

ORDINANCE 2023-03

**AN ORDINANCE AMENDING THE WALTON COUNTY LAND DEVELOPMENT CODE, SUBSTANTIVELY AMENDING CHAPTER 1 GENERAL PROVISIONS ESTABLISHING THE WALTON COUNTY SHORT TERM VACATION RENTAL CERTIFICATE PROGRAM AND REQUIREMENTS; CHAPTER 2 ZONING DISTRICTS ESTABLISHING COMPATIBILITY REQUIREMENTS; CHAPTER 5 DESIGN AND DEVELOPMENT STANDARDS AMENDING PARKING STANDARDS AND INSTALLING SUPPLEMENTAL STANDARDS; AND CHAPTER 9 GLOSSARY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR MODIFICATIONS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizens; and

**WHEREAS**, the County desires to amend certain provisions of the Land Development Code to provide definitions and amend certain provisions of the Code to provide for the regulation of short term vacation rentals within the unincorporated areas of the County; 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 the Florida Statutes; and

**WHEREAS**, the 2011 Florida Legislature enacted House Bill 883 (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 (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 local governments 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**, pursuant to Section 163.3184, Florida Statutes, the Walton County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code amendments on April 14, 2022 and September 14, 2022 and the the Walton County Board of County Commissioners held a public hearing on June 27, 2022, October 27, 2022, and January 24, 2023 to consider the adoption of the proposed amendment to its Land Development Code; and

**WHEREAS**, through SB 356 short term vacation rentals cannot be prohibited from a

community and would be permitted in all zoning districts; and

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

**WHEREAS**, local governments apply design standards tailored for residential neighborhoods for their roads, driveways, emergency services planning, public shelters, emergency evacuation plans, solid waste collection, utilities, and buffers, and also tailored in assessing their infrastructure impacts and their corresponding fair and proportionate impact/connection fees; and

**WHEREAS**, permanent single-family home residents inherently understand and know their physical surroundings, to include any safety gaps and potential risks to their families, because they have daily familiarity; 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, and other similar safety measures that would readily be provided to guests in traditional lodging establishments; and

**WHEREAS**, short term vacation rental owners may live elsewhere and not experience the quality of life problems and negative impacts associated with larger, unregulated short term vacation rental units on residential neighborhoods; and

**WHEREAS**, some short term vacation rental owners will make investments in upgrading building safety measures of their rental properties, whereas other owners will not make such investments without local requirements; 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, noise, trash, and parking; and

**WHEREAS**, some short term vacation rentals will likely be created in single family homes that were built before more current building codes that require minimum life/safety improvements; and

**WHEREAS**, short term vacation rentals locating within established neighborhoods can disturb the quiet enjoyment of the neighborhood and burden the design layout of a typical neighborhood; 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**, traditional lodging establishments (hotels, motels, and bed & breakfasts) are

generally restricted to commercial and other non-residentially zoned areas where intensity of uses is separated from less busy and quieter residential uses; and

**WHEREAS**, traditional lodging establishments have stricter development standards, undergo annual inspections, and have more stringent operational and business requirements; and

**WHEREAS**, multi-family dwellings with short term vacation rental units are typically constructed to more stringent building code requirements and other fire/life safety measures that single- and two-family homes often do not have to meet, including sprinkler systems, interconnected fire alarm systems, fire alarm panels, emergency lighting, exit signs, fire extinguishers, and fire wall separation between occupancies; and

**WHEREAS**, multi-family dwellings with short term vacation rentals are routinely (often annually) inspected for fire/life safety code compliance to include inspections for the fire sprinkler system, interconnected fire alarm systems, fire alarm panels, fire pumps, emergency lighting, exit signs, backflow prevention, elevator operation, elevator keys and communication; and

**WHEREAS**, many multi-family dwellings with short term vacation rentals have onsite property managers and employees or other contracted vendors that oversee the maintenance, upkeep, security and/or operation of the property on a frequent basis; and

**WHEREAS**, the majority of complaints the County has received to date have been from single- and two-family neighborhoods and not for short term vacation rentals located within multifamily dwellings; and

**WHEREAS**, short term vacation rentals located in multi-family dwellings with onsite management, or governed by or subject to property owners, condominium owners association, or homeowners association, are not regulated locally at this time, but may be in the future if deemed necessary by the Board of County Commissioners under the County's home rule authority granted within the Florida Constitution and Florida Statutes; and

