

CITY OF HOLMES BEACH

Previously referred to as Ordinance No. 21-16

ORDINANCE NO. 21-18

AN ORDINANCE AMENDING THE HOLMES BEACH VACATION RENTAL ORDINANCE, CHAPTER 4 (REGULATION OF VACATION RENTAL UNITS), SECTION 4-4 (DEFINITIONS) OF THE CODE OF ORDINANCES, AND AMENDING THE HOLMES BEACH LAND DEVELOPMENT CODE, ARTICLE VI (ZONING), DIVISION 2 (APPLICATION OF DISTRICT REGULATIONS), SECTION 6-6 (DISTRICT REGULATIONS) TO CLARIFY THE APPLICATION OF SHORT-TERM OCCUPANCY RESTRICTIONS ON PRIVATE RESIDENCES AND VACATION RENTAL UNITS DONATED AS AN AUCTION ITEM OR OTHERWISE MADE AVAILABLE TO A THIRD PARTY WITHOUT COMPENSATION; AND PROVIDING FOR SEVERABILITY, CONFLICTING ORDINANCES, AND AN EFFECTIVE DATE.

WHEREAS, the City of Holmes Beach is authorized by the Florida Constitution, Florida statutes, and the City Charter to promulgate and enforce its ordinances; and

WHEREAS, the City Commission has determined that the City's Vacation Rental Unit Ordinance and the Land Development Code are in need of clarification as they pertain to private residences and vacation rental units that are made available as auction items for charitable and non-charitable purposes or otherwise made available for use by third parties without direct compensation to the owner or property manager; and

WHEREAS, the City Commission has determined that the current restrictions establishing a minimum stay period for short term occupancies should also apply to private residences and vacation rental units that are made available as auction items for charitable and non-charitable purposes or otherwise made available for use by third parties without direct compensation to the owner or property manager; and

WHEREAS, the City Commission has determined that the minimum stay period for short term occupancies should be applied equally and should not exempt private residences and vacation rental units that are made available through auctions or other platforms that make the dwelling available to third parties who are not relatives or friends; and

WHEREAS, the City Commission has determined that the clarification of the Vacation Rental Unit Ordinance and Land Development Code will promote and protect the general health, safety, and welfare of the residents of and visitors to the City of Holmes Beach; and

WHEREAS, the duly noticed public hearings as required by law were held by the City Planning Commission and the City Commission at which public hearings all residents and interested persons were given an opportunity to be heard; and

WHEREAS, Article VIII, Section 2, of the Florida Constitution and Section 166.021(1), *Florida Statutes*, provide that a municipality may exercise any power for municipal purposes, except when expressly prohibited by law.

NOW, THEREFORE, be it ordained by the City Commission of the City of Holmes Beach, Florida, as follows:

SECTION 1. Findings of Fact: The "whereas" clauses are adopted as findings of fact and made a part of this Ordinance.

SECTION 2. Chapter 4 (Regulation of Vacation Rental Units), Section 4-4 (Definitions) of the Code of Ordinances is amended with the addition of the underlined provisions set forth below in the appropriate alphabetical position among the definitions"

Sec. 4-4. Definitions.

Rented, offered for rent, renting, offered for use. When the terms "rented," "offered for rent," "renting," "offered for use" or any derivation of those terms are used in this chapter, the meaning of those terms shall include the donation of a dwelling or rental unit for a charitable or non-charitable auction or other platform on which the unit is offered for use without full or partial compensation payable to the owner, property manager, or other person or entity on behalf of the owner or property manager. The definition shall exclude the use of a dwelling or rental unit by a relative of the owner or when the rental unit is made available to a person without direct or indirect compensation payable to the owner or property manager and not made available for use through an auction or other platform that makes the rental unit available to third parties.

SECTION 3. Article VI (Zoning), Division 2 (Application of District Regulations), Section 6-6 (District Regulations) of the Land Development Code is amended to add the underlined provisions of Sections A.3.j.; B.3.k.; C.3.j.; D.3.k.; E.3.k.; and F.3.k., as set forth below:

Sec. 6-6. District Regulations.

