

ORDINANCE NO. 220-12-148

AN ORDINANCE OF THE CITY OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR) TO AMEND SECTION 3.1 RESIDENTIAL ZONING DISTRICTS, SUBSECTION 3.1.17, SHORT-TERM VACATION RENTALS TO ADD SUBSECTION (D) REGISTRATION REQUIREMENTS; AMENDING CITY OF LAUDERHILL CODE OF ORDINANCES; CHAPTER 11 1/2-53 TO AMEND THE REGISTRATION FEE PROVISIONS RELATIVE TO CONDOMINIUM REGISTRATION; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, DESORAE GILES-SMITH)

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. That Land Development Regulations Article III, Zoning Districts, Section 3.1, Residential Zoning Districts, subsection 3.3.17, Short-term vacation rentals is hereby amended to read as follows:

3.1.17 Short-term vacation rentals.

A. Purpose and intent.

The City Commission finds that certain transitory uses of residential property tend to affect the residential character of the community and are injurious to the health of the community. Therefore, it is necessary and in the interest of the public health, safety, and welfare to monitor and provide reasonable means for residents of the city to mitigate impact created by such transitory uses of residential property. It is unlawful for any owner and/or operator of any property within the city to rent or operate a short-term vacation rental contrary to the procedures and regulations established in the Land Development Regulations, City Code and applicable state statutes. No person shall rent or lease all or any portion of a dwelling unit as a short-term vacation rental, as defined herein, without complying with the following criteria.

B. Definitions.

- a. Designated responsible party.* Shall mean the owner, or any person eighteen (18) years of age or older designated by the owner, tasked with responding to request for complaints, and other problems relating to or emanating from the short-term vacation rental. There shall only be one designated responsible party for each short-term vacation rental. An owner may retain a private management company to serve as the designated responsible party.
- b. Owner.* Shall mean the person or entity holding legal title to the short-term vacation rental property, as reflected in the Broward County Property Appraiser`s Office.
- c. Short-term vacation rental.* Shall be as defined in Schedule A, Land Use Classifications.

- d. *Transient Occupants.* Any person or guest of invitee of such person, who occupies or is in actual or apparent control or possession of a short-term vacation rental. There shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of a short-term vacation rental is a transient occupant.
- C. *Certificate of Use/local business tax receipt required.* A local business tax receipt (**LBTR**) and certificate of use (**COU**) must be applied for and obtained by each short-term vacation rental in accordance with city code Chapter 12 and the fees set forth in Section 12-53. A minimum housing inspection is required, as it is for all other rentals. Proof of licensure with the Florida Department of Business and Professional Regulation as a transient public lodging establishment is required to be submitted with the application. The certificate of use shall designate the maximum occupancy allowed for the short-term vacation rental
- D. *Registration required.* In addition to a COU and LBTR, every individual short-term vacation rental location is also required to complete a registration packet annually at the time of city licensure and/or renewal. A separate registration packet is required for each separate short-term vacation rental on the form required by the city. The application form and registration fee must be submitted to the city each year prior to October 1st. The registration fee shall be reasonable to compensate for administrative expenses and shall be set, from time to time, by resolution adopted by the City Commission. The registration packet must include all of the information required in this Chapter, which shall include at a minimum the following information:
- (1) The legal description of the property offered for rental (i.e., address, lot, block and subdivision name); and
- (2) Name, address, electronic mail address, and telephone number of owner of said property; and
- (3) Name, address, electronic mail address, and emergency contact telephone number of responsible party for said property, which shall be a twenty-four (24) hour, seven (7) days a week contact number; and
- (4) That the telephone number for the responsible party will be answered twenty-four (24) hours a day, seven (7) days a week by the responsible party; and
- (5) Acknowledgements by owner of the following:
- a. Must list the number of parking spaces, and acknowledge that all vehicles associated with the vacation rental must be parked within the subject property in compliance with the city Code and LDR; and
- b. That it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in Section 14-22 of the Code; and
- c. That the owner shall comply with all applicable city, county, state and federal laws, rules, regulations, ordinances and statutes, and must

provide proof that there are no pending code violations or unsatisfied liens on any property owned within the city; and

