



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#15-0959

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: August 18, 2015

TITLE: Ordinance - Creating Article X, Vacation Rentals, of Chapter 15 of the
Code of Ordinances to provide for the regulation of Vacation Rentals

Recommendation

It is recommended that the City Commission adopt an ordinance on second reading creating a new article to provide for the regulation of vacation rentals.

Previous City Commission Action

At the July 7, 2015 Regular Meeting the City Commission voted unanimously to approve the proposed ordinance on first reading.

Subsequent to the first reading of the draft ordinance staff has added and/or removed language that will address the following (shown in Exhibit 1 with double strike and underline):

- Amending the definition of Vacation Rental to remain consistent with State of Florida terms by changing “guests” to “Transient Occupants”. Please refer to page 4 of Exhibit 1 for more information.
- Existing contracts between vacation rentals and their guests that permit for the owner of a vacation rental to allow another person to occupy a property if the following criteria are met:
 1. The residential property has an effective and valid license as a Vacation Rental classification of public lodging establishment issued by the Florida Department of Business and Professional Regulations prior to August 18, 2015; and,
 2. The residential property is not in violation of any section of the Code of Ordinances of the City of Fort Lauderdale; and,
 3. An application for registration of the residential property as a Vacation Rental has been filed pursuant to Section 15-273 and all applicable fees have been paid; and,
 4. That said occupancy was scheduled prior to July 7, 2015 as evidenced by a

written and validly executed rental agreement or contract provided to the City Manager no later than September 30, 2015.

For more information please refer to page 5 of Exhibit 1.

- Clarifying the registration application shall be made to the City Manager or his/her designee. Please refer to page 5 of Exhibit 1 for more information.
- Revising the maximum distance requirement for residence of responsible party from only within Broward County to a maximum distance of 25 miles regardless of residing in Broward County. Please refer to page 7 of Exhibit 1 for more information.
- Revising the minimum vacation rental lessee information to clarify the City's non-emergency phone number instead of the local non-emergency number. Please refer to Page 11 of Exhibit 1 for more information.
- Clarification of the revocation criteria to provide for existing enforcement mechanisms as stated in Chapter 11 of the Code of Ordinances of the City of Fort Lauderdale. Please refer to pages 13 and 14 of Exhibit 1 for more information.
- Revising the language referring to suspension time frames to establish that a violation of the article will result in suspension rather than a violation of the maximum occupancy. Please see page 15 of Exhibit 1 for more information.
- Clarifying the special magistrate rather than the City of Fort Lauderdale may determine the numbers of days before suspension begins if a violation exists. Please refer to page 15 of Exhibit 1 for more information.
- Clarifying enforcement of the article will be provided for pursuant to Chapter 11 of the Code of Ordinances of the City of Fort Lauderdale. For more information please see page 16 of Exhibit 1.

In addition, staff has extended the effective date of the ordinance from ten days after date of final passage to an effective date of November 1, 2015 in an effort to address the number of vacation rental locations that will need to be registered with the City and inspected by staff. This will give the City 74 days to ensure the registration process is fully implemented, the sites are inspected, and the vacation rentals are in compliance. To review the new effective date please refer to page 16 of Exhibit 1.

Background

At the May 13, 2015 City Commission Conference Meeting the City Commission discussed the City Attorney's Office recommended regulatory approach to address the non-residential use of residential property for short-term rentals. It was recommended

the City establish a registry for vacation rentals and amend the City of Fort Lauderdale's Unified Land Development Regulations ("ULDR") to clarify the permitted and prohibited uses within residentially zoned districts within the City. Staff was directed to develop the appropriate ordinances to implement the suggested changes for adoption by the City Commission.

The proposed ordinance, attached as Exhibit 1, requires any person operating a Vacation Rental within the City to register the Vacation Rental property and be issued a certificate of compliance. The certificate of compliance is issued by the City Manager or his/her designee as evidence to the public that at a minimum the location complies with applicable regulations. The following is a summary of the proposed regulations:

- Owners are responsible for registering their property; acknowledge that they are aware of specific requirements of City Code; designating a responsible party and payment of a registration fee.
- Responsible parties are designated by the owner and are to be accountable for informing all guests, in writing, of all applicable City ordinances and ensuring that such information is posted at the property in specified locations, maintaining the property subject to all requirements, ensuring that occupancy limits are maintained, ensuring that all violations are promptly addressed, be available twenty-four hours, seven days a week to address any issues that may arise, respond to emergency calls, keep a registry of all guests, and be able to respond to the site within one hour of being notified.
- Transient Occupants means any person who occupies or is in actual or apparent control or possession of residential property used as a Vacation Rental during the period of the rental agreement.
- The ordinance adopts the following standards for Vacation Rentals:
 - Minimum life/safety requirements:
 - A swimming pool, spa or hot tub must comply with the current standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.
 - All sleeping rooms must meet the minimum requirements of the Florida Building Code.
 - Interconnected and hard-wired smoke and carbon monoxide (CO) detection and notification systems must be installed and maintained on a continuing basis consistent with the requirements of Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code – Residential.
 - A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher must be installed, inspected and maintained in accordance with NFPA 10 on each floor/level of the unit.
 - Maximum occupancy is limited to the lesser of the following:

- One (1) person per one hundred fifty (150) gross square feet of permitted, air-conditioned living space; and
 - Two (2) persons per sleeping room, meeting the requirements for a sleeping room, plus two (2) additional persons that may sleep in a common area.
 - In the RS-4.4 and RS-8 zoning districts or specific portion of a community developed as a single or two-family neighborhood, the maximum occupancy shall be limited to ten (10) transient occupants per vacation rental unit.
 - In all other zoning districts and developments predominantly developed with greater than two-family dwelling units, the maximum occupancy shall be limited to sixteen (16) transient occupants per vacation rental unit.
 - Occupancy may not exceed three (3) transient occupants per one (1) off-street parking space provided as required by Section 47-20.2 of the ULDR.
- Solid waste handling and containment will be based on the maximum transient occupancy permitted,
 - The vacation rental/lease agreement shall contain the minimum information as provided for in subsection 15-278.
 - The vacation rental lessee must be provided with a copy of the information required in subsection 15-278.
 - Designation of a vacation rental responsible party capable of meeting the duties provided in subsection 15-276.
 - Any advertising of the vacation rental unit shall conform to information included in the Vacation Rental Certificate of Compliance and the property's approval, particularly as this pertains to maximum occupancy.
 - Sexual offenders and sexual predators are subject to the restrictions of section 16-127 of the Code.
- Vacation Rental properties are subject to an initial inspection to ensure compliance with the ordinance and thereafter annual inspections.
 - Compliance is secure through a progressive enforcement program that begins with a warning. If compliance is not secured the warning is followed by a citation. Repeat violators are subject to suspension and daily fines.

Upon adoption of the ordinance, a new article (Article X) shall be added to Chapter 15 (Business Tax Receipts and Miscellaneous Business Regulations) of the Code of Ordinances of the City of Fort Lauderdale.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included in the Public Places Cylinder of Excellence, specifically advancing:

- Goal 5: Be a community of strong beautiful neighborhoods

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community*.

Related CAM

#15-1065

Attachment

Exhibit 1 – Proposed Ordinance

Prepared by: Anthony Gregory Fajardo, Zoning Administrator

Department Director: Jenni Morejon, Department of Sustainable Development