registration of the  
14 Short Term Rentals. All requirements for Certificates of Use in  
15 Chapter 656, Part 1, Subpart E, *Ordinance Code*, shall apply to  
16 Short Term Rentals, except as modified by, or in addition to, this  
17 Part. Since Short Term Rentals may be transient in nature, and  
18 such use may be easily commenced or eliminated, a separate, valid  
19 Certificate of Use shall be required for each Short Term Rental  
20 property. A Certificate of Use application, in a format determined  
21 by the Director, may be submitted by the Property Owner or the  
22 Operator of the Short Term Rental, and shall include all of the  
23 following:

24 (a) Name, address, electronic mail address, and telephone  
25 number of the Property Owner, Operator, and Point of Contact.

26 (b) Written consent of the Property Owner, if the application  
27 is not made by the Property Owner, to use the property as a Short  
28 Term Rental, including any limitations placed on the use by the  
29 Property Owner.

30 (c) A site map, sketch or drawing depicting the property  
31 boundaries and the location of the following:

1 (i) The structure(s) and other portions of the property  
2 that will be available for the Short Term Rental occupants and  
3 guests (pool, fire pits, playgrounds, gardens, sitting areas etc.);

4 (ii) All off-street parking that will be reserved for the  
5 Short Term Rental occupants and guests;

6 (iii) All solid waste/recycling containers that will be  
7 reserved for the Short Term Rental occupants and guests;

8 (iv) Evidence of physical posting of Point of Contact  
9 information within the Short Term Rental; and

10 (v) Any other information on the site map, sketch or  
11 drawing the Director deems necessary.

12 (d) The applicable Short Term Rental Rules of Conduct.

13 (e) A designation of the number of bedrooms within the Short  
14 Term Rental property available for rent.

15 (f) Evidence of a passing inspection issued by the City's  
16 Fire Prevention Division for compliance with Chapter 633, *Florida*  
17 *Statutes*, and Chapter 420, *Ordinance Code*.

18 (g) Evidence of a General Liability Insurance Policy for each  
19 Short Term Rental property. Multiple units on a single property  
20 may be included under one General Liability Insurance Policy.

21 (h) For Certificate of Use renewals, a certified, sworn  
22 statement of the number of nights each Short Term Rental was rented  
23 and the amount of taxes paid during the previous Certificate of Use  
24 period.

25 (i) A signed statement acknowledging that obtaining a  
26 Certificate of Use for a Short Term Rental authorizes the City to  
27 periodically audit the number of nights rented and taxes paid.

28 (j) A signed statement acknowledging that obtaining a  
29 Certificate of Use for a Short Term Rental requires reporting of  
30 any changes to the information submitted with the initial  
31 application for the Certificate of Use within five (5) business

1 days, including, but not limited to, changes to the Point of  
2 Contact, or a change of insurance carrier.

3 (k) Any other information deemed necessary by the Director.

4 **Sec. 656.1704. - Renewal every five (5) years required.**

5 Certificates of Use for Short Term Rentals shall be renewed every  
6 five (5) years from the date of issuance. Renewal applications may  
7 be submitted with only the information that has changed from the  
8 initial application but shall always include evidence of a passing  
9 inspection issued by the City's Fire Prevention Division for  
10 compliance with Chapter 633, *Florida Statutes*, and Chapter 420,  
11 *Ordinance Code*.

12 **Sec. 656.1705. - Transfer, sale or assignment of a Short Term  
13 Rental or Short Term Rental property.**

14 If a Short Term Rental or  
15 Short Term Rental property is sold, assigned, or otherwise  
16 transferred, the Certificate of Use shall not transfer to the  
17 transferee, and such transferee shall obtain a new Certificate of  
18 Use prior to using the property for a Short Term Rental.

19 **Sec. 656.1706. - Short Term Rental restrictions.**

20 Property Owners, Operators, and Points of Contact, as applicable, shall  
21 comply with all of the following:

22 (a) No Short Term Rental shall be located in any structure  
23 that fails to meet minimum building, zoning, property safety or  
24 fire codes.

