



City of Flagler Beach

Planning & Zoning Department

800 S. Daytona Avenue, Flagler Beach, FL 32136 - Phone: 386-517-2000 Ext 231

Checklist for Short Term Rentals

- 1. Completed Resort Dwelling/Condo Rental Permit Application _____
- 2. Copy of Recorded Warranty Deed or printout from Property Appraiser's website _____
- 3. Copy of General Liability Insurance _____
- 4. Fire Safety Inspection (completed application **MUST** be submitted for review prior to scheduling a fire safety inspection). _____
- 5. A copy of your State License(s) issued by the Department of Business and Professional Regulations. (State website: www.myflorida.com/dbpr) _____
- 6. Completed Notice of Requirements of Minimum Standards Form _____
- 7. Completed Resort Dwelling/Condo LBTR Application _____
- 8. Copy of Sales Tax Certificate (State website: www.myflorida.com/dor) _____
- 9. Completed Billing, Local Contact & Property Management Information Form _____
- 10. Tippy Cart Fee Purchase \$90.95 per tippy cart (one-time fee, sales tax included) *Please indicate how many tippy carts you will purchase or provide proof of purchase & number of carts purchased from other vendors.*

_____ **Number of Tippy Carts**

Fees: List of fees are on page 7 of this application. Annual fees: Rental Permit Fee and Local Business Tax Receipt Fee
Renewal notices will be mailed out prior to expiration date of permit along with required self-inspection form.

****NOTICE** FOR ALL RENTAL RESORT DWELLINGS: Sanitation service charge will increase to the current base commercial sanitation rate billed on monthly utility bills. CONDOMINIUM RESORT RENTAL UNITS on master meters will receive a yearly Sanitation Surcharge invoice after initial payment is made. Invoices will be mailed out in December, which will be equal to a 12-month billing cycle.**

ALL APPLICABLE DOCUMENTS LISTED ABOVE *MUST* BE SUBMITTED WITH THE COMPLETED APPLICATION FOR APPROVAL.

Signature

Date



Permit Number _____

Resort Dwelling/Resort Condominium Rental Permit Application

Effective July 1, 2018, your local business tax receipt number is required in all advertisement(s) of rental properties (per County Ordinance 2018-10). Rental unit is required to be registered with Flagler County Tax Collectors office.

Type: Resort Dwelling _____ OR Resort Condominium _____

Number of Rental Units: _____ If multiple units, are the units contained in one building? Y N

Zoning (Check One):

- Tourist Commercial (TC)
- Commercial (GC)
- Residential Nonconforming

Property Address: _____

Owner's Name: _____ Phone Number: _____

Owner's Address: _____

Local Contact: _____ Phone Number: _____

Local Contact Address: _____

* Please call (386)517-2000 ext. 231 to set up your Fire Inspection. The City of Flagler Beach reserves the right to inspect the premises at any time to ensure rentals are in accordance with the Fire Code. Call 386-931-5347 or 386-517-2010 for further information regarding the Fire Code. **Please Note, Per City of Flagler Beach Code of Ordinances Appendix A, Land Development Regulations Sec. 2.06.12. (4)(e) At the time an initial application for a resort dwelling/resort condominium rental permit is submitted to the city, the city shall schedule an inspection of the rental property by the fire marshal or his designee. The city shall also provide the owner with a resort dwelling compliance regulations worksheet. Within thirty (30) days prior to the date a resort dwelling/resort condominium rental permit expires, each owner shall perform an annual self-inspection of the rental property and complete the compliance regulations worksheet. The completed compliance worksheet shall be provided to the city upon application for a renewal of the resort dwelling/resort condominium rental permit.**

2008-08 Summary Ordinance Requirements:

- **Minimum stay of seven (7) days**
- **2 guests per bedroom plus 2 guests per sleeper sofa not to exceed 4 additional people**
- **Notice of Minimum Applicable Standards shall be maintained within the rental property at all times**
- **Failure to maintain a Resort Dwelling/Resort Condominium Rental Permit shall subject the violator to enforcement proceedings.**
- **A Resort Dwelling/Resort Condominium Rental Permit shall apply from October 1 of each year and shall expire on September 30 of the succeeding year.**
- **Within ten (10) days of any change to the name, local address or local phone number of the local contact or representative, the owner shall notify the City in writing of such change and provide updated information.**