A. *R-1AA, single-family residential district.*

3. Development Standards

j. *Prohibition against short-term occupancy:*

(1) No dwelling or parcel shall be leased, subleased or rented for a term of less than 30 consecutive days and such occupancy shall be by the same individual or family.

(2) No timeshare interval associated with any dwelling or parcel shall be for a term of less than 30 consecutive days.

(3) No dwelling unit owned, leased, or rented by any corporate entity (including not-for-profit entities), shall be made available to employees, contractors, subcontractors, executives, officers, clients or guests of said corporate entity for periods of occupancy of less than 30 consecutive days and such occupancy shall be by the same individual or family.

(4) When the term "rented" or any derivation of that term is used in this subsection, the meaning of that term shall include the donation or offer of use of a dwelling for a charitable or non-charitable auction or other platform on which the dwelling is offered for use without full or partial compensation payable to the owner, property manager, or other person or entity on behalf of the owner or property manager. The definition shall exclude the use of a dwelling by a relative of the owner or when the dwelling is made available to a person without direct or indirect compensation payable to the owner or property manager and not made available for use through an auction or other platform that makes the dwelling available to third parties.

B. *R-1, Single-family residential district.*

3. Development Standards

k. *Prohibition against short-term occupancy:*

(1) No dwelling or parcel shall be leased, subleased or rented for a term of less than 30 consecutive days and such occupancy shall be by the same individual or family.

(2) No timeshare interval associated with any dwelling or parcel shall be for a term of less than 30 consecutive days.

(3) No dwelling unit owned, leased, or rented by any corporate entity (including not-for-profit entities), shall be made available to employees, contractors, subcontractors, executives, officers, clients or guests of said corporate entity for periods of occupancy of less than 30 consecutive days and such occupancy shall be by the same individual or family.

(4) When the term “rented” or any derivation of that term is used in this subsection, the meaning of that term shall include the donation or offer of use of a dwelling for a charitable or non-charitable auction or other platform on which the dwelling is offered for use without full or partial compensation payable to the owner or property manager. The definition shall exclude the use of a dwelling by a relative of the owner or when the dwelling is made available to a person without direct or indirect compensation payable to the owner or property manager and not made available for use through an auction or other platform that makes the dwelling available to third parties.

C. *R-2, Two-family residential district.*

3. Development Standards

j. *Prohibition against short-term occupancy:*

(1) No dwelling or parcel shall be leased, subleased or rented for a term of less than seven consecutive days and such occupancy shall be by the same individual or family.

(2) No timeshare interval associated with any dwelling or parcel shall be for a term of less than seven consecutive days.

(3) No dwelling unit owned, leased, or rented by any corporate entity (including not for profit entities), shall be made available to employees, contractors, subcontractors, executives, officers, clients or guests of said corporate entity for periods of occupancy of less than seven consecutive days and such occupancy shall be by the same individual or family.

(4) When the term “rented” or any derivation of that term is used in this subsection, the meaning of that term shall include the donation or offer of use of a dwelling for a charitable or non-charitable auction or other platform on which the dwelling is offered for use without full or partial compensation payable to the owner or property manager. The definition shall exclude the use of a dwelling by a relative of the owner or when the dwelling is made available to a person without direct or indirect compensation payable to the owner or property manager and not made available for use through an auction or other platform that makes the dwelling available to third parties.

D. *R-3, Medium density residential district.*

3. Development Standards

k. *Prohibition against short-term occupancy:*

(1) No dwelling or parcel shall be leased, subleased or rented for a term of less than seven consecutive days and such occupancy shall be by the same individual or family.

(2) No timeshare interval associated with any dwelling or parcel shall be for a term of less than seven consecutive days.

(3) No dwelling unit owned, leased, or rented by any corporate entity (including not for profit entities), shall be made available to employees, contractors, subcontractors, executives, officers, clients or guests of said corporate entity for periods of occupancy of less than seven consecutive days and such occupancy shall be by the same individual or family.

