



Agenda Memorandum

Development Services

Department

Linda Connors

Director

COMMISSION MEETING DATE: April 25, 2017

ITEM CATEGORY: Ordinance

SUBJECT TITLE: Second Reading: Ordinance 2017-05, Establishing Short Term Rental Regulations within the Town

EXPLANATION: At the March 14, 2017 meeting, the Commission approved Ordinance 2017-05 (**Exhibit 1**) on first reading. This ordinance expands the Code to regulate short term rentals by requiring registration for two, three or four unit properties that are rented more than 3 times in a calendar year for periods of less than 30 days or one calendar month, whichever is less. (**see Line 73 of the proposed ordinance**)

The short term regulations are similar to the Town’s vacation rental requirements (single family homes and townhomes); however because of state legislation, the proposed short term rental ordinance cannot restrict the duration of stays and thus cannot prohibit renting less than 7 days.

Table 1 identifies the similarities between the vacation rental regulations and Table 2 outlines the differences.

Table 1 - SIMILARITIES

Line No.	Topic	Description
178-204	Registration:	Includes an initial and annual fire and life safety inspection of the home.
330-346	Notice Provisions:	The provision of certain notice to occupants including safety information, parking requirements, noise limitations and pet restrictions.
237-295	Rental Agent:	Requires designation of a rental agent that can respond to the property within three hours following notification.
297-299	Maximum Occupancy:	A limitation to the number of people that can stay in a home based on square footage and bedroom number with a maximum of 10 persons.



Table 2 - DIFFERENCES

Lind No.	Topic	Vacation	Short-Term
73-87	Definition:	<p>The lease or rental, or offering for lease or rental, of a single-family or townhouse dwelling, to a person or entity that has no ownership interest in the dwelling, for compensation or remuneration and for no fewer than seven consecutive days. Vacation rental shall not include:</p> <ul style="list-style-type: none"> a. Rentals of at least three consecutive months; and b. Hotels, motels, or similar transient uses. 	<p>Any individually or collectively owned dwelling unit or group of dwelling units that is rented to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests, but that is not a timeshare project, where such unit or units are in:</p> <ul style="list-style-type: none"> a. a duplex/two-family dwelling; b. a multifamily dwelling of 3 or 4 dwelling units; or c. a mixed use development with 1 to 4 dwelling units.
78-80	Applies to:	<p>Only single-family homes or townhouses in the residential zoning districts.</p>	<p>In all residential zoning districts:</p> <ul style="list-style-type: none"> a. duplex/two-family dwelling; or, b. multifamily dwelling of 3 or 4 dwelling units. <p>In business districts: a mixed use development with 1 to 4 dwelling units.</p>
165-167	Minimum stay:	7-days	None (state restriction)
323-325	Outdoor Use and Noise:	<p>None</p> <p>The Planning and Zoning Board recommended that the vacation rental regulations not be amended to establish outdoor hours because they believed the benefit was not worth the risk of a legal challenge to the minimum rental requirement.</p>	<p>Outdoor use of pool and outdoor area is allowed from 8:00 a.m. to 10:00 p.m.</p> <p>The use of any machine or device for producing or reproducing any sound between the hours of 10:00 p.m. and 8:00 a.m., shall be allowed only within the fully enclosed short term rental unit and shall not be audible at the property line of the short term rental unit.</p>



According to the Broward County Property Appraiser, the Town has 140 properties that have 2, 3 or 4 units. Staff will send a letter to these owners informing them of the new regulations regarding short term rentals and giving them a time period in which to register their property, if applicable.

In a companion item on this agenda, staff is recommending that the fees for short term rental registration and renewal mirror the existing fees for vacation rentals. Since we will be implementing this ordinance in the second half of FY17, we suggest property owners that register before September 30th pay the first time registration fee (\$750), which includes an inspection and the \$500 renewal fee for FY18 be waived. Since we do not prorate the registration fee, there is a significant financial incentive not to register until after October 1, 2017.

RECOMMENDATION: We recommend the approval of Ordinance 2017 – 05 on second reading.