Signature

Date

City of Flagler Beach Review

Approved/Denied

Date



Notice Requirements of Minimum Housing and Development Standards Applicable to Resort Dwellings/Resort Condominiums

Property Owner _____

Rental Property Address _____

COMPLIANCE REGULATIONS

- *All buildings, railings, stairs, balconies, structures, electrical, gas, mechanical or plumbing systems which are unsafe or unsanitary which do not provide adequate egress or which constitute a fire hazard or are otherwise dangerous to humans or which in relation to existing use, constitute a hazard to safety or health are considered unsafe buildings, structures or service systems and are hereby declared illegal and shall be abated by repair or rehabilitation or by demolition.*
- Each property shall be inspected by the Fire Department prior to the issuance of a Local Business Tax Receipt. Thereafter, the rental property shall be self-certified annually.
- Summary of ordinances related to noise, parking, dune protection, turtle nesting season, littering and trash collection are provided as required:
 - The maximum sound level in residential areas is 60 decibels from 7am-10pm and 55 decibels from 10pm-7am.
 - Parking is permitted in City-owned parking lots; however, overnight parking is prohibited.
 - Please do not disturb the dunes as they are protected; use dune walkovers.
 - Turtle nesting season begins May 1st and continues through November 1st. Outdoor lighting should be amber in color during this time to avoid confusion. Please do not disturb the nests or the turtles as they are protected.
 - Littering is strictly prohibited so please use waste receptacles; recycling is required. Please adhere to the City trash collection schedule as posted. The current base **Commercial** Sanitation Rate is charged to all Short-Term Rentals. Call 386-517-2000 ext. 226 with questions.
 - Please keep your pets leashed and kindly dispose of pet waste properly.
 - Leashed pets are permitted on the beach in all areas except between 10th Street North and 10th Street South; please note, this does not apply to seeing-eye dogs.

Signature

Date

Permit Number



Resort Dwelling/Resort Condominium Local Business Tax Receipt Application

Effective July 1, 2018, your local business tax receipt number is required in all advertisement(s) of rental properties (per County Ordinance 2018-10). Rental unit is required to be registered with Flagler County Tax Collectors office.

Type: Resort Dwelling _____ OR Resort Condominium _____

Zoning (Check One):

- Tourist Commercial (TC)
- Commercial (GC)
- Residential Nonconforming

Property Address: _____

Owner's Name: _____ Phone Number: _____

Owner's Address: _____

E-mail Address: _____

Sales Tax Number: _____ Social Security Number or FEIN: _____
Required by F.S. 205.054(5)

State License Number: _____ Expiration Date: _____

I certify that the above information is correct to the best of my knowledge. I acknowledge receipt of the Notice Requirements of Minimum Applicable Standards Form. I certify that the information given in this application is complete and accurate, and I understand that to make false or fraudulent statements within this application may result in denial of license and possible legal action. If I am granted a Business Tax Receipt I agree to operate within the City and State laws. Any changes to the information on the application must be submitted to the City within ten (10) days. I also certify that I am the business owner or the owner's legal agent.

Signature Date

Each owner to which this ordinance is applicable shall receive a Notice Requirements of Minimum Applicable Standards Form acknowledging notice of housing and development standards. The form shall be filed with an initial Local Business Tax Receipt application or, for existing receipts, by October 1 of each licensing year.

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City of Flagler Beach Review

Approved/Denied Date



Billing, Local Contact & Property Management Contact Information

Per City of Flagler Beach Code of Ordinances, Appendix A, Land Development Regulations Sec. 2.06.12. (4)(d) - Rental units. At the time of applying for a resort dwelling/resort condominium rental permit, the owner of the resort dwelling or resort condominium shall provide in writing to the city the name, local street address and local phone number of a local contact or representative who is available twenty-four (24) hours a day, seven (7) days a week for emergency contact. Within ten (10) days of any change to the name, local address or local phone number of the local contact or representative, the owner shall notify the city in writing of such change and provide updated information. The name and local phone number of the local representative shall also be posted at the property for emergency contact.

