

## Article 9 - Glossary

**Short-term Vacation Rental:** This definition shall apply to all primary uses defined as Short Term Vacation Rental Attached and Short Term Vacation Rental Detached within this Code. 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 place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;
4. Any unit or group of units in a condominium, cooperative, or timeshare plan.
5. Group homes as defined in Chapter 419, F.S.

## Chapter 1 – General Provisions

**1.13.09. Administrative Developments.** Administrative Decisions are ministerial decisions of the Director of Planning and Development Services or designee in the administration of this *Code*. Administrative decisions are the result of the enactment and application of this *Code* by the Director or designee. The Director shall be assisted by appropriate staff and, where applicable, members of the Technical Review Committee, in making such administrative decisions. A final administrative decision approving a request for development permit shall be issued by the Director only after s/he has made a finding that the request for permit complies with all applicable provisions of this *Code* and all other applicable County regulations.

- A. The Director of the Department of Planning and Development Services shall make a final administrative decision (pursuant to procedures and requirements set forth for each particular type of request), for the following matters:
1. Building Plans and Floodplain Review (BPFR)
  2. Sign Permits
  3. Land Clearing Permits
  4. Less than Minor and Minor Development Plans
  5. Lot Splits, Fusions and Shifts: Changes to lots that are not part of a platted subdivision such as lots splits where one single parcel of land is being divided into only two separate lots or parcels one time; minor common lot line shifts or adjustments; or where two or more parcels of land are being fused into one single lot or parcel. Such applications maybe accomplished as part of a BPFR review.
  6. BPFR with Usage of Multiple Lots: Applications where a single family detached

residential use is being constructed over two or more lots within a platted subdivision, using common front and rear setbacks and outside lot side setbacks, where Section 1.13.12 B. would not require a re-plat and other applications where a single family detached residential use is being constructed over two or more lots.

7. Neighborhood scale short term vacation rental unit review (defined as less than 4,800 square gross square feet of primary unit space).<sup>1</sup>
8. ~~7~~Any other matter as to which this *Code* does not specify any necessity of review and final action by the Walton County Board of Commissioners or by a Board appointed by the County Commissioners.

### **1.13.10 Minor Development Plan**

A. Minor Development Plan is a proposed development that is not exempt from development plan review by this Chapter and meets one or more of the following:

1. A division of land into more than two (2) parcels, but fewer than twenty (20) parcels;
2. Multi-family residential projects of fewer than thirty (30) dwelling units and does not involve platting;
3. Non-residential projects involving a combined total building square footage of less than 20,000 square feet;
4. Individual project approvals within an approved DSAP, regardless of size.
5. Modifications to an adopted DSAP that do not meet the criteria in Section 1.13.10.A.6.a.
6. Larger scale short term vacation rental uses not located in zoning districts allowing multi-family residential uses. New construction or conversion of existing single family attached or single family detached units for occupancies greater than 32 persons or more than 4,800 square feet (one occupant per 150 square feet).

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

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 use an existing or proposed single family residential attached or detached unit as a short-term vacation rental must first apply for and receive a Short-Term Vacation Rental Certificate from the Walton County Clerk of Courts 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 costs of administration of the certificate and inspection program. Failure to comply with any of the

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<sup>1</sup> This change allows for processing of new construction STRs less than 4,800 square feet as staff approval without a Technical Review Committee meeting.

requirements of this section shall be subject to the remedies and enforcement provided in subsection . 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 tourist development taxes, sales surtaxes, and transient rental taxes;
- ii. Obtaining a Florida Department of Business and Professional Regulation license as a transient public lodging establishment; and
- iii. 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.