**WHEREAS**, whenever at least one (1) property owner permanently resides at a short term vacation rental located within the same structure, the number of renters is minimized and the owner can directly manage the property when it is under a short term vacation rental; and

**WHEREAS**, an on-site owner permanently residing at a short term vacation rental which also serves as the owner's principal residence will likely manage any vacation rental more restrictively than any local regulation because the owner has a direct, vested interest in how the property the owner resides in is used and maintained; and

**WHEREAS**, permanent residents within residential neighborhoods often establish long-term friendships, social norms and a sense of community which often leads to mutual respect among property owners on an ongoing basis; and

**WHEREAS**, a single-family dwelling home is typically the largest investment a family will make in their lifetime, with the home held sacred in popular culture as the heart and the center of the family unit; and

**WHEREAS**, permanent residents within established residential neighborhoods deserve the right to tranquility and peaceful enjoyment of their home without over intrusion by an excessive number of transient occupants in the neighborhood; and

**WHEREAS**, U.S. Census Bureau data indicated the average household size in Walton County (2016-2020) was 2.42 persons; and

**WHEREAS**, the operation of some short term vacation rentals in established neighborhoods in the County create a huge disparity in short term vacation rental impacts, with up to nine (9) times the average occupancy of an existing single-family residence, making the higher occupancy of the rental homes incompatible with established neighborhoods; and

**WHEREAS**, utility usage by short term vacation rentals may exceed the usage levels anticipated at the time of initial permitting as a single-family residence, creating a disparity between the connection fees or mitigation fees paid and the system impacts caused by their increased demand; and

**WHEREAS**, current vacation rental industry practice is to set maximum limits upon the number of transient occupants within a short term vacation rental unit, but lacking provisions for verification and enforcement when overcrowding occurs; and

**WHEREAS**, current vacation rental industry practice is to charge a flat rental fee for the term of the lease, regardless of the transient occupant count, which incentivizes the common practice for lessees of oversized structures used as short term vacation rentals to increase the transient occupant count so as to spread out the cost burden for the rental term among as many payers as possible; and

**WHEREAS**, the County desires to encourage short term vacation rentals that are safe, fit in with the character of the neighborhood, provide positive impacts for tourism, increase property values, and achieve greater neighborhood compatibility; and

**WHEREAS**, the County seeks to balance respect for private property rights and incompatibility concerns between the investors/short term vacation rentals and families/permanent single-family residences in established residential neighborhoods through the use of reasonable development standards; and

**WHEREAS**, these regulations are deemed necessary by the Board of County Commissioners to preserve property values and to protect 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 Board of County Commissioners to supplement, but not to replace, any existing federal or state law or regulation, or other controls within established residential neighborhoods served by a homeowners associations or similar; 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 single-family attached or detached dwelling within an established residential neighborhood; 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**, because of the high occupancy and transient nature of occupants within many short term vacation rentals, fire safety becomes important; and

**WHEREAS**, site-specific short term vacation rental standards, like minimum parking standards, solid waste handling and containment, and compliance with ordinances regulating noise, serve to maintain the decorum that exists among owners in established neighborhoods and are better assured by having these same standards conveyed to transient occupants through the duration of their rental; and

**WHEREAS**, short term vacation rentals operate as commercial enterprises, subject to additional regulatory requirements beyond those normally required of single family attached and detached residences, including business licensing by the State of Florida Department of Business and Professional Regulation's Division of Hotels and Restaurants, obtaining a local business tax receipt, and collecting and remitting various sales taxes to state and local government; and

**WHEREAS**, a vacation rental is a commercial lodging activity; and

**WHEREAS**, some vacation rentals in the County are being used exclusively as rentals by investors/owners; and

**WHEREAS**, the establishment of minimum business practices, such as the provision of both lease-specific and property-specific information to lessees, and the designation of a local short term vacation rental responsible party, ensures that the private property rights of the short term vacation rental owner are balanced with the needs of the County to protect visitors and tourists and to preserve the general welfare through its limited regulatory power; and

**WHEREAS**, the County, through this regulatory framework, will issue certificates to short term vacation rentals conforming to these standards, which will in turn provide a level playing field amongst all providers of short term vacation rental units; and