Exhibits: 1. Ordinance 2017-05

Reviewed by Town Attorney:

<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
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ORDINANCE 2017-05

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, TO REGULATE DUPLEX/TWO-FAMILY DWELLINGS, MULTIFAMILY DWELLINGS WITH 3 OR 4 DWELLING UNITS, AND DWELLING UNITS IN MIXED USE DEVELOPMENTS WITH 1 TO 4 DWELLING UNITS, AS SHORT TERM RENTALS WITHOUT LIMITATION AS TO THE FREQUENCY OR DURATION OF RENTAL; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

1 **WHEREAS**, the Town Commission recognizes that changes to the adopted Code of
2 Ordinances are periodically necessary in order to ensure that the Town’s regulations are current
3 and consistent with the Town’s planning and regulatory needs; and

4 **WHEREAS**, the Town of Lauderdale-By-The-Sea’s (“Town’s”) land development
5 regulations allow accessory use of a single family or townhouse dwelling unit in the single-family
6 and multi-family zoning districts for rental to transient visitors with a minimum seven-day stay
7 (“vacation rental” use) if in accordance with the requirements of Section 30-327; and

8 **WHEREAS**, upon further review and inquiry, the Town Commission has concluded that
9 short term rental use of duplex, multi-family residential buildings with 3 or 4 dwelling units, and
10 dwelling units in a mixed use development with 1 to 4 dwelling units, in the Town is incompatible
11 with neighboring residential uses, and that the protections afforded by Section 30-327 should be
12 required for all residential dwelling units in buildings of 4 dwelling units or less; and

13 **WHEREAS**, maintenance of the character and integrity of residential neighborhoods is a
14 proper purpose for zoning regulations, and represents a substantial governmental interest; and

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15 **WHEREAS**, because the 2011 Florida Legislature preempted new local government
16 regulation of the duration or frequency of vacation rental uses in single-family, two-family, three-
17 and four-unit dwellings or homes (Section 509.032(7)(b), Florida Statutes), it is not the intent of this
18 Ordinance to newly restrict or regulate the frequency or duration of a single rental of a dwelling unit
19 for residential purposes or the frequency of such rentals; and

20 **WHEREAS**, it is the intent of this Ordinance to continue to regulate the frequency and
21 duration of rentals for single-family and townhouse dwellings already subject to Section 30-327, as
22 protected by Section 509.032(7)(b), Florida Statutes; and

23 **WHEREAS**, this Ordinance is not intended to, in any way, change the Town's vacation
24 rental requirements for single family and townhouse dwelling units which have been in effect since
25 2009; and

26 **WHEREAS**, by law, short term rental uses of duplex/two-family, three and four unit
27 dwellings, and dwelling units in a mixed use development with 1 to 4 dwelling units, may already
28 be occurring in the Town without the protections provided by Town licensing and regulation; and

29 **WHEREAS**, the Florida legislature provided additional authority to regulate dwelling units
30 in a buildings with 1 to 4 dwelling units, except for frequency and duration; and

31 **WHEREAS**, additional regulation of duplex, certain multifamily dwelling units and
32 dwelling units in a mixed use development with 1 to 4 dwelling units, used for short term rental
33 will protect visitors to the Town by assuring that fire and safety inspections are periodically
34 conducted, requiring that they receive necessary information about the dwelling which they have

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35 rented, and notifying them of the owner of the dwelling's obligation to provide for their safety and
36 welfare; and

37 **WHEREAS**, the presence of vacation rentals and short term rentals within residential
38 dwelling units in established residential neighborhoods can create negative compatibility impacts
39 for existing residents and neighbors to such rentals; and

40 **WHEREAS**, Florida Statutes do not prevent the Town from adopting ordinances specific
41 to vacation rentals and short term rentals to address the noise, parking, trash and life-safety
42 issues created by the proliferation of such rentals in residential neighborhoods; and

43 **WHEREAS**, this regulation of short term rentals is necessary in order to protect the public
44 health, safety, and welfare of the Town, its residents and its visitors, and the Town Commission
45 therefore seeks to update and amend its regulation of rental properties; and

46 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
47 reviewed the contents of this Ordinance at a duly noticed public hearing on February 15, 2017,
48 and recommended approval of the amendments; and

49 **WHEREAS**, the Town Commission conducted a first and second reading of this Ordinance
50 at duly noticed public hearings, as required by law, and after having received input from and
51 participation by interested members of the public and staff, the Town Commission has determined
52 that this Ordinance is consistent with the Town's Comprehensive Plan and in the best interest of the
53 Town, its residents, and its visitors.