Property Address: _____

Billing Contact Information:

In Care of: _____

Billing Address: _____

Billing Email: _____

Local Contact Information:

Name: _____

Phone Number: _____ or _____

Address: _____

Email: _____

Property Management Company Contact Information:

Name: _____

Phone Number: _____ or _____

Address: _____

Email: _____

Signature of the Owner or Authorized Agent*

Date

* Signature denotes compliance of the above and all of Appendix A, Land Development Regulations Section 2.06.12(4) (d), Rental Units, City of Flagler Beach Code.

Fire Pre-Inspection List

Housekeeping

- Combustible material shall not be stored in mechanical rooms or electrical equipment rooms, in exits or exit enclosures.
- Combustible storage shall be at least 2 feet below the ceiling or 18 inches below sprinkler heads.
- Compressed gas containers, cylinders, and tanks shall be secured to prevent falling.

Commercial Cooking Processes

- A Class K fire extinguisher shall be mounted within 30 feet of commercial food equipment using vegetable or animal oils.
- Commercial cooking systems shall be serviced semi-annually.
- Hoods, grease removal devices, fans, ducts, and other appurtenances shall be cleaned to bare metal. Cleaning shall be recorded, and records shall state the extent, time, and date of cleaning. Records shall be maintained on premises.

Building Maintenance

- The building address shall be clearly visible from the street, minimum 3 inches in height with a contrasting background.
- Provide Knox box if required.
- Provide keys for Knox box if required.
- Fire-resistant-rated construction shall be maintained.
- Provide legible & permanent sign with occupant load posted in conspicuous location.
- Emergency lighting must be tested every six months and records must be maintained on site.

Electrical

- All electrical switches and junction boxes must be properly covered with cover plates and the electrical system safe from any apparent shock and/or other electrical hazards.
- A 30 " area in front of the electrical panel must remain clear
- When multiple items need to be plugged in, a power tap utilized with a built-in circuit breaker must be used and the power tap plugged directly into a permanent installed receptacle.
- Extension cords and flexible cords shall not be a substitute for permanent wiring.

Exits

- Exit ways and doors shall not be visually or physically obstructed.
- Exit ways and doors shall be unlocked when the building is occupied.
- Exit signs shall be illuminated.
- Emergency lighting systems shall be functional.
- Fire exits shall not be obstructed or otherwise impaired from their proper operation at any time.
- Main door shall have a sign above door stating "THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED."

Fire Protection

- All fire lanes, hydrants, fire department connections (F.D.C.) or control valves shall be clear and unobstructed.
- Sprinkler or fire alarm systems shall be serviced annually.
- Fire protection systems shall be maintained in an operative condition at all times and repaired where defective.

Portable Fire Extinguishers

- A minimum of one 2A-10:BC portable fire extinguisher shall be provided within 75 feet of travel distance from anywhere in the business on each floor.
- Fire extinguishers shall not be obstructed and shall be in a conspicuous location.
- When visually obstructed, an approved means shall be provided to indicate location.
- Fire extinguishers shall be mounted on wall with hanger according to NFPA standards.
- All fire extinguisher tags should be attached to the equipment and legible.



FOR QUESTIONS OR TO SUBMIT AN APPLICATION, PLEASE CONTACT

Michele Ficocello, *Planning Technician* (386) 517-2000 Ext 231
mficocello@cityofflaglerbeach.com

P.O. Box 70
 800 S Daytona Avenue
 Flagler Beach, FL 32136
www.cityofflaglerbeach.com

FEES

Application Review: \$60.00
 Local Business Tax Receipt: \$55.12
 Rental Permit: \$50.00 (per unit)
 Initial Fire Safety Inspection: \$400.00
 Transfer: \$5.51 (if applicable)

STATE CONTACTS:

Agency	Contact	Website	
State of Florida		https://openmyfloridabusiness.gov/eguide/	Starting a business
Division of Hotels & Restaurants	850-487-1395	MYFLORIDA.COM/DBPR	State Vacation Rental License
Department of Revenue	386-274-6600	MYFLORIDA.COM/DOR	Sales Tax Registration
Florida Division of Corporations	850-245-6058	SUNBIZ.ORG	Fictitious Name /Corp.
Flagler County Tax Collector	386- 313-4160	flaglertax.gov/tourist-development-tax/	Tourism Tax Registration