**WHEREAS**, this ordinance additionally establishes an enforcement mechanism for those short term vacation rentals which do not adhere to the standards on an initial or continuing basis, with the overall goal of the short term vacation rental program being compliance with the standards and not punitive in its scope; and

**WHEREAS**, County staff held community workshop meetings on October 7, 2021 and October 21, 2021 to hear, discuss, and consider the concerns of the general public and stakeholders, including representatives of the vacation rental industry and members of communities affected by vacation rentals, regarding vacation rentals and potential amendments to the Land Development Code addressing vacation rentals; and

**WHEREAS**, the County conducted an informal, non-scientific survey, ending February 1, 2022, of the general public, including short term vacation rental operators, to identify concerns related to short term vacation rentals and areas of potential local regulation; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on April 14, 2022 and recommended approval of this ordinance with changes to responsible party response time and signage, and

**WHEREAS**, the Board of County Commissioners and County staff have received and reviewed hundreds of pieces of correspondence from the general public and stakeholders, including vacation rental operators/managers, other representatives of the vacation rental industry, and members of communities affected by vacation rentals, expressing their concerns regarding the ordinance; and

**WHEREAS**, after due public notice having been provided, the Walton County Board of County Commissioners held a first reading public hearing on June 27, 2022 to consider the adoption of the proposed amendment to its Land Development Code, in accordance with Section 163.3184, Florida Statutes; and

**WHEREAS**, after due public notice having been provided, the Walton County Board of County Commissioners held a public hearing on July 26, 2022 to consider the adoption of the proposed amendment to its Land Development Code, in accordance with Section 163.3184, Florida Statutes; and

**WHEREAS**, the Walton County Board of County Commissioners considered all oral and written comments received during such public hearings, including the date and analyses provided for this amendment, the recommendations of the Planning Commission; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Walton County, Florida, that:

**SECTION I. PURPOSE AND INTENT.**

This Ordinance is hereby enacted to carry out the purpose and intent of, and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Chapter 163, Part II, Florida Statutes, as amended.

**SECTION II. TEXT AMENDMENTS.**

**ATTACHMENT A**

**SECTION III. CONFLICT WITH OTHER ORDINANCES OR CODES.**

All Ordinances or parts of Ordinances of the Code of Ordinances of Walton County, Florida, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION IV. SEVERABILITY.**

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction, the other provisions of this ordinance shall remain in full force and effect.

**SECTION V. SCRIVENER'S ERRORS.**

It is the intention of the Board of County Commissioners of Walton County, Florida and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Walton County, Florida and to that end, the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section" or "article" or other appropriate designation. Additionally, corrections of typographical errors which do not affect the intent of this Ordinance may be authorized by the County Attorney without public hearing, by filing a corrected or re-codified copy with the Clerk of Courts.

**SECTION VI. ORDINANCE TO BE LIBERALLY CONSTRUED.**

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

**SECTION VII. MODIFICATIONS.**

It is the intent of the Board of County Commissioners of Walton County, Florida, that the provisions of this ordinance may be modified as a result of considerations that may arise during a public hearing. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board.

**SECTION VIII. EFFECTIVE DATE.**

The effective date shall be as provided by law.

Duly enacted by the Board of County Commissioners of Walton County, Florida, at a regularly scheduled public hearing on the January 24, 2023.

BOARD OF COUNTY COMMISSIONERS  
WALTON COUNTY, FLORIDA

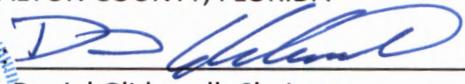
ATTEST:



*for*  
Alex Alford  
Clerk of Court



By



Daniel Glidewell, Chairman  
Board of County Commissioners

**Article 9 - Glossary**

**Short-term Vacation Rental:** A public lodging establishment consisting of 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 times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. The following are excluded from this definition:

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.
2. Any hospital, nursing home, sanitarium, assisted living facility, or other similar place.
3. Any unit or group of units in a condominium, cooperative, or timeshare plan.
4. Group homes as defined in Chapter 419, F.S.