54 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
55 **TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:**

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56 **SECTION 1. Recitals.** The preceding “Whereas” clauses are ratified and incorporated
57 as the legislative intent of this Ordinance. ¹

58 **SECTION 2. Amendment.** Chapter 30, Unified Land Development Regulations of the
59 Code of Ordinances, Article I, In General, Division 1, Introduction, is hereby amended as
60 follows:

61 **Chapter 30 - UNIFIED LAND DEVELOPMENT REGULATIONS**

62 * * *

63 **ARTICLE I. – IN GENERAL**

64 * * *

65 **DIVISION 1. - INTRODUCTION**

66 * * *

67 **Sec. 30-11. - Definitions.**

68 * * *

69 (c) *Abbreviations and definitions.*

70 * * *

71 (2) *Terms defined.*

72 * * *

73 Short Term Rental. Any individually or collectively owned dwelling unit or group
74 of dwelling units that is rented to guests more than three (3) times in a calendar year for
75 periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is
76 advertised or held out to the public as a place regularly rented to guests, but that is not a
77 timeshare project, where such unit or units are in:

78 a. a duplex/two-family dwelling;

79 b. a multifamily dwelling of 3 or 4 dwelling units; or

80 c. a mixed use development with 1 to 4 dwelling units.

81 * * *

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~.

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82 *Vacation rental.* The lease or rental, or offering for lease or rental, of a single-
83 family or townhouse dwelling, to a person or entity that has no ownership interest in the
84 dwelling, for compensation or remuneration and for no fewer than seven consecutive
85 days. Vacation rental shall not include:

86 a. Rentals of at least three consecutive months; and

87 b. Hotels, motels, or similar transient uses.

88 * * *

89 **SECTION 3.** Amendment. Chapter 30, Unified Land Development Regulations of the
90 Code of Ordinances, Article V, Zoning, Division 2, Districts, Subdivision L, Supplemental
91 Regulations, is hereby amended as follows:

92 **Chapter 30 - UNIFIED LAND DEVELOPMENT REGULATIONS**

93 * * *

94 **ARTICLE V. – ZONING**

95 * * *

96 **DIVISION 2. – DISTRICTS**

97 * * *

98 **Subdivision C. - RS-5 District Regulations**

99 **Sec. 30-211. - RS-5 district—Residence.**

100 (a) *Use.*

101 (1) No building or premises shall be used, and no building with its usual accessories shall
102 be erected or altered other than a building or premises used exclusively for a single-
103 family dwelling.

104 (2) Construction on lots of 80 feet or less in width shall be limited to one building to a
105 lot.

106 (3) Vacation rental is a permitted accessory use if a ~~vacation~~ rental certificate is first
107 obtained pursuant to section 30-327.

108 (4) Short term rental is a permitted accessory use if a rental certificate is first obtained
109 pursuant to section 30-327.

110 * * *

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111 **Subdivision D. - RD-10 District Regulations**

112 **Sec. 30-221. - RD-10 district—Duplex.**

113 (a) Use.

114 (1) No building or premises shall be used, and no building with its usual accessories shall
115 be erected or altered other than a building or premises used exclusively for a single-
116 family dwelling or two-family dwelling (duplex).

117 (2) Construction limited to one building only on lots of 80 feet or less in width.

118 (3) Vacation rental is a permitted accessory use if a ~~vacation~~ rental certificate is first
119 obtained pursuant to section 30-327.

120 (4) Short term rental is a permitted accessory use if a rental certificate is first obtained
121 pursuant to section 30-327.

122 * * *

123 **Subdivision E. - RM-25 District Regulations**

124 **Sec. 30-241. - RM-25 district—Apartments and lodging.**

125 (a) Use. No building or premises shall be used and no building with the usual accessories shall
126 be erected or altered other than a building or premises arranged, intended or designed for
127 any one or more of the following uses:

128 * * *

129 (4) Special accessory uses.

130 * * *

131 d. Vacation rental is a permitted accessory use if a ~~vacation~~ rental certificate is
132 first obtained pursuant to section 30-327.

133 e. Short term rental is a permitted accessory use if a rental certificate is first
134 obtained pursuant to section 30-327.

135 * * *

136 **Subdivision F. - RM-50 District Regulations**

137 **Sec. 30-251. - RM-50 district—Hotel.**

138 * * *

139 (g) Special accessory uses:

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140 * * *

141 (3) Vacation rental is a permitted accessory use if a ~~vacation~~ rental certificate is first
142 obtained pursuant to section 30-327.

