

ORDINANCE NO. 2019-28

**AN ORDINANCE OF THE CITY OF LARGO, FLORIDA,
ADOPTING SECTION 15.18 OF THE CITY OF LARGO
COMPREHENSIVE DEVELOPMENT CODE TO ESTABLISH
REGULATIONS FOR SHORT-TERM VACATION RENTALS;
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the City of Largo has adopted a Comprehensive Development Code encompassing all land development regulations; and

WHEREAS, the City of Largo recognizes that the Comprehensive Development Code must be updated from time to time; and

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 2011-19, Laws of Florida) which preempted the local regulation of a specific land use commonly called short- term vacation rentals; and

WHEREAS, the 2014 Florida Legislature enacted Senate Bill 356 (Florida Chapter 2014-71, Laws of Florida) which revised the preemption on local regulation of short term vacation rentals to return 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, the City of Largo apply design standards tailored for residential neighborhoods for their roads, driveways, emergency services planning, public shelters, emergency evacuation plans, solid waste collection, utilities, buffers, and are also tailored in assessing their infrastructure impacts and their corresponding fair and proportionate impact/connection fees; and

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

WHEREAS, short-term vacation rentals with no application of mitigating standards when located in residential neighborhoods can create disproportionate impacts related to excessive occupancy and the lack of proper facilities if left unregulated; and

WHEREAS, some short-term vacation rentals will likely be created in structures that were built before more current building codes that require minimum life/safety improvements, like hardwired or interconnected smoke detectors, carbon monoxide detectors, or pool alarms and pool safety drains, etc.; and

WHEREAS, the presence of short-term vacation rentals in established residential neighborhoods can create negative compatibility impacts, among which include, but are not limited to on-street parking and diminished public safety; and

WHEREAS, the City of Largo desires short-term vacation rentals that are safe, fit in with the character of the community, provide positive impacts for tourism, increase property values, and achieve greater neighborhood compatibility; and

WHEREAS, these regulations are deemed necessary by the City Commission to preserve the City's aesthetic and property values while also protecting the health, safety and general welfare of permanent residents, lot/parcel owners, investors and transient occupants and visitors alike; and

WHEREAS, these regulations are being promulgated by the City Commission to supplement, but not to

replace, any existing federal or state law or regulation, or other controls within establishes residential neighborhoods served by a homeowner or condominium association; and

WHEREAS, these regulations do not regulate duration or frequency of rentals, but are intended to address the frequent change of many transient occupants housed within a dwelling within an established residential neighborhood; and

WHEREAS, a special committee, consisting of members of City Code Enforcement, Fire Department, and Planning Department, has been assembled to investigate and determine the best ways to regulate short-term vacation rentals in the City; and

WHEREAS, the application of minimum life/safety requirements to short-term vacation rentals, along with other minimum standards and requirements concerning issues such as the designation of responsible parties ensures that transient occupants are provided with a similar level of protection as is required by the current statutes and codes for residences utilized as hotels, motels and other similar lodging establishments; and

WHEREAS, the City Commission finds that adoption of this ordinance is consistent with its police powers and will protect the public health, safety, and welfare of the residents of the City, and is consistent with, furthers and implements the purposes, goals, policies, and objectives of the City's adopted Comprehensive Plan.

NOW, THEREFORE, THE CITY OF LARGO CITY COMMISSION HEREBY ORDAINS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as the findings of the City Commission.

Section 2. Section 15.18 of the City of Largo Comprehensive Development Code is hereby adopted and shall read as follows:

15.18 Short-Term Vacation Rentals

Short-term vacation rentals shall be permitted in all future land use designations that allow for residential uses provided they are in compliance with this section. No person shall rent or lease all or any portion of a dwelling unit as a short-term vacation rental, as defined in this section, without complying with the following criteria:

A. Definitions

1. Designated Responsible Party. The term "designated responsible party" means the owner, or any person eighteen (18) years of age or older designated by the owner, tasked with responding to requests for complaints, and other problems relating to or emanating from the short-term vacation rental. There shall only be one designated responsible party for each short-term vacation rental. An owner may retain a private property management company to serve as the designated responsible party.
2. Owner. The term "owner," shall mean the person or entity holding legal title to the short-term vacation rental property, as reflected in the Pinellas County Tax Collector's records.
3. Short-Term Vacation Rental. A "short-term vacation rental" means 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 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 but that is not a timeshare property, as defined in chapter 721, Florida Statutes, all as defined and as may be amended by sections 509.242(1)(c); (g), and 509.013(4)(a)1., Florida Statutes.
4. Transient Occupants. Any person or guest or invitee of such person, who occupies or is in actual or apparent control or possession of a short term vacation rental. There shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an

occupant of a short term vacation rental is a transient occupant.

B. Minimum life/safety requirements

1. Compliance with applicable laws. All short-term vacation rental units must meet the minimum standards for habitable structures set forth in the Florida Building Code, the Florida Fire Code, the Florida Life Safety Code; and the City's Comprehensive Development Code.
2. Swimming pool, spa and hot tub safety. All swimming pools, spas and/or hot tubs at short-term vacation rentals shall comply with the standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.
3. Fire extinguisher. A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor/level of each dwelling unit of a short-term vacation rental. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.
4. Internal posting. The following information shall be posted in a visually unobstructed area within each unit of a short-term vacation rental, all in a form prescribed by the City: the name and telephone number of the designated responsible party required by this Section; notice that all transient occupants must comply with the requirements of the City's Code of Ordinances including the maximum occupancy, parking, and minimum life/safety requirements prescribed in this section, as well as the City's Code of Ordinances governing noise, nuisances, and litter; the scheduled days of trash pick-up and recycling; the location of the nearest hospital; and a statement that all transient occupants must promptly evacuate the short-term vacation rental upon posting of any evacuation order issued by state or local authorities.

C. Maximum occupancy. The maximum occupancy for each short-term vacation rental unit is one (1) person per one hundred fifty (150) gross square feet of permitted, conditioned living space.

D. Parking. All short-term vacation rental units within the City are required to provide one (1) off-street parking space per three (3) transient occupants. On-street parking shall not count towards this minimum parking requirement. Garage spaces may count towards this minimum parking requirement if the space is open and available and the transient occupants are given vehicular access to the garage.

E. Designated responsible party.

1. The name and telephone number of the designated responsible party shall be either (i) prominently posted on the front exterior of the short-term vacation rental in a place visible to the public; or (ii) if there is a City of Largo Police Department Emergency Decal Registration associated with the short-term vacation rental and the name and telephone number of the designated responsible party has been provided as part of the Emergency Decal Registration, the encoded Emergency Decal may be posted in a place visible to the public instead of the name and telephone number of the designated responsible party.
2. The designated responsible party must be available at the posted telephone number twenty-four (24) hours a day, seven (7) days a week and capable of directly responding, or directing a designated agent to directly respond to and resolve any issues or concerns raised by transient occupants, City staff, or law enforcement when the short-term vacation rental is occupied. If necessary, the designated responsible party must be willing and able to come to the short-term vacation rental unit within two (2) hours following notification to address any issue that is not capable of being addressed via telephone.

F. Other standards. Any other standards contained the City's Code of Ordinances and Comprehensive Development Code shall apply to short-term vacation rentals to the extent allowable by law.

G. Enforcement. The provisions of this section shall be enforced using the procedures set forth in Chapter 9 of the City Code and/or Chapter 162, Florida Statutes.

Section 3. That it is the intention of the Largo City Commission that each provision hereof be considered

severable, and, if any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of the ordinance shall not be affected.

Section 4. That this ordinance shall take effect immediately upon its final passage and adoption.

APPROVED ON FIRST READING: _____

PASSED AND ADOPTED ON
SECOND AND FINAL READING: _____

CITY OF LARGO, FLORIDA

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Louis L. Brown
Mayor

Louis L. Brown, Mayor

REVIEWED AND APPROVED:

Alan Zimmet, City Attorney

ATTEST:

Diane Bruner, City Clerk