### **1.13.16 Short Term Vacation Rental Certificate Requirements.**

A. Short-Term Vacation Rental Certificate Required. To verify compliance with the short-term vacation rental standards contained within this Code, any property owner who wishes to rent a residential unit as a short-term vacation rental must first apply for and receive a Short-Term Vacation Rental Certificate from Walton County and shall renew the certificate annually for as long as the unit is used as a short-term vacation rental. Each dwelling unit used as a short-term vacation rental requires a separate Short-Term Vacation Rental Certificate. An annual certificate fee shall be paid for each dwelling unit certified as a short-term vacation rental, in an amount to be determined by resolution of the board of county commissioners, to cover the cost of administration and enforcement of the certificate program. Failure to comply with any of the requirements of this section shall be subject to the remedies and enforcement provided in Subsection H.

#### B. Exemptions.

1. Condominiums as defined in Chapter 718, F.S.
2. Single Family attached or detached dwelling occupied on a full-time basis by the owner as an on-premises, permanent resident and that has been declared and continues to be declared as homestead by the Property Appraiser.
3. Cooperatives and Homeowner's Associations as defined in Chapters 719 and 720, F.S. may elect to apply for a community certificate for the entire community or units under their control.
4. In single family attached dwellings under common ownership where one of the dwellings (a) is occupied on a full-time basis by the owner of the dwellings as an on-premises, permanent resident and (b) has been declared and continues to be declared as homestead by the Property Appraiser.
5. Multi-family residential developments under common management.

#### C. Compliance affidavit and certificate requirement for short-term vacation rentals.

1. An affidavit of compliance with this Section is required prior to issuance of an initial Short-Term Vacation Rental Certificate. An executed affidavit which certifies that the Applicant:
  - a. Has received a copy of, and understands and will comply with the requirements for Short Term Vacation Rentals set forth herein; and
  - b. Acknowledges and agrees that the County shall have the right to reasonably inspect the premises to assure compliance; and



E. Short-term vacation rental responsible party.

1. The purpose of the responsible party is to respond to inspections as described in Section 1.13.16 D above as well non-routine complaints and other more immediate problems related to the short-term vacation rental of the property.
2. The property owner may serve in this capacity or shall otherwise designate a locally available short-term vacation rental responsible party to act on their behalf. Any person eighteen (18) years of age or older may be designated by the owner provided they can perform the duties listed in subsection E.3 below.
3. In addition to serving as the local emergency contact, the duties of the short term vacation rental responsible party are to:
  - a. Be available by landline or mobile telephone at the listed phone number twenty-four (24) hours a day, seven (7) days a week and capable of handling any issues arising from the short-term vacation rental use;
  - b. If necessary, be willing and able to come to the short-term vacation rental unit within one (1) hours following notification from an occupant, the owner, or the County to address issues related to the short-term vacation rental;
  - c. Authorized to receive service of any legal notice on behalf of the owner for violations of this section; and
  - d. Otherwise monitor the short-term vacation rental unit at least once weekly to assure continued compliance with the requirements of this section, including parking and trash requirements.
4. A property owner may change his or her designation of a short-term vacation rental responsible party temporarily or permanently; however, there shall only be one (1) short-term vacation rental responsible party for each short-term vacation rental at any given time. If the responsible party is an individual, he or she is required to arrange for an alternate during times of unavailability. To change the designated responsible party, the property owner shall notify the County in writing via a completed form provided by the County.

F. Short-term vacation rental/lease agreement minimum provisions and requirements. The rental/lease agreement shall be retained by the responsible party. The responsible party shall retain all rental/lease agreements for a period of one (1) year following the end of the rental period; and No rental/lease agreement shall be provided to or retained by the County except as part of an enforcement investigation, emergency, or other action by the County. At the County's request, the responsible party shall immediately provide the County with the rental/lease agreement. The rental/lease agreement or online agreement must contain the following information at a minimum:

1. Maximum occupancy of the short-term vacation rental unit as permitted on the Short-Term Vacation Rental Certificate for the property defined as one person per 150 square feet of gross floor area OR lower agreed upon maximum occupancy established during the certificate process.