143 (4) Short term rental is a permitted accessory use if a rental certificate is first obtained
144 pursuant to section 30-327.

145 * * *

146 **Subdivision L. - Supplemental Regulations**

147 * * *

148 Sec. 30-327. - Vacation rentals and short term rentals.

149 (a) Applicability. Any regulation of vacation rentals in Subsections 30-327(b), (c) and (e) – (q)
150 shall be interpreted to also apply to short-term rentals. Subsection 30-327(d) shall not apply
151 to short term rentals.

152 (b) Vacation rentals and short term rentals prohibited unless in compliance with this section.
153 No person shall rent or lease all or any portion of a single-family or townhouse dwelling or a
154 duplex/two-family dwelling, multifamily dwelling of 3 or 4 units, or dwelling unit in a
155 mixed use development with 1 to 4 dwelling units in the Town's RS-4, RS-5, RD-10, RM-15,
156 RM-16, RM-25 and RM-50 residential zoning districts or the B-1 or B-1-A business zoning
157 districts as a vacation rental or short term rental as defined in section 30-11 of the Town
158 Code without first (i) obtaining a business tax receipt from the Town pursuant to Chapter 12
159 of the Code, and (ii) complying with the supplemental regulations contained herein.

160 (c) Compliance with codes. No person shall allow occupancy or possession of all or any portion
161 of a single-family or townhouse dwelling or duplex/two-family or multifamily dwelling of 3
162 or 4 dwelling units or dwelling unit in a mixed use development with 1 to 4 dwelling units, as
163 a vacation rental or short term rental if the dwelling is in violation of any zoning, building,
164 housing, density, life/safety and fire codes or regulations.

165 (d) Duration. No person shall allow occupancy or possession of all or any portion of a single-
166 family or townhouse dwelling as a vacation rental for fewer than seven consecutive days.
167 This restriction shall not apply to short term rentals.

168 (e) Rental certificate. Any property owner, who wishes to use his or her property
169 single-family or townhouse dwelling as a vacation rental or short term rental, must first
170 apply for and receive a ~~vacation~~ rental certificate from the Town, and renew the certificate
171 annually for as long as the unit is used as a vacation or short term rental. Each dwelling used
172 as a vacation rental or short term rental requires a separate ~~vacation~~ rental certificate. An
173 annual certificate fee shall be paid for each dwelling certified as a vacation rental or short
174 term rental, in an amount to be determined by resolution of the Town Commission, to cover
175 the costs of administration of the certificate and inspection program. Failure to comply with
176 any of the requirements of this section shall be grounds for revocation or suspension of the
177 certificate, in accordance with the requirements contained herein.

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178 (fe) *Application for a ~~vacation~~ rental certificate.* Each property owner seeking a ~~vacation~~ rental
179 certificate, or renewal of a ~~vacation~~-rental certificate, shall submit an application in a form
180 specified by the Town Manager or designee, along with an application fee in an amount to
181 be determined by resolution of the Town Commission. At a minimum, the application shall
182 include all of the following:

- 183 1. The name, address and phone number of the owner(s) of record of the dwelling for
184 which a certificate is sought; and
- 185 2. The address of the dwelling to be used as a vacation rental; or short term rental; and
- 186 3. The name, address and phone number of the designated ~~vacation~~ rental agent; and
- 187 4. The owner's sworn acknowledgement that he or she has received a copy of this section,
188 has reviewed it and understands its requirements; and
- 189 5. Proof of compliance with F.S. chs. 212 (Florida Tax and Revenue Act) and 509 (Public
190 Lodging Establishments), and Rules 69A-43 (Uniform Fire Safety Standards for
191 Transient Public Lodging Establishments) and 69A-60 (the Florida Fire Prevention
192 Code), Florida Administrative Code, where applicable; and
- 193 6. A copy of the Town's inspection report; and
- 194 7. A sketch of the dwelling's floor plan and site, including parking areas; and
- 195 8. The number and location of designated parking spaces legally available for occupants of
196 the vacation rental or short term rental, excluding public parking spaces; and
- 197 9. An indication of whether pets will be allowed in the dwelling; and
- 198 10. The owner's agreement to use his or her best efforts to assure that the vacation rental or
199 short term rental use of the dwelling will not disrupt the residential character of the
200 neighborhood, and will not interfere with the rights of neighboring property owners to
201 the quiet enjoyment of their residences; and
- 202 11. Any other information that this section, or any rules and procedures for implementation
203 of this section, requires the owner to provide to the Town as part of application for or
204 renewal of a ~~vacation~~ rental certificate.