PUBLIC RECORD INFORMATION

Please Note: A Business Tax Receipt may not be issued unless the federal employer identification number OR social security number is obtained from the person to be taxed pursuant to F.S. 205.054(5). The City of Flagler Beach recognizes that an individual's Social Security Number is a unique form of identification that can be utilized to obtain sensitive information regarding that particular individual. We redact the social security number from the application at the time of submittal to prevent it from being disclosed. However, we must collect this information to properly perform our duties and functions as a municipal corporation and to ensure such duties and functions are performed accurately and efficiently. Due to the sensitive nature of an individual's Social Security Number and in accordance with Sec. 119.071 (5) F.S. we are providing you with this statement.

We also request your email information however, this is optional. Florida has a very broad Public Records Law. Most written communications to or from the City of Flagler Beach officials and employees regarding public business are public records available to the public and media upon request. If you do not want your e-mail address released in response to a public-records request, do not include it on the application.

Sec. 2.06.12. - Rental units.

- (1) *Applicability.* This section shall be applicable to the rental of all dwelling units within the City of Flagler Beach, but shall not apply to hotels, motels, resorts, long-term rentals, or bed and breakfast inns as defined in F.S. § 509.242. This section shall not be taken to authorize the establishment or operation of resort dwellings.
- (2) *Resort dwellings and resort condominiums not permitted uses within single-family residential districts, low density residential, medium density residential and planned unit development districts.*
 - (a) It is not a permitted use for an owner to operate a resort dwelling or resort condominium in a single-family residential, low density residential, medium density residential or planned unit development zoning district.
 - (b) Owners of a single-family dwelling or condominium located within a single-family residential, low density residential, medium density residential or planned unit development zoning district that establish such dwelling or condominium has been operated as a resort dwelling or resort condominium during the period between January 1, 2006 and the effective date of Ordinance 2008-08 shall be allowed to continue such use in a manner consistent with the provisions of Appendix A, Article II, Section 2.06.08.5, of this Code. The city shall accept as evidence of use of a single-family dwelling or condominium as a resort dwelling or resort condominium that the owner filed a proper application with the State of Florida pursuant to F.S. ch. 509, or filed a proper application form for a local business tax receipt with the City of Flagler Beach for operation of the property as a resort dwelling or resort condominium prior to the effective date of Ordinance 2008-08. For purposes of this section, use of a resort dwelling or resort condominium as a long-term rental shall not constitute an abandonment of the nonconforming use provided that all licenses and permits required to operate the rental property as a resort dwelling or resort condominium (including any license required by the State of Florida, a local business tax receipt and a resort dwelling/resort condominium rental permit) are kept current and up to date during the period in which the rental property is used as a long-term rental.
- (3) *Local business tax receipt required.* After the effective date of Ordinance 2008-08, all owners who operate a resort dwelling or resort condominium shall obtain a local business tax receipt as provided in Chapter 18, Taxation, prior to entering any new rental agreement for the resort dwelling or resort condominium.
- (4) *Rental permit required.*
 - (a) All owners who operate a resort dwelling or resort condominium shall obtain a resort dwelling/resort condominium rental permit from the City of Flagler Beach.
 - (b) A resort dwelling/resort condominium rental permit shall apply from October 1 of each year and shall expire on September 30 of the succeeding year.
 - (c) The city commission may, by resolution, adopt an application fee to be paid upon application for a resort dwelling/resort condominium rental permit.
 - (d) At the time of applying for a resort dwelling/resort condominium rental permit, the owner of the resort dwelling or resort condominium shall provide in writing to the city the name, local street address and local phone number of a local contact or representative who is available twenty-four (24) hours a day, seven (7) days a week for emergency contact. Within ten (10) days of any change to the name, local address or local phone number of the local contact or representative, the owner shall notify the city in writing of such change and provide updated information. The name and local phone number of the local representative shall also be posted at the property for emergency contact.
 - (e) At the time an initial application for a resort dwelling/resort condominium rental permit is submitted to the city, the city shall schedule an inspection of the rental property by the fire marshal or his designee. The city shall also provide the owner with a resort dwelling compliance regulations worksheet. Within thirty (30) days prior to the date a resort dwelling/resort condominium rental permit expires, each owner shall perform an annual self-inspection of the rental property and complete the compliance regulations worksheet. The completed compliance worksheet shall be provided to the city upon application for a renewal of the resort dwelling/resort condominium rental permit.
 - (f)