- d. That no solid waste container shall be located at the curb for pickup before 6:00 p.m. of the day prior to pick up, and solid waste container shall be removed before midnight of the day of pickup; and
- e. That whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance of a property, or, having been authorized, licensed, or invited, is warned by the owner or lessee, to depart the property and refuses to do so, commits the offense of trespass in a structure or conveyance; and
- f. That other properties are not jointly shared commodities and should not be considered available for use by transient occupants of the property subject of the application; and
- (6) Proof of owner's current ownership of the property; and
- (7) A copy of the current valid proof of registration with the Florida Department of Revenue for sales tax collection and Broward County for Tourist Development Tax; and
- (8) A copy of the current valid proof of licensure with the Florida Department of Business and Professional Regulation for a transient public lodging establishment; and
- (9) A copy of the Broward County Business Tax Receipt; and
- (10) A copy of the current account for short term rental with the Broward County Tax Collector.
- (11) A copy of the standard rental/lease agreement used for the rental of the premises; and
- (12) A detailed exterior site plot plan; and
- (13) a detailed interior floor plan; and
- (14) Proof of compliance with all requirements in this Chapter; and
- (15) Authorization letter if the application is being submitted on behalf of the owner of the property by his or her authorized representative.

Failure to timely complete all registration requirements shall be subject to the issuance of a citation and a civil fine in the amount of \$500 and/or may also result in the denial, revocation, suspension, or modification of the city LBTR/COU for the short-term vacation rental. In addition, operating without a LBTR and a COU shall be subject to a fine of \$1,000 per day.

The advertising or advertisement for the rental of a single-family, two-family, three-family, or four-family house or dwelling unit for periods of time less than thirty (30) days or one (1) calendar month is direct evidence of offering a

property for rent as a vacation rental and the advertising or advertisement is admissible in any enforcement proceeding. The advertising or advertisement evidence raises a rebuttable presumption that the residential property named in the notice of violation or any other report or as identified in the advertising or advertisement was used in violation of this Chapter.

- E. *Permitted principal use.* Short-term vacation rentals shall be permitted in all land use designations that allow for residential uses, provided they are in compliance with this section.
- F. *Minimum life/safety requirements/annual minimum housing inspection required.*
- a. *Compliance with all applicable laws.* All short-term vacation rental units must meet the minimum standards for habitable structures set forth in the Florida Building Code, the Florida Fire Code, the Florida Life Safety Code, and the City's Land Development Code. Each unit must pass a minimum housing inspection.
 - b. *Swimming pool, spa, and hot tub safety.* All swimming pools, spas and/or hot tubs at short-term vacation rentals shall comply with the standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes, and the Florida Building Code.
 - c. *Fire extinguisher.* A portable multi-use dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor/level of each dwelling unit of a short-term vacation rental. The extinguishers shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.
 - d. *Internal posting.* The following information shall be posted in a visually unobstructed area within each unit of a short-term vacation rental, all in a form prescribed by the City: the name and telephone number of the designated responsible party requires by this Section; notice that all transient occupants must comply with the requirements of the City's Code of Ordinances including maximum occupancy, parking, and minimum life/safety requirements prescribed in this section, as well as the City's Code of Ordinances governing noise, nuisances and litter; the scheduled days of trash pick-up and recycling; the location of the nearest hospital; and a statement that all transient occupants must promptly evacuate a short-term vacation rental upon posting of any evacuation order issued by state or local authorities.
- G. *Maximum occupancy.*

The maximum number of transient occupants authorized to stay overnight at any short-term vacation rental shall be limited to two (2) persons per sleeping

room. The number of sleeping rooms shall be confirmed by an on-site inspection by a representative of the city; and

The maximum number of persons allowed to gather at or occupy a vacation rental shall not exceed one and one-half (1 ½) times the maximum occupants authorized to stay overnight at that site, as shown on the certificate of use, and in no event shall a gathering exceed twenty (20) persons. This subsection shall not apply to owner-occupied vacation rentals when the property owner is physically present on the site during the gathering; and

Up to four (4) persons under thirteen (13) years of age are exempt from and shall not count towards the occupancy limits set out above.