2. Notice regarding the County's Noise Ordinance (Article 5 – Noise, Walton County Code of Ordinances) and potential civil infraction fines up to \$500.00 and/or potential criminal offense violation between the hours of 10:00 p.m and 6:00 a.m.
3. The days of trash pickup and recycling along with instructions requiring all trash to be kept in provided containers.
4. A statement that all transient occupants must evacuate from the short-term vacation rental upon posting of any emergency evacuation order issued by local, state, or federal authorities.
5. The maximum on- site parking available (maximum number of vehicles allowed) for the unit along with a sketch of the location of the usable off-street parking spaces and notice regarding areas where parking is prohibited.
- G. Required posting of the following short-term vacation rental unit information.
  1. On the back of or next to the main entrance door or on the refrigerator the following information shall be provided:
    - a. The address of the short-term vacation rental unit in case of emergency.
    - b. The name and phone number of the short-term vacation rental locally available responsible party.
    - c. The maximum occupancy of the unit defined as one person per 150 square feet of gross floor area as follows OR lower agreed upon maximum occupancy established during the certificate process:

**“Maximum Occupancy is (X) by order of the State Fire Marshal. In accordance with Florida Administrative Code 69A-43.018 the maximum occupancy load permitted for one and two family dwellings licensed as public lodging establishments shall be computed at 150 square feet gross floor area per person.”**
    - d. The maximum on- site parking available (maximum number of vehicles allowed) for the unit along with a sketch of the location of the usable off-street parking spaces and notice regarding areas where parking is prohibited.
    - e. Notice regarding the County's Noise Ordinance (Article 5 – Noise, Walton County Code of Ordinances) and potential civil infraction fines up to \$500.00 and/or potential criminal offense violation between the hours of 10:00 p.m and 6:00 a.m.
    - f. The days of trash pickup and recycling along with instructions requiring all trash to be kept in provided containers.
    - g. If the short-term vacation rental unit is located within the Walton County Wildlife Protection Zone, notice of sea turtle nesting season restrictions and sea turtle lighting usage.
    - h. The location of the nearest hospital with an emergency room and including a statement to call 911 in case of emergency; and

- i. Information describing beach safety specifically the flag notification system and penalties for violation.
2. If the short-term vacation rental unit includes three (3) or more occupied floors, on the third floor above ground level and higher floors there shall be posted, next to the interior door of each bedroom, a legible copy of the building evacuation map — Minimum 8½" by 11" in size.
3. Building sign for any registered single family attached or single family detached SVR unit meeting the following requirements:
  - a. The sign must be prominently placed on the wall or property of the short term vacation rental unit so that the required content of the sign shall be legible as viewed from the public right-of-way; however, signage shall not be placed in the public right-of-way.
  - b. Such signs shall not be larger than eighteen (18) by twelve (12) inches.
  - c. The sign must indicate the name, and twenty-four (24) hours per day, seven (7) days a week emergency contact phone number or the locally available responsible party or the County's short term vacation rental hotline number if available clearly identified as such and easily distinguishable from any rental related phone number if different.
  - d. The sign must indicate the units Short Term Vacation Rental Certificate Number.

H. Remedies/enforcement. Violations of this section shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal actions. To accomplish a safe and effective vacation rental program it is key that short-term vacation rental responsible parties are responsive and responsible in the management of the property for compliance with this section. Code enforcement activities will be in accordance with Florida Statutes Chapter 162 and Chapter 7 of this Code.

1. Warnings. Warnings shall be issued for first-time violations and have a correction/compliance period associated with it. These warnings may include notice to the Department of Business and Professional Regulation, the Department of Revenue, the Walton County Tax Collector and the Walton County Property Appraiser, as applicable. Non-compliance with a correction compliance period shall result in the issuance of a citation.
2. The County may utilize Part 1 of Florida Chapter 162 to prosecute these violations. Alternatively, the County may utilize Part 2 of Florida Chapter 162 and pursue violations by way of a civil citation system as provided in its Code of Ordinances. The civil citation fines per violation shall be set by Resolution of the Board of County Commissioners for first (1st), second (2nd), third (3rd) and further repeat violations. Regardless of whether the County utilizes Part 1 or 2, the County may also utilize an appropriate enforcing agency at the state or local level. Each day a violation exists shall constitute a separate violation.