25 (b) No Short Term Rental shall be located in any accessory  
26 structure not originally constructed or legally modified for  
27 residential use, in a recreational vehicle, or in any non-permanent  
28 quarters.

29 (c) The Point of Contact shall be prominently posted within  
30 the Short Term Rental. Points of Contact shall be available by  
31 telephone or text message 24 hours per day for each day of the  
rental period, and shall be responsible for ensuring that the Short

1 Term Rental occupants comply with the applicable Rules of Conduct.  
2 Contacting the Point of Contact at any time to respond to any  
3 nuisance or unsafe condition shall not be considered unreasonable.

4 (d) Occupancy of a Short Term Rental shall be limited to no  
5 more than two (2) adults (over age 16) per bedroom. There are no  
6 occupancy limits on the number of children (under age 16).

7 (e) No Short Term Rental may be used for any commercial or  
8 special event including, but not limited to, weddings, luncheons,  
9 banquets, parties, meetings, charity, or fund-raising events,  
10 unless such use is permitted by right in the Short Term Rental  
11 property's zoning classification, and such use complies with all  
12 other federal, state and local regulations.

13 (f) Exteriors of Short Term Rentals shall not change the  
14 residential character of the structure, either by the use of  
15 colors, materials, signage, lighting, or by the construction of  
16 accessory structures or garages that are visible off-site, and not  
17 of the same architectural character as the primary residence.

18 (g) No Short Term Rental shall be allowed to operate in such  
19 a manner as to constitute a nuisance to any other property by the  
20 emission of noise, glare, flashing lights, smoke, vibrations or  
21 odors not commonly experienced in residential areas.

22 (h) The Short Term Rental Property Owner shall be responsible  
23 for timely submission of all required taxes, fees and any other  
24 charges associated with operating a Short Term Rental, as well as  
25 maintaining proof of such payments.

26 (i) Where lawful and recorded covenants, easements or  
27 restrictions are more restrictive than this Part, the more  
28 restrictive provisions shall apply; however, the City shall not be  
29 responsible for enforcing any such covenants, easements or  
30 restrictions.

31 **Sec. 656.1707. - Short Term Rental property safety.** Short

1 Term Rental structures and property, at all times, shall be  
2 maintained in good condition and appearance with no structural  
3 damage or other unsafe or nuisance conditions, as defined in  
4 Chapter 518, *Ordinance Code*. It shall be grounds for immediate  
5 revocation of any Certificate of Use for any property against which  
6 daily fines have been assessed by the City's Special Magistrate, or  
7 where injunctive relief has been awarded to the City to enjoin  
8 prohibited activity on the property.

9 **Sec. 656.1708. - Enforcement.** All enforcement alternatives  
10 and penalties are available to enforce violations of this Part.  
11 The Property Owner, its agent, the Point of Contact, the Operator,  
12 or any other responsible party shall be individually and jointly  
13 responsible for compliance with this Part, which may include  
14 issuance of a cease and desist order, abating and removing any  
15 condition constituting a violation, an action for civil penalties,  
16 injunctive relief, recovery of attorney's fees and costs, and any  
17 other relief authorized by law. Nothing shall prevent the City  
18 from simultaneously or individually taking enforcement action  
19 against the Property Owner, its agent, the Point of Contact, the  
20 Operator, or any other responsible party.

21 **Section 2. Severability.** The provisions of this  
22 Ordinance are intended to be severable and if any provision is  
23 declared invalid or unenforceable by a court of competent  
24 jurisdiction, such provision shall be severed and the remainder  
25 shall continue in full force and effect with the Ordinance being  
26 deemed amended to the least degree legally permissible.

27 **Section 3. Effective Date.** This Ordinance shall become  
28 effective upon signature by the Mayor or upon becoming effective  
29 without the Mayor's signature.