205 (gf) *Inspections/re-inspections of vacation rentals and short term rentals.*

- 206 1. An inspection of the dwelling for compliance with zoning, building, housing, density,
207 life/safety and fire codes or regulations is required prior to issuance of a ~~vacation~~ rental
208 certificate. If violations are found, all violations must be corrected and the dwelling
209 must be re-inspected prior to issuance of the ~~vacation~~ rental certificate as provided
210 herein. A combined inspection can be requested for purposes of the business tax receipt
211 and the ~~vacation~~ rental certificate for the vacation rental or the short term rental.
- 212 2. Dwellings used for vacation rentals or short term rentals must be properly maintained
213 and must be re-inspected annually.
- 214 3. If the inspector(s) has made an appointment with the property owner to complete an
215 inspection, and no adult person was at the dwelling to admit the officer at the scheduled

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216 time, the applicant shall be charged a "no show" fee in an amount to be determined by
217 resolution of the Town Commission to cover the expense incurred by the Town.

218 4. If the inspector(s) is denied admittance by the property owner, or if the inspector(s) fails
219 in at least three attempts to complete an initial or renewal inspection of the dwelling
220 because there was no adult person present to admit him or her, the inspector(s) shall
221 provide notice of failure of inspection to the property owner by certified mail or other
222 legal service to the address shown on the existing ~~vacation~~ rental certificate. or the
223 application for ~~vacation~~ rental certificate. Within ten days after receipt or refusal of such
224 notice, the property owner shall arrange for the inspector(s)' access to the dwelling for
225 the completion of the required inspection.

226 ~~(hg)~~ *Code violations.*

227 1. If an owner of a dwelling used for vacation rentals has been cited and found to be in
228 violation of a zoning, building, housing, density, life/safety or fire code or regulation by
229 the code enforcement special magistrate, the order of the special magistrate shall
230 include payment of an administrative fee for each required inspection or re-inspection
231 of the dwelling in an amount to be determined by resolution of the Town Commission.
232 The required inspection fees shall be included as part of the administrative costs
233 assessed by the Town and shall be included in any liens filed by the Town.

234 2. Each day of renting a dwelling for vacation rental use or short term rental without
235 having a ~~vacation~~ rental certificate shall constitute a separate and distinct violation of
236 this section.

237 ~~(ih)~~ *~~Vacation~~ Rental agent.*

238 1. The property owner shall designate a ~~vacation~~ rental agent on its ~~vacation~~ rental
239 certificate application or renewal, and provide the agent's name, address and phone
240 number. The property owner may serve as the ~~vacation~~ rental agent. Alternatively, the
241 owner may designate as his or her agent any natural person 18 years of age or older,
242 who is (i) customarily present at a business location within the Town for the purposes of
243 transacting business, or (ii) actually resides within the Town. In order to be designated a
244 ~~vacation~~ rental agent, a person must first present the Town with written certification that
245 he or she agrees to perform the duties specified in [subsection] 2. below.

246 2. The duties of the ~~vacation~~ rental agent are to:

247 (i) Be available at the listed phone number 24 hours a day, seven days a week to
248 handle any problems arising from the vacation rental or short term rental use; and

249 (ii) Be able and willing to come to the vacation rental or short term rental dwelling
250 within three hours following notification from the Town of issues related to the
251 vacation rental or short term rental; and

252 (iii) Receive service of any notice of violation of this section; and

253 (iv) Monitor the vacation rental or short term rental dwelling at least weekly to assure
254 continued compliance with the requirements of this section.

