



City of Boynton Beach Agenda Item Request Form

Commission Meeting Date: 06/ 6/2023

Proposed Ordinance No. 23-012 - First Reading - Proposed regulations for Short-Term Rentals

Requested Action by Commission:

Approve modifications to the Code of Ordinances, Chapter 13. Licenses, Article I and Article V to establish a new Article V. named Rental Housing with a regulatory framework for Short-Term Rentals including an application process, applicable terms and definitions, operational and technical standards and processes, and specific enforcement measures and penalties. Corresponding amendments also include reformatting existing Article V as Article VI, and changes to Chapter 2. Article V of the Code Compliance portion of the Code for appropriate insertions for consistency with and references to the new Short-Term Rental sections.

Explanation of Request:

Staff delivered an overview of this project to the City Commission in November of last year, and the Commission responded with the directive to continue the analysis and ultimately return with a draft ordinance for consideration. Staff completed its analysis which generally consisted of a review of the City's current regulatory system applicable to the rental of residential properties, and the drafting of amendments to the City's Code of Ordinances. The draft code amendments include the reorganizing of Article I of Chapter 13 to consolidate existing sections applicable to residential rental uses with the proposed new sections applicable to Short-Term Rentals (abbreviated STR) within a new Article V. Proposed Article V consists of terms and definitions relative to both STRs and the traditional/long-term residential rentals, the more expanded application requirements for the STRs, technical or operational requirements, and a new compliance process to correspond with regulating STRs. Lastly, staff is completing a separate Business Tax application for STRs that reflect the unique requirements and standards applicable to this use.

The primary considerations in drafting the subject regulations included the format and procedural components of the existing City Code of Ordinances, selected standards and processes adopted by other local governments, worse case experiences involving STRs in the region, what staff understands to be the principal potential impacts of STRs on the community, and the limits on local governing actions set by Florida Statutes. The draft products were vetted in a team setting including staff from the Planning & Zoning, Community Standards, and Business Tax Divisions of the Development Services Department. Technical input was also

obtained from the City's Police Department.

Lastly, the draft ordinance includes a few amendments to sections in other chapters and articles of the Code of Ordinances for connectivity and consistency purpose (e.g. cross-references).

Key Factors Influencing the Draft Ordinance and Selected Components

The problems most commonly associated with STRs, in addition to careless property management and lack of oversight, include noise, traffic and vehicle parking, excessive property occupancy, and unruly behavior of guests and property damage. Therefore, selected requirements and standards emphasize intensity of use and namely maximum occupancy, strict parking requirements, optimal and proactive property management, and compliance with more stringent and current life/safety and building codes applicable to group housing.

Specific examples of standards applicable to STRs include:

- Maximum overnight occupancy being a factor of house size— 2 persons per bedroom plus to persons, but not to exceed 10 persons in a dwelling unit;
- Maximum number of individuals gathering at a STR is not to exceed 1 ½ times the maximum registered occupants up to a maximum of 15 persons;
- The requirement of a registered guest at least 25 years old when there are visitors or guests under the age of 21;
- Requiring vehicle parking on approved driveway surfaces and specifically prohibiting parking on yards, swales, sidewalks, and rights-of-way;
- Requiring the STR to be equipped with a land (phone) line to ensure communications of guests with emergency services and the local responsible party;
- Emergency lighting to be hard-wired at each principal ingress/egress of each inhabitable structure on the STR property;
- Prohibiting the operating of any commercial or a non-residential activity at a rental;
- Prohibiting more than one lease arrangement at a STR;
- Requiring a new property inspection at time of annual renewal for each STR;
- Requiring a designated Local Responsible Party to be in close proximity for adequate responsiveness and weekly visits to the property to ensure compliance; and
- The posting of all operational rules of the STR and contact information for the Local Responsible Party for the benefit of and maximized compliance with the STR rules and standards by the guests.

Enforcement and Penalties

To further ensure the compatibility of STRs with the surrounding neighborhood, to prevent negative impacts, and to facilitate expedited halting of violations associated with the STR, more stringent enforcement measures are proposed. Such measures include for example:

- Making fines imposed for violations not eligible for reduction;
- Applying the maximum fine of \$15,000 for violations involving maximum persons and non-residential and or commercial use of the property as deemed by the ordinance as irreparable or irreversible violations; and
- Applying suspension time frames that increase with repeat violations and range from 30

days to over 1 year.

Optional Requirements or Standards

Staff has included the requirements and standards in the draft ordinance that are reasonable and that address the potential hazards and nuisances associated with poorly managed Short-Term Rentals. However, although not recommended by staff, there are additional requirements adopted by other cities in the sample regulations reviewed by staff that the City Commission could consider if an even more stringent and conservative regulatory system is preferred. Such optional requirements could include the following:

- Hardwiring of smoke and carbon monoxide detection and notification systems, which is a code requirement for group occupancies, for example, in the Florida Building or Life Safety Codes;
- Sound measuring and reporting equipment that notifies the local responsible party when interior or exterior noise/sound exceeds a certain decibel level;
- Requirement for the Local Responsible Party to obtain and maintain a property manager license;
- Reduce required distance that the LRP can reside from the corresponding STR to increase likelihood of required oversight of the STR;
- Decrease maximum occupancy limits;
- Increase applicability to rentals with leases of less than 90 days rather than 30 days;
- Retain the services of a vendor to regularly conduct searches for unapproved STRs, track violations, etc. and
- Requiring public notification of a Short-Term Rental approval.

How will this affect city programs or services? This item will not affect City programs or services.

Fiscal Impact: There is no fiscal impact to the budget for this item.

Attachments:

[Ordinance amending Short Term Rentals language](#)
[CDRV_23-006_Staff_Report.pdf](#)
[Short-Term Rental Amendment.pdf](#)
[CDRV 23-006 - Staff Presentation.pdf](#)