A. Routine compliance inspections and compliance affidavit requirement for short-term vacation rentals required.

1. An inspection of the dwelling unit or affidavit of compliance with this section is required prior to issuance of an initial *Short-Term Vacation Rental Certificate*. If violations exist, all violations must be corrected prior to issuance of the initial *Short-Term Vacation Rental Certificate* as provided herein<sup>2</sup>.
2. Once issued, a short-term vacation rental unit must be properly maintained in accordance with the short-term vacation rental standards herein and will be re-inspected annually or, in the event of a Certificate transfer, re-inspected at the time of transfer. For an inspection, all violations must be corrected and re-inspected within thirty (30) calendar days. Failure to correct such inspection deficiencies in the timeframes provided shall result in enforcement as provided in subsection until such time as the violation(s) is/are corrected and re-inspected.
3. Routine and random inspections shall be made by appointment with the short-term vacation rental responsible party. If the inspector(s) has made an appointment with the responsible party to complete an inspection, and the responsible party fails to admit the officer at the scheduled time, the owner shall be charged a "no show" fee in an amount to be determined by resolution of the board of county commissioners to cover the inspection expense incurred by the County.
4. If the inspector(s) is denied admittance by the short-term vacation rental responsible party or if the inspector(s) fails in at least three (3) attempts to complete an initial or subsequent inspection of the rental unit, the inspector(s) shall provide notice of failure of inspection to the owner to the address shown on the existing Short-Term

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<sup>2</sup> Note that annual physical inspection is NOT required and can be accomplished via affidavit of compliance.

Vacation Rental Certificate or the application for Short-Term Vacation Rental Certificate.

- a. For an initial inspection, the notice of failure of inspection results in the certificate not being issued and the short-term vacation rental is deemed not in compliance with section \_\_\_\_\_.
- b. For a subsequent inspection, the notice of failure of inspection is considered a violation pursuant to subsection F.2. above and is subject to enforcement remedies as provided herein.

B Short-term vacation rental responsible party required.

1. The purpose of the responsible party is to respond to routine inspections and 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 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 G.3 below.
3. The duties of the short-term vacation rental responsible party whether the property owner or an agent 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 two (2) 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. To change the designated responsible party, the property owner shall notify the County in writing via a completed form provided by the County.

C. Short-term vacation rental/lease agreement required minimum provisions. The rental/lease 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;
2. A statement that all transient occupants must evacuate from the short-term vacation rental upon posting of any evacuation order issued by local, state, or federal authorities;
3. 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
4. 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.

D. Required posting of the following short-term vacation rental unit information.

1. On the back of, next to the main entrance door, in the central kitchen area, or on the refrigerator there shall be provided as a single page or digital format reader with the following information:
  - a. The name, address and phone number of the short-term vacation rental responsible party;
  - b. The maximum occupancy of the unit defined as one person per 150 square feet of gross floor area;
  - c. 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.
  - d. Notice that quiet hours are to be observed between 10:00 p.m. and 8:00 a.m. daily or as superseded by any county noise regulation;
  - e. The days of trash pickup and recycling along with instructions requiring all trash to be kept in provided containers at all times;
  - f. 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;
  - g. The location of the nearest hospital or emergency room; and
  - h. 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.

E. Offenses/violations.

1. Non-compliance with any provisions of this section shall constitute a violation of this section, which shall include, but shall not be limited to, the specific paragraphs within subsection 14.B.
2. Separate violations. Each day a violation exists shall constitute a separate and distinct violation.

K. 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 the Walton County Code of Ordinances.

1. Warnings. Warnings shall be issued for first-time violations and have a correction/compliance period associated with it. Such warnings may include notice to other agencies for follow-up by such agencies, such as 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 a code violation and in such case a special magistrate shall be authorized to hold hearings, assess fines in accordance with the statute and order other relief in lieu of using a county code enforcement board. 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.
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.

L. Reserved.

M. Reserved.

## **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 in order to construct a new short term vacation rental unit, convert, or maintain an existing unit. This section shall apply to short-term vacation rental as defined Article 9 of the Land Development Code. This section shall not apply to short-term vacation rentals within a multi-family residential building, or a group of multi-family residential buildings, which includes four (4) or more individual dwelling units within such building or group of buildings (Multi-family residential). This section shall not apply to any facilities that are occupied on a full-time basis by the owner as an on-premises permanent resident.