255 3. ~~Vacation~~ Rental agent status may be suspended or revoked by the Town Manager if a
256 ~~vacation~~ rental agent fails to perform any of the above-listed duties, after proper notice

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- 257 and hearing. The Town shall maintain a written record of its contacts with ~~vacation~~
258 rental agents, including a notation of whether the agent responded within the three hours
259 and how the issue was resolved.
- 260 (i) *Suspension.* The Town Manager may suspend a person's ~~vacation~~ rental agent
261 status for any or all vacation rental and short term rental property in the Town for
262 minor violations for a period of time not to exceed three months, or until certain
263 conditions have been complied with or violations cured.
- 264 (ii) *Revocation.* The Town Manager may revoke a person's ~~vacation~~ rental agent status
265 for all vacation rental and short term rental property in the Town for major or
266 repeated violations. After revocation of a property owner's ~~vacation~~ rental
267 certificate, the owner shall not reapply for a ~~vacation~~ rental agent status for any
268 vacation rental or short term rental property in the Town until the basis for the
269 revocation has been resolved and in no event prior to six months following the date
270 of revocation.
- 271 4. An owner may change his or her designation of a ~~vacation~~ rental agent temporarily or
272 permanently; however, there shall only be one ~~vacation~~ rental agent for each vacation
273 rental and short term rental at any given time. To change the designated rental agent, the
274 owner shall notify the Town in writing of the name, contact information and
275 certifications required in ~~{subsection}~~ (i)1. above for the new ~~vacation~~ rental agent and
276 pay the applicable fee, if any, determined by resolution of the Town Commission. Any
277 notice of violation or legal process which has been delivered or served upon the
278 previous ~~vacation~~ rental agent, prior to the Town's receipt of notice of change of the
279 ~~vacation~~ rental agent, shall be deemed effective service.
- 280 5. It shall be the sole responsibility of the property owner to appoint a reliable ~~vacation~~
281 rental agent and to inform the agent of his or her correct mailing address. Failure to do
282 so shall not be a defense to a violation of this section. No property owner shall
283 designate as a ~~vacation~~ rental agent any person who does not expressly comply with the
284 provisions of this section. The property owner or the ~~vacation~~ rental agent shall be
285 deemed to be the "violation" of this section as the term is used in F.S. § 162.06. Service
286 of notice on the ~~vacation~~ rental agent shall be deemed service of notice on the property
287 owner, tenant and violator.
- 288 6. A person may serve as a ~~vacation~~ rental agent for one or more vacation rental or short
289 term rental property owners if:
- 290 (i) The agent provides the Town with written authorization from each owner
291 represented; and
- 292 (ii) Each authorization must state that the owner has received a copy of, has reviewed
293 and understands this section; and
- 294 (iii) Each owner must sign the authorization and acknowledge the requirements of this
295 section.
- 296 (j) *Vacation rental and short term rental occupants.*

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- 297 1. Occupancy of a dwelling for vacation rental or short term rental use must not exceed
298 two persons per bedroom, plus two persons for each additional 200 square feet of
299 interior living area, with total occupancy not to exceed ten persons.
- 300 2. The occupant(s) of each vacation rental or short term rental dwelling should receive a
301 written copy of this section and the Town's pet, noise, and trash regulations.
- 302 3. The written agreement between the property owner and the occupant(s) should specify
303 all of the following:
- 304 (i) The name of all persons who will be occupying the dwelling; and
- 305 (ii) The license tag numbers for all vehicles that the occupant(s) will be parking at the
306 dwelling, with a total number not to exceed the number of legal parking spaces at
307 the dwelling, as designated on the ~~vacation~~ rental certificate; and
- 308 (iii) The occupant(s)' agreement to abide by all the requirements of this section, and
309 acknowledgement that his or her rights under the agreement may not be transferred
310 or assigned to anyone else without a new agreement being entered into between the
311 new occupant(s) and the owner; and
- 312 (iv) The occupant(s)' acknowledgement and agreement that violation of the agreement
313 or this section may result in immediate termination of the agreement and eviction
314 from the vacation rental or short term rental unit by the owner or resident agent,
315 and potential liability for payment of fines levied by the Town.
- 316 4. Occupants may only park in the spaces designated on the ~~vacation~~ rental certificate
317 sketch, in compliance with Chapter 19 of the Code.
- 318 5. Any vessels must be moored at an onsite docking facility or stored in compliance with
319 Chapter 19 of this Code. No vessel docked at a vacation rental or short term rental shall
320 be used for live-aboards, sleeping or overnight accommodations.
- 321 6. All occupants must evacuate from the vacation rental or short term rental upon posting
322 of any nonresident evacuation order.
- 323 7. For all short term rentals:
- 324 (i) The use of the pool and pool deck or other outdoor facilities shall be limited to 8:00
325 a.m. to 10:00 p.m.; and
- 326 (ii) The use of any machine or device for producing or reproducing any sound between
327 the hours of 10:00 p.m. and 8:00 a.m., shall be allowed only within the fully
328 enclosed short term rental unit and shall not be audible at the property line of the
329 short term rental unit.
- 330 (k) Vacation rental or short term rental dwelling.
- 331 1. There shall be posted, in the dwelling on or within ten feet of the front door, all of the
332 following information:
- 333 (i) The name, address and phone number of the ~~vacation~~ rental agent; and
- 334 (ii) The maximum occupancy of the dwelling; and