3. Additional remedies. Nothing contained herein shall prevent Walton County from seeking all other available remedies which may include, but not be limited to, injunctive relief, liens, and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

## Chapter 2: Zoning Districts

### Section 2.02.00 Zoning Districts Established

Q. Short Term Vacation Rental Units: All Short term vacation rental unit hosts must complete the registration process annually as defined in Section 1.13.16 of this Code and receive a Walton County Short Term Rental Certificate as a condition of approval to construct a new short term vacation rental unit, convert, or operate an existing unit. This section shall apply to short-term vacation rental as defined Article 9 of the Land Development Code which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

1. Restriction and Limitation. No person shall rent or lease all or any portion of a dwelling unit as a short-term vacation rental without initially and then on a continuing basis:

- a. Obtaining a Short-Term Vacation Rental Certificate from the Walton County pursuant to Section 1.13.16. The requirements for obtaining such certificate shall be provided in an easily accessible guidebook and are as follows:
  - i. Obtaining a Florida Department of Revenue certificate of registration for purposes of collecting and remitting sales surtaxes and transient rental taxes, if required by law;
  - ii. Proof of registration for collecting and remitting tourist development tax ("TDT") through Walton County Clerk of Courts & Comptroller;
  - iii. Obtaining a Florida Department of Business and Professional Regulation license as a transient public lodging establishment, if required by State law; and
  - iv. As demonstrated through an affidavit, maintaining initial and ongoing compliance with the Short-term Vacation Rental Standards contained herein, plus any other applicable local, state, and federal laws, regulations, and standards to include, but not be limited to, Chapter 509, Florida Statutes, and Rule Chapters 61C and 69A, Florida Administrative Code or such successor statutes or Rules as may be applicable.

The zoning district related review requirements for new construction or proposals to increase the size of an existing short term vacation rental unit are as follows:

2. New construction and converted neighborhood scale short term vacation rental unit uses are permissible in every zoning district allowing single family residential detached, single family residential attached, and multi-family residential land uses including Residential Preservation provided that such units are compatible with the neighborhood and surrounding residential land use. Compatibility in this case is defined as:

- a. Parking for new construction single family attached and detached short term vacation rental units shall be required at a rate of one (1) parking space per six (6) occupants and utilizing the above 150 square feet gross floor area per person maximum occupancy requirement (one (1) parking space per 900 square feet).
- b. Residential character may be determined utilizing adjacent or other structures within the neighborhood vicinity of the new structure, including the use of similar fenestration, building orientation, and site design features such as fences, walls, driveways and parking areas.
- c. New single family attached and detached short term vacation rental units must include architectural articulation in wall design, step backs, or the fragmentation of form and surface in order to break large uninteresting or oppressive mass into smaller components.
- d. New short term vacation rental uses shall be designed internally to include common gathering areas, common kitchen areas, and at least one shared or common bathroom, so as not to facilitate the rental of individual rooms.

**Chapter 5 – Design and Development Standards**

**5.02.02. Offstreet Parking Requirements Chart.**

<b>A. Residential Uses:</b>		
1.	Detached single-family up to 3 bedrooms	<u>Minimum of 1 space per 900 square feet of heated and cooled living area in the South Walton Planning Area; Minimum of 2 spaces per dwelling unit in all other Planning Areas.</u>
2.	Detached single-family 4 or more bedrooms	<u>Minimum of 1 space per 900 square feet of heated and cooled living area in the South Walton Planning Area; Minimum of 4 spaces per dwelling unit, plus one additional space for each additional bedroom over 4 bedrooms in all other Planning Areas</u>
3.	Short term vacation rental <u>attached and detached unit up to 4 bedrooms</u>	<u>Maximum of 4 spaces per dwelling unit, Minimum of 2 spaces per dwelling unit—Minimum of 1 space per 900 square feet of gross floor area of primary unit in all Planning Areas</u>
4.	Detached short term vacation rental unit 4 or more bedrooms	Maximum of 6 spaces per dwelling unit; Minimum of 2 spaces per dwelling unit
<del>34.</del>	Multifamily--Efficiency or 1 bedroom	Minimum of 1.5 spaces per dwelling unit

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**5.02.06. Design Standards.**

**A. Materials for Parking Spaces.**

1. Acceptable paving material for vehicular parking areas includes asphalt, crushed shells, gravel, dolomite, sand clay, graded aggregate and concrete.
2. Access drives and aisles for all parking areas shall be paved, but up to 25 percent of the parking spaces may remain unpaved subject to the approval of the Planning Director. A place of worship, or other institutional use without daily parking needs may be allowed to leave 50 percent of all parking spaces unpaved. The applicant shall supply evidence that the unpaved parking area will not cause erosion, reduce water quality, or cause any other degradation of the natural or built environment.
3. The unpaved parking area allowed under this subsection shall not be calculated as part of a minimum required landscaped buffer or open space for the subject development site.