Upon application for a resort dwelling/resort condominium rental permit, the city shall provide the owner with a notice of minimum applicable standards. The notice shall include information regarding property standards and city codes applicable to all residential and commercial structures within the City of Flagler Beach. At a minimum, the notice of minimum applicable standards shall include a description of all ordinances, regulations and requirements regarding housing, development standards, noise, parking, dune protection, turtle nesting season, littering and trash collection. The owner shall sign the notice of minimum applicable standards, acknowledging receipt of the notice and certifying that the owner shall comply with all requirements mandated by this section and the Code of Ordinances. A copy of the notice minimum applicable standards signed by the owner of the rental property shall be submitted to the city prior to the issuance of a resort dwelling/resort condominium rental permit.

(5) *Restrictions and regulations applicable to resort dwellings and resort condominiums.*

- (a) No resort dwelling or resort condominium shall be rented for a period of fewer than seven (7) days.
- (b) The total number of guests in any resort dwelling or resort condominium shall be limited to two (2) people per bedroom with an additional allowance for up to two (2) people per sleeper sofa not to exceed a total of four (4) additional people.
- (c) The notice of minimum applicable standards provided by the City of Flagler Beach shall be maintained within the rental property at all times.
- (d) A copy of the most recent compliance worksheet shall be maintained in the rental property at all times.
- (e) The property owner shall ensure that any notification provided by the City of Flagler Beach and its staff to the local representative designated by the owner pursuant to this section is promptly responded to.
- (f) Upon written request by the city's code enforcement department based on any complaint received by the code enforcement department, the property owner shall schedule and allow inspection of the rental property by the city's code enforcement officer.

(6) *Penalties.* Failure to obtain or maintain a local business tax receipt, failure to obtain or maintain a resort dwelling/resort condominium rental permit or failure to maintain a property in compliance with all code requirements, including the provisions of this section, shall subject the violator to enforcement proceedings and penalties in accordance with city code and Florida Statutes.

(7) *Denial of resort dwelling/resort condominium rental permit.* In addition to the enforcement proceedings and penalties provided by this Code, failure to comply with the provisions of this section shall be considered just cause for denial of the issuance of a resort dwelling/resort condominium rental permit for the subject property in accordance with the procedure set forth in this section. Prior to the denial, the city manager or his designee shall issue a denial notifying the applicant of the city's intent to deny. The notice shall be sent certified mail, return receipt requested, to the last known address for the applicant. Within ten (10) calendar days from the date of mailing of said notice, the resort dwelling/resort condominium rental permit shall be automatically denied, unless the applicant files with the city manager or his designee a written statement setting forth the grounds for an appeal. Upon the filing of such written statement, the city manager or his designee shall schedule and conduct a hearing before the special magistrate or code enforcement board within thirty (30) days from the date the written statement was filed. The applicant shall be given notice of the hearing by certified mail, return receipt requested, and shall have the opportunity to present evidence, cross examine witnesses and be represented by counsel. The city shall have the burden of proof by clear and convincing evidence presented at the hearing. Within ten (10) calendar days of the hearing, the city manager or his designee shall send by certified mail, return receipt requested, the written decision of the special magistrate or code enforcement board to the applicant. The written decision of the special magistrate or code enforcement board shall contain a short and plain statement of the facts considered and the conclusions at which were arrived. The decision shall become final within thirty (30) days of the date the city manager or his designee mails the written decision of the special magistrate or code enforcement board to the applicant unless the applicant files a petition for writ of certiorari in the Circuit Court for Flagler County. The filing of a

pleading seeking judicial review shall automatically stay the denial until judicial review has been exhausted unless the city obtains injunctive relief. Any applicant who has had a resort dwelling/resort condominium rental permit denied under this section or other city codes shall not be eligible to submit a renewal application in the city relating to the same property.

(Ord. No. 2008-08, § 5, 10-16-08; Ord. No. 2009-13, § 10, 8-6-09; Ord. No. 2011-13, § 1, 8-25-11)