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- 335 (iii) The maximum number of vehicles that can be parked at the dwelling, along with a
336 sketch of the location of the parking spaces; and
- 337 (iv) The days of trash pickup, and a notice that trash shall not be left or stored outside
338 the dwelling except after 6:00 p.m. on the day prior to pickup, and the trash
339 containers shall be removed from the curb no later than 6:00 p.m. on the day of
340 pickup; and
- 341 (v) The location of the nearest hospital and police station; and
- 342 (vi) A legible copy of the ~~vacation~~ rental certificate; and
- 343 (vii) A legible copy of this section; and
- 344 (viii) A legible copy of the agreement between the owner and the vacation rental or
345 short term rental occupant(s), for the duration of the rental period covered by that
346 agreement.
- 347 2. Each vacation rental or short term rental must contain the covered trash container(s)
348 provided by the Town's waste hauler. Placement of trash container(s) for curbside
349 pickup shall be in compliance with Town regulations.
- 350 ~~(k)~~ *Revocation or suspension of ~~vacation~~ rental certificate.* Violation of this section, after
351 proper notice and hearing, is a basis for revocation or suspension of a ~~vacation~~ rental
352 certificate.
- 353 1. *Suspension.* The Town Manager may suspend the ~~vacation~~ rental certificate for a
354 specific period of time not to exceed six months, or until certain conditions have been
355 complied with or violations cured.
- 356 2. *Revocation.* The Town Manager may revoke the ~~vacation~~ rental certificate. After
357 revocation of a property owner's ~~vacation~~ rental certificate, the owner shall not reapply
358 for a ~~vacation~~ rental certificate for any ~~single family or townhouse dwelling~~ property in
359 the Town until the basis for the revocation has been resolved and in no event prior to six
360 months following the date of revocation.
- 361 3. *Penalty.* If the property owner, after such revocation or suspension, thereafter continues
362 to allow vacation rental or short term rental use of the dwelling, each day of continued
363 use shall be a continuing violation subject to a fine up to the maximum permitted by law
364 per day, which fine shall result in a lien upon the vacation rental or short term rental
365 dwelling or other property of the owner as otherwise provided in this Code.
- 366 ~~(m)~~ *No limitation of remedies.* Nothing in this section shall limit the Town from enforcement of
367 its Code, State or Federal law by any other legal remedy available to the Town. Nothing in
368 this section shall be construed to limit or supplant the power of the Inspector(s), Code
369 Enforcement Officer or Code Enforcement Special Magistrate under the Town's ordinances,
370 rules and regulations and the authority granted under State law, to take necessary action,
371 consistent with the law, to protect the public from property which constitutes a public
372 nuisance as defined under State law or the Town's ordinances, codes or regulations or to
373 abate a nuisance by any other lawful means or proceedings.
- 374 ~~(n)~~ *Sale or transfer of dwelling unit used for vacation rentals or short term rental use.*
375 Whenever a dwelling used for vacation rentals or short term rental use is sold or otherwise

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376 changes ownership and the new owner desires to use the dwelling for vacation rentals or
377 short term rental use, the new owner must, prior to allowing any such ~~vacation rental~~ use:

378 1. Schedule and obtain an inspection of the dwelling with the Code Compliance Division;
379 and

380 2. Apply for a ~~vacation~~ rental certificate for the vacation rental or short term rental use.

381 (o~~n~~) *Rules and procedures.* The Town Manager or designee may create rules and procedures to
382 assist in the implementation of this section, including but not limited to a timeline and
383 procedure for all existing vacation rentals and short term rentals to apply for and obtain their
384 first ~~vacation~~ rental certificate pursuant to this section~~ordinance~~ in a manner consistent with
385 available staff resources.