**B. Parking Space Maneuverability Standards**

The following standards shall generally be utilized, minor deviations may be considered by the County Engineer or designee but such deviations shall only be considered if the requested deviation is in full compliance with the most recent edition of the "Traffic Engineering Handbook" as published by the Institute of Traffic Engineers (ITE).

**PARKING SPACE STANDARDS**

Parking Angle	Stall Width (feet)	Stall Depth (feet)	Aisle Width	Curb Length per Car (feet)	<u>Minimum</u> Lot Width (Two Rows plus Aisle) (feet)
0°	9	10	12	23	32
45°	9	21.2	12	14.1	54.4
60°	9	22.3	18	11.5	62.6
90°	9	20	24	9	64

**COMPACT CAR PARKING SPACE STANDARDS**

Parking Angle	Stall Width (feet)	Stall Depth (feet)	Aisle Width (feet)	Curb Length per car (feet)	Lot Width (Two rows plus Aisle) (feet)
90°	7.5	17	24	7.5	

**GOLF CART PARKING SPACE STANDARDS**

Parking Angle	Stall Width (feet)	Stall Depth (feet)	Aisle Width (feet)	Curb Length per Car (feet)	Lot Width Two Rows plus Aisle (feet)
90°	6.5	10	12	6.5	32

C. Location of Parking Spaces on Single Family Detached and Single Family Attached Lots. Unless otherwise specified in a PUD Master Plan, Neighborhood Plan, or Development Order all parking spaces provided to meet minimum parking standards shall be located within the front or rear yards only.

D. *Drainage.* All required offstreet parking facilities shall conform to the stormwater management requirements of this Code and shall be drained so as not to cause any nuisance to adjacent private or public property.

E. *Access.* All parking spaces shall have direct access to public streets only by way of aisles or driveways, constructed in accordance with the provisions of this Code.

F. *Handicapped Parking.* Handicapped parking shall be designed in accordance with ADA standards and located on the shortest accessible route of travel to an accessible building entrance. The required number of spaces shall be provided as follows:

1. One (1) handicapped parking space for each twenty-five (25) required parking spaces, up to 100 parking spaces
2. One (1) additional handicapped parking space for each fifty (50) required parking spaces, for 101 parking spaces up to 300 parking spaces.
3. One (1) additional handicapped parking space for each 100 required parking spaces, for more than 300 parking spaces.

G. *Project Specific Waiver of General Requirements.* Where the Planning Director determines, upon request of an applicant and review of supporting data provided by the applicant, that the number of spaces generally required by this section is excessive for a specific proposed project, the owner or agent may substitute landscaping in lieu of paving provided said areas are reserved and available for conversion to a parking area in the future should the County find those spaces are needed, and further provided:

1. The owner of the land upon which such parking is being reserved shall enter into a written agreement with the County, ensuring that the reserved parking area shall never be encroached upon, used, sold, leased, or conveyed, for any purpose except in conjunction with the building or use which the reserved parking area serves so long as the offstreet parking facilities are required. This agreement shall be in a form acceptable to the County and shall be recorded in the Public Records of Walton County at the expense of the benefiting owner.

#### **Section 5.07.00 Supplemental Standards**

**5.07.03 Short-Term Vacation Rental Standards.** The following Standards shall govern the use of any single family detached or attached short-term vacation rental as a permitted use:

A. **Minimum life/safety requirements for single family detached and two family attached units:**

1. **Swimming pool, spa and hot tub safety.** A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.

