



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#16-0541

5-3-16
OFR-5
REVISED
CAM

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

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

DATE: May 3, 2016

TITLE: **REVISED OFR- 5** - Ordinance - Amending Article X, Vacation
Rentals, Chapter 15 of the Code of Ordinances

Recommendation

It is recommended that the City Commission adopt an ordinance on first reading amending the regulation of vacation rentals.

Background

At the August 18, 2015 Regular Meeting, the City Commission voted unanimously to approve the new Vacation Rental ordinance on second reading with an effective date of November 1, ~~2016~~ 2015.

To date, the Vacation Rental Registration Program yielded 126 applications of which 42 (or 33%) certificates of compliance have been issued with \$84,397.50 in revenue generated from registration and business tax fees. Enforcement efforts resulted in five property owners ending the operation of the vacation rental, 23 properties submitting the required registration application, and one property adjudicated by the Special Magistrate. There are 80 properties with code enforcement action in progress and potentially several other properties that remain unidentified. This ordinance amendment will streamline the process for faster turn-around time for the issuance of the Certificate of Compliance and prosecution of offending vacation rental property owners.

The proposed ordinance modifies Article X in the following ways (shown in Exhibit 1 with strikethrough and underline):

- Amending the definition section to define the terms "Bedroom" and "Certificate of Compliance" and clarify the meaning of term "Transient Occupants" in Sec. 15-271 of the Code of Ordinances of the City of Fort Lauderdale (Code).
- Confining the scope of regulation to single-family, two-family, three-family, and four-family house or dwelling units.
- Provide a process for the treatment of pending applications and the

determination of when an application is incomplete and should be rejected, and establish September 30th as the date for annual renewal of a Vacation Rental registration.

- Clarifying the minimum for the registration application.
- Require notification be provided to the City prior to any proposed change or alternation to the Vacation Rental property or operation to determine if an application for modification should be submitted. If required, the application of modification shall be submitted to the City within ten (10) days of the completion of the changes or alteration, such as:
 1. A change in the gross square footage.
 2. A change in the number of bedrooms.
 3. A change in the maximum occupancy.
 4. A change in the number of parking space, or a change in the location of parking spaces.
- Revising Sec. 15-275 of the Code to require notification to the City of any change of the responsible party within ten (10) days of the change, requiring the responsible party to respond in person within one (1) hour if requested by a Vacation Rental Occupant, law enforcement officer, emergency personnel, or the City, and mandating an inspection of the property at the end of each rental period.
- Clarifying the application for registration shall be sworn to under penalty of perjury and any false or misleading statement shall be the basis for revocation of any license issued in connection with the application as presented in Sec. 15-276 of the Code.
- Specify that the registration is non-refundable, require satisfaction of initial and routine inspections, and require the Vacation Rental property is not subject to suspension as part of meeting the minimum requirements for the issuance of the Certificate of Compliance.
- Revising Sec. 15-278 of the Code to change the term "sleeping room" to "bedroom" for calculation of maximum occupancy, clarify that smoke and carbon monoxide detection and notification system must be primarily powered from the buildings wiring, ensure there is a landline telephone on the property to make 911 emergency calls, and modify the compliance timeframe for Vacation Rental properties with State public lodging licensure before August 18, 2015.
- Clarification on the determination of maximum occupancy for the property and the minimum amount of information to be provided to the lessee of the Vacation Rental property is also reflected in Sec. 15-278 of the Code.

- Revising the penalties and suspension Sec. 15-282 of the Code to grant code inspectors and law enforcement officers the authority to issue civil citations without a warning notice, clarify the suspension timeframes, provide for temporary suspension of five (5) days for Florida Building Code (FBC) or Fire Prevention Code violations, prohibit the issuance of a Certificate of Compliance to a Vacation Rental property on suspension, and clarify the conditions for a maximum occupancy violation.

Please see Exhibit 1 for the entire text of ordinance amendments.

Resource Impact

There is no resource impact associated with this action at this time.

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

CAM #16-0542

Attachment

Exhibit 1 – Proposed Ordinance

Prepared by: Sharon P. Ragoonan, Sustainable Development

Department Director: Al Battle Jr., Sustainable Development