386 (p~~e~~) *Existing ~~vacation~~ rental uses.*

387 (1) Existing vacation rentals are those existing rentals or those subject to valid written
388 agreements executed prior to the effective date of the ordinance [from which this
389 section is derived], which obligate a property owner to rent a dwelling in violation of
390 this section. Existing vacation rental uses shall comply with this section no later than
391 May 26, 2010.

392 (2) Existing short term rentals are those existing rentals or those subject to valid written
393 agreements executed prior to [THE EFFECTIVE DATE OF THIS ORDINANCE],
394 which obligate a property owner to rent a dwelling in violation of this section. Existing
395 short term rental uses shall comply with this section no later than _____.

396

397 (q~~e~~) *Appeals.* A revocation or suspension of the ~~vacation~~ rental certificate, or of ~~vacation~~ rental
398 agent status, by the Town Manager may be appealed to the Town Commission, as provided
399 in this subsection.

400 1. *Applicability.* The owner of a vacation rental or short term rental may file an appeal of a
401 revocation or suspension of a ~~vacation~~ rental certificate for the owner's property. A
402 person may file an appeal of a revocation or suspension of his or her ~~vacation~~ rental
403 agent status.

404 2. *Filing of appeal.* The appeal shall be filed within 30 days of receiving notice of the
405 revocation or suspension by certified mail, in a form specified by the Town and
406 accompanied by an application fee in an amount to be determined by resolution of the
407 Town Commission. Failure to file an appeal within 30 days shall constitute a waiver of
408 all rights to appeal the revocation or suspension.

409 3. *Notice and scheduling of appeal hearing.* The public hearing on the appeal shall be
410 scheduled for the first available Town Commission meeting following completion of
411 the Town's review and evaluation of the application or such other time as is mutually
412 agreed upon between the applicant and the Town Manager. If the appeal involves a
413 ~~vacation~~ rental certificate, the property owner shall be responsible for providing mailed
414 notice of the hearing to all property owners located within 300 feet of the vacation
415 rental's or short term rental's property line.

Exhibit 1

416 4. *Appeal hearing.* At the public hearing, the Town Commission shall consider the appeal
417 application, the relevant support materials, the Town Manager's recommendations, and
418 public testimony given at the hearing. If, at any time during the public hearing, the
419 Town Commission determines that the appeal is based upon incomplete or inaccurate
420 information or misstatements of fact, it may deny the appeal or refer the application
421 back to the Town Manager for further review and revised recommendations. The Town
422 Commission shall presume the original decision of the Town Manager was correct, and
423 shall only overturn such decision where there has been an error of fact or law. At the
424 close of the public hearing, the Town Commission, by not less than a majority of the
425 quorum present, shall approve a resolution granting, granting with conditions, or
426 denying the appeal.

427 5. *Judicial relief.* The applicant, or any aggrieved person who has opposed the appeal at
428 the public hearing, may appeal the decision of the Town Commission by filing a
429 petition for writ of certiorari in the circuit court in and for Broward County, in
430 accordance with the procedures provided by the Florida Rules of Civil Procedure and
431 the Florida Rules of Appellate Procedure.

432 * * *

433 **SECTION 4. Codification.** This Ordinance shall be codified in accordance with the
434 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall
435 become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that
436 the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be
437 changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such
438 intentions.

439 **SECTION 5. Severability.** If any section, sentence, clause, or phrase of this Ordinance
440 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
441 shall in no way affect the validity of the remaining portions of this Ordinance.

442 **SECTION 6. Conflicting Ordinances.** All prior ordinances or resolutions, or parts
443 thereof, in conflict herewith are hereby repealed to the extent of said conflict.

444 **SECTION 7. Effective Date.** This Ordinance shall be in full force and effect
445 immediately upon its passage on second reading.

Exhibit 1

446 Passed on the first reading, this ___ day of _____, 2017.

447 Passed and adopted on the second reading, this ___ day of _____, 2017.

448

449

450

451

MAYOR SCOT SASSER

452

First Reading

Second Reading

453 Mayor Sasser

454 Vice-Mayor Brown

455 Commissioner Oldaker

456 Commissioner Sokolow

457 Commissioner Vincent

458

459 ATTEST:

460

461

462

Tedra Allen, Town Clerk

464

465 APPROVED AS TO FORM:

466

467

468

Susan L. Trevarthen, Town Attorney

470