2. Sleeping rooms. All sleeping rooms shall meet the single-family and two-family dwelling minimum requirements of the Florida Building Code.
  3. Automatic smoke detection requirements. All short term vacation rental units are required to meet the requirements of Chapter 69A-43, F.A.C
  4. 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 the unit. 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.
  5. Battery powered emergency lighting of primary exit. Battery powered emergency lighting which provides illumination automatically in the event of any interruption of normal lighting shall be provided for a period of not less than one (1) hour to illuminate the primary exit. For purposes of this requirement, short-term vacation rentals with Short-Term Vacation Rental Certificates issued prior to the enactment of the ordinance providing for the codification of this standard shall have a period of six (6) months to demonstrate compliance with the emergency lighting standard either through affidavit or inspection.
- B. *On-Site Parking Standard for All Single Family Attached and Detached New Construction and Existing Construction.* For new construction and new conversions of single family attached and detached units, based on the maximum short-term transient occupancy permitted or other self-imposed limit through the Certificate process, minimum off-street parking shall be provided as one (1) space per six (6) transient occupants. This is computed using 150 square feet gross floor area per person (one space per 900 square feet of gross floor area). This minimum parking standard shall not apply to any adopted Neighborhood Plan, Development Order, or area controlled by an active Homeowner's Association (HOA) or similar owners' association having other controlling mandatory parking requirements. In such cases, the Development Order, Neighborhood Plan, or HOA requirements shall govern.
1. Garage spaces shall only count if the space is open and available, and the transient occupants are given vehicular access to the garage. Failure to keep garage areas usable for vehicular parking if counted towards meeting the requirement shall result in a Code violation.
  2. On-street parking shall not be permitted within public rights of ways and may be limited on private rights of ways per the maintaining entity.
  3. On-site parking shall not be permitted in areas not otherwise designated for on-site parking spaces.
  4. Golf carts, RVs, trailers etc. may not occupy any designated on-site parking spot with reliance on on-street parking for other vehicles. All spaces designated towards achieving the required on-site minimum must be available to registered motor vehicles only unless fewer registered motor vehicles are on site in exchange for golf carts, RVs, trailers etc. being parked on site.

5. Existing short term vacation rentals at the time of this ordinance shall either limit occupancy based on available parking (6 occupants per parking space), increase parking onsite through the applicable permitting process, or limit the number of vehicles that are on site at any given time through guest communication. In all cases, the maximum occupancy is limited to 1 person per 150 square feet.
- C. On-Site Sewage Treatment and Disposal System Limitations: For structures utilizing on-site sewage treatment and disposal systems (OSTDS), the maximum number of occupants allowed shall be restricted in accordance with any OSTDS permit and the assumed occupancy/conditions the permit was issued under by the Walton County Health Department.
- D. Maximum occupancy. The maximum occupancy load permitted for single family attached and single family detached short term vacation rental units shall be computed at 150 square feet gross floor area per person OR lesser as agreed upon during the certificate process.
- E. Solid waste handling and containment. Based on the maximum transient occupancy permitted, thirty-five (35) gallons or greater of fully enclosed container capacity shall be provided-per four (4) transient occupants or fraction thereof. Appropriate screening and storage requirements for trash storage containers shall apply per any development approval or local neighborhood standard, whichever is more restrictive, and be incorporated into the Certificate. For purposes of this section, containers must have a lid that securely fastens to the container to prevent spills and animal access, with the container to be placed at curbside no earlier than 4:00 PM on the day before solid waste pickup and to be removed from curbside no later than sunset on the day of solid waste pick up unless otherwise controlled by an active Homeowner's Association (HOA) or similar owners' association having other controlling mandatory trash container and pick up requirements. Permanent structures for screening and storage of trash storage containers shall not be permitted within any designated scenic corridor overlay district. Private concierge service is highly encouraged, specifically on Saturday or high-volume change over days.
- F. Minimum short-term vacation rental/lease agreement wording. The short-term vacation rental/lease agreement shall contain the minimum information as provided for in Subsection 1.13.16 D.
- G. Minimum short-term vacation rental information required postings. The short-term vacation rental shall be provided with material to be posted within the rental unit as required by the County as prescribed in Subsection 1.13.16 D.
- H. Minimum short-term vacation rental lessee information. The short-term vacation rental lessee shall be provided with a copy of the information required in Subsection 1.13.16 D.
- I. Responsible Local Party. Designation of a short-term vacation rental responsible party capable of meeting the duties provided in subsection and capable of addressing issues locally within a short response time is required.

- J. Advertising. Any advertising of the short-term vacation rental unit shall conform to information included in the Short-Term Vacation Rental Certificate and the property's approval, particularly as this pertains to maximum occupancy and parking. All advertising shall include the Short Term Vacation Rental Certificate Number as well as the TDT Registration Number.