

MEMORANDUM

To: Howard Tipton, Town Manager

From: Allen Parsons, AICP
Director, Planning, Zoning & Building Department

Report date: February 23, 2023

Meeting date: March 6, 2023

Subject: Ordinance 2022-13, Establishing Chapter 115, Residential Rental Registration Requirements and Program

Recommended Action

Adopt Ordinance 2022-13.

Background

At their February 6, 2023, Town Commission Regular Meeting, the Town Commission (Commission) held first reading and forwarded Ordinance 2022-13 for second reading, public hearing and adoption. The Commission also reviewed a draft of Resolution 2022-21. The development of a Residential Rental Registration Program (Program) was considered by the Commission at their June 20, 2022, and January 23, 2022, Regular Workshop Meetings.

At the February 6, 2023, Regular Meeting, the Commission had one recommendation, which was to allow for early registrations and inspections prior to the Program's official implementation date of October 1, 2023. This incorporated change (Section 6 of Ordinance 2022-13) was intended to reduce the likelihood of an overly large number of registrations at one time, as the program is initiated. The only other change to Ordinance 2022-13 is a non-substantive modification of the definition of *Transient public lodging establishment* to remove reference to also being referred to as Tourism Use or Nonconforming Tourism Use. The reason for this minor change is that the *Transient public lodging establishment*, like the *Nontransient public lodging establishment* definition, is intended to refer to Florida Statutory provisions and staff wants to be absolutely explicit that there are no modifications to the Town's grandfathered tourism provisions found in Town Code Chapter 158.

As a reminder, the proposed Residential Rental Registry Program contains a number of requirements designed to protect residential neighborhoods. The program will be applicable to all residentially zoned rentals within the Town that are rented for periods of less than 6 months. This includes residential properties that have been grandfathered as a legally nonconforming tourism use. The program would not apply to existing legally zoned tourism properties (such as the Zota Beach Resort, Sand Cay, Four Winds Beach Resort, St. Regis, etc.) as they are regulated by the Florida Department of Business of Professional Regulation. This time period was chosen because rentals of 6 months or less are required to: pay Tourist Development Taxes to either Manatee or

Sarasota Counties; pay applicable Sales Tax to the Florida Department of Revenue; meet Life/Safety requirements for transient and non-transient lodging; and obtain a Business Tax Receipt from the Town.

The Program's requirements, discussed previously, will not add or modify any of the requirements or definitions of Tourism Uses in Title 15, Land Development Code, of the Town's Code of Ordinances, consistent with (Section 509.032(7)(b), F.S.), which allows local governments to regulate vacation rentals so long as such regulation does not prohibit them or limit the duration or frequency of rental.

The program will officially begin on October 1, 2023, to allow for an extensive education effort and to phase in the inspections. Early registrations and inspections will be available prior to that date. Upon adoption, staff will be providing outreach to property management companies, the Federation of Longboat Key Condominiums, homeowners associations, social media, and print media among others. In addition, staff will be coordinating to have the Business Tax Receipt annual renewal notices, which are sent out in July each year, include notice of the new Residential Rental Registry Program requirements. Staff will also coordinate to have notice provided on utility billing statements.

Staff is recommending adoption of this program as a proactive measure to address the growing number of residential rental properties, to mitigate impacts to nearby residential properties, to encourage the appropriate management of these properties, and to protect the general health, safety, and welfare of the residents and visitors to the Town.

Staff Recommendation

Adopt Ordinance 2022-13.

Attachments

- A. Ordinance 2022-13 (Available in Town Clerk's Office)
- B. PowerPoint Presentation (Available in Town Clerk's Office)

End of Agenda Item