- H. *Parking.* All vehicles associated with the short-term vacation rental must be parked within a driveway or designated parking area located on the subject property and in compliance with the city code.
- I. *Solid waste handling and containment.* All Land Development Regulations and City Code requirements must be complied with regarding solid waste. Solid waste and/or recycling contained shall not be placed curbside before 7:00 p.m. of the day prior to the scheduled solid waste pickup, and the solid waste container shall be removed from curbside before 7:00 p.m. on the day of pickup.
- J. *Designated responsible party.*
 - a. The name and telephone number of the designated responsible party shall be prominently posted on the front exterior on the short-term vacation rental in a place visible to the public.
 - b. The designated responsible party must be available at the posted telephone number twenty-four (24) hours a day, seven (7) days a week and be capable of directly responding, or directing a designated agent to directly respond, to and resolve any issues or concerns raised by transient occupants, city staff, or law enforcement regarding the short-term vacation rental. If necessary, the designated responsible party must be willing and able to come to the short-term vacation rental within two (2) hours following notification to address any issue that is not capable of being addressed via telephone.
 - i.
- K. *Other standards.* Any other standards contained within the City's Code of Ordinances, Comprehensive Development Code, and Florida Statutes shall apply to short-term vacation rentals, to the extent allowable by law.
- L. *Enforcement/penalties/offenses/revocation.* The provisions of this section shall be enforced using the procedures set forth in Chapter 7 and Chapter 12 of the City Code of Ordinances and/or Chapter 162, Florida Statutes and shall be subject to the fines and penalties set forth in Section 7 -3 of the code of ordinances.

- a. Any certificate of use issued pursuant to this section may be denied, revoked, or suspended by the city upon the adjudication of a violation of this section, any city ordinance, or state law by a designated responsible party, property owner, or transient occupant attributable to the property for which the certificate of use is issued. Such denial, revocation or suspension is in addition to any penalty provided herein. A vacation rental may not provide transient occupancy during any period of suspension of a certificate of use.
- b. Non-compliance with any provision of this section shall constitute a violation of the section.
- c. Each day a violation exists shall constitute a separate and distinct violation, except that violations regarding occupancy shall constitute a single violation for a rental period.
- d. Nothing contained herein shall prevent the city from seeking all other available remedies which may include, but not be limited to: suspension of certificate of use, injunctive relief, liens, and other civil and criminal penalties provided by law, as well as referral to other enforcing agencies.

SECTION 2. That the City of Lauderhill Code of Ordinances Chapter 11 1/2, Housing, Article III, Condominiums, is hereby amended to read as follows:

Sec. 11 1/2 - 53. Associations required to register.

(c) ~~An initial annual application filling registration fee of \$150.00 shall be required and may be amended annually by the city, and shall be billed on the local business tax receipt/certificate of use invoice. The registration fee shall be reasonable to compensate for administrative expenses and shall be set, from time to time, by resolution adopted by the City Commission.~~ All currently existing condominium associations, multi-family homeowner and cooperative apartment associations are required to comply with the requirements of this section by October 1, 2023.

SECTION 3. Conflict. All ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 4. Codification. The provisions of this Ordinance shall become and be made a part of the City of Lauderhill, Florida Land Development Regulations; sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and the word "ordinance" may be changed to "article," "part," "section," or other appropriate word.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon its adoption.

DATED this _____ day of _____, 2022.

PASSED on first reading this _____ day of _____, 2022.

PASSED AND ADOPTED on second reading this _____ day of _____, 2023.

PRESIDING OFFICER

ATTEST:

CITY CLERK

FIRST READING

SECOND READING

MOTION
SECOND

M. DUNN
D. GRANT
L. MARTIN
S. MARTIN
K. THURSTON