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 obtaining a *Short-Term Vacation Rental Certificate* from the Walton County Clerk of Courts and complying with the requirements found in Section 1.13.16 of this Code.
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. Having no more than 4,800 square feet of gross floor area and / or a maximum occupancy of thirty-two (32) persons. Occupancy is calculated using 150 square feet gross floor area per person.
  - b. Parking for new conversions or new construction short term vacation rental units shall be required at a rate of one (1) parking space per four (4) occupants and utilizing the above 150 square feet gross floor area per person maximum occupancy requirement.
  - c. New construction short term rental unit uses shall be constructed so that the building structure including bulk, height, and mass shall be of a residential scale adhering to all applicable height limitations and setback requirements found in Chapter 5 of this Code.
  - d. Residential scale 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.
  - e. New short term vacation rental units must include architectural articulation in wall design or the fragmentation of form and surface in order to break large uninteresting or oppressive mass into smaller components.
  - f. 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 rooms to unrelated individuals.

3. Larger scale short term vacation rental units in excess of subsection 2.a. above, are only allowable in zoning districts not allowing multi-family residential uses following the review procedures for “Minor Development Plan” as provided for in Chapter 1 of this Code, Specifically Section 1.13.10.<sup>3</sup> Such units shall also meet the requirements of Section 2.b. through d. above related to compatibility but shall also follow this more stringent review process.

**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	Minimum of 2 spaces per dwelling unit
2.	Detached single-family 4 or more bedrooms	Minimum of 4 spaces per dwelling unit, plus one additional space for each additional bedroom over 4 bedrooms
3.	Short term vacation rental <u>attached and detached unit up to 4 bedrooms</u>	<del>Maximum of 4 spaces per dwelling unit, Minimum of 2 spaces per dwelling unit</del> <u>One space per 600 square feet of gross floor area</u>
4.	<del>Detached short term vacation rental unit 4 or more bedrooms</del>	<del>Maximum of 6 spaces per dwelling unit; Minimum of 2 spaces per dwelling unit</del>
<u>43.</u>	Multifamily--Efficiency or 1 bedroom	Minimum of 1.5 spaces per dwelling unit

<sup>3</sup> South Walton Zoning Districts allowing multifamily are as follows: Neighborhood Infill, General Commercial, Small Neighborhood, Traditional Neighborhood Development, Coastal Center Mixed Use, Coastal Village -1 , Village Mixed Use, Town Center -1, Resort, Bay Walton Sector Plan Village Center, Town Center and Low Impact Residential. This essentially excludes the larger units within Residential Preservation and Conservation Residential from the lesser review process. This does not mean the larger units cannot be built, but rather requires a more robust review requirement in Residential Preservation and Conservation Residential. The Minor Development process will allow for neighbor notification.



## **Section 5.07.00 Supplemental Standards**

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

- A. Minimum life/safety requirements for existing and proposed short term vacation rental 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 until December 31, 2022 to receive an inspection (as part of the renewal of the initial certificate) to demonstrate compliance with the emergency lighting standard.
- B. On-Site Parking Standard for New Construction and Existing Construction. Based on the maximum short-term transient occupancy permitted, minimum off-street parking shall be provided as one (1) space per four (4) transient occupants and is computed using 150 square feet gross floor area per person (one space per 600 square feet of gross floor area). This provision shall not apply within any adopted Neighborhood Plan area or area controlled by an active Home Owners Association (HOA) or similar owners association having other controlling parking requirements. In such cases, the 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.
  2. On-site parking shall not be permitted in areas not otherwise designated for on-site parking spaces.

3. Golf carts, RVs, trailers etc. may not occupy any designated parking spot used for calculation of the minimum spaces required. All spaces designated towards achieving the required on site minimum must be available to registered motor vehicles only at all times.
- 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.
- E. *Solid waste handling and containment.* Trash may not be placed outside of provided storage containers at any time. Based on the maximum transient occupancy permitted, one (1) trash storage container 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, a trash storage container shall be a commercially available thirty-five (35) gallon or greater capacity container with a lid that securely fastens to the container so as to prevent spills and animal access, with the container to be placed at curbside on the day of solid waste pickup and to be removed from curbside no later than sunrise the following day. Permanent structures for screening and storage of trash storage containers shall not be permitted within any designated scenic corridor overlay district.  
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- F. *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.

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<sup>4</sup> Could only reference 30 A scenic corridor but critical is noticing guests to not leave trash outside of the containers. Trash can either be picked up more frequently by hosts or guests need to make arrangements to take trash off site upon departure.