(4) When the term “rented” or any derivation of that term is used in this subsection, the meaning of that term shall include the donation or offer of use of a dwelling for a charitable or non-charitable auction or other platform on which the dwelling is offered for use without full or partial compensation payable to the owner or property manager. The definition shall exclude the use of a dwelling by a relative of the owner or when the dwelling is made available to a person without direct or indirect compensation payable to the owner or property manager and not made available for use through an auction or other platform that makes the dwelling available to third parties.

E. *R-4, Medium density residential district.*

3. Development Standards

k. *Prohibition against short-term occupancy:*

(1) No dwelling or parcel shall be leased, subleased or rented for a term of less than seven consecutive days and such occupancy shall be by the same individual or family.

(2) No timeshare interval associated with any dwelling or parcel shall be for a term of less than seven consecutive days.

(3) No dwelling unit owned, leased, or rented by any corporate entity (including not for profit entities), shall be made available to employees, contractors, subcontractors, executives, officers, clients or guests of said corporate entity for periods of occupancy of less than seven consecutive days and such occupancy shall be by the same individual or family.

(4) When the term “rented” or any derivation of that term is used in this subsection, the meaning of that term shall include the donation or offer of use of a dwelling for a charitable or non-charitable auction or other platform on which the dwelling is offered for use without full or partial compensation payable to the owner or property manager. The definition shall exclude the use of a dwelling by a relative of the owner or when the dwelling is made available to a person without direct or indirect compensation payable to the owner or property manager and not made available for use through an auction or other platform that makes the dwelling available to third parties.

F. *A-1, Multifamily residential/seasonal tourist district.*

3. Development Standards

k. All Residential Housing in A-1 District (does not include hotels and motels):

(1) The Use Chart for the A-1 District authorizes multiple family dwellings, one family and two family structures and resort housing provided that the requirements set forth in Section 6.6 F. (2) are met.

(2) Resort Housing is a defined term as set forth in Section 1.4 of the LDC and Section 4.4 of Chapter 4 of the Holmes Beach Code of Ordinances.

(3) When the term “rented” or any derivation of that term is used in this subsection, the meaning of that term shall include the donation or offer of use of a dwelling for a charitable or non-charitable auction or other platform on which the dwelling is offered for use without full or partial compensation payable to the owner or property manager. The definition shall exclude the use of a dwelling by a relative of the owner or when the dwelling is made available to a person without direct or indirect compensation payable to the owner or property manager and not made available for use through an auction or other platform that makes the dwelling available to third parties.

SECTION 4. Severability. If any section, subsection, paragraph, sentence, clause, or phrase in this Ordinance is held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions of this Ordinance.

SECTION 5. Conflicting Ordinances. Any section or provision in the City's Code of Ordinances that conflicts with the provisions of this Ordinance is hereby superseded.

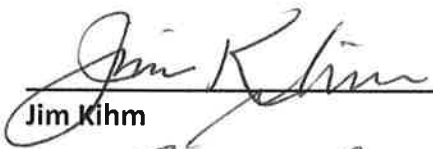
SECTION 6. Effective Date. This Ordinance shall be effective upon adoption by the City Commission and approval by the Mayor in accordance with the Charter of the City of Holmes Beach.

PASSED AND ADOPTED, by the City Commission of the City of Holmes Beach, Florida, in regular session assembled, this 28th day of September, 2021.

First Reading: 8-10-21

Publication Date: 9-1-21
9-15-21

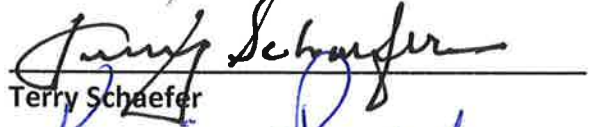
Second Reading and Public Hearing Date: Continued to: 9-28-21 = Adopted



Jim Kihm



Carol Soustek



Terry Schaefer



Kim Rash



Jayne Christenson

APPROVED BY ME THIS 29th DAY OF September, 2021.



Judy Titsworth, Mayor

ATTEST: 

Stacey Johnston, MMC, City Clerk