

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 16, "VACATION RENTALS", AT SECTION 16-2, ENTITLED "VACATION RENTALS"; AMENDING SECTION 105-110, ENTITLED "PARKING AND STORAGE OF MOBILE LIVING UNITS", AND SECTION SEC. 105-140, ENTITLED "RESTRICTIONS ON PARKING COMMERCIAL AND RECREATIONAL VEHICLES IN RESIDENTIAL AREAS" TO CLARIFY THAT MOBILE HOMES OR RECREATIONAL VEHICLES (MOBILE LIVING UNITS) CANNOT BE LEASED FOR SHORT TERM OR LONG TERM RENTALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; CODIFICATION AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to clarify the code to clearly state that all mobile living units (mobile homes and recreational vehicles) cannot be lived in nor rented for short term or long term rentals; and

WHEREAS, the City desires to update the code to try to protect the health, safety and welfare of the residents from criminals intending to use vacation rental properties for criminal purposes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. That the preceding "WHEREAS" clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2 That the following section of the City's Code of Ordinances is hereby amended to read as follows:

* * *

CHAPTER 16

VACATION RENTALS

* * *

Sec. 16-2. Vacation rentals.

- (a) *Applicability.* This chapter shall apply to a vacation rental, as defined in section 16-1, of a single-family dwelling, a two-family dwelling, a three-family dwelling, or a four-family dwelling. This chapter shall not apply to vacation rentals within a multi-family residential building, or a group of multi-family residential buildings, which includes more than four (4) individual dwelling units within such building or group of buildings. It is unlawful to use a mobile living unit (mobile home or recreational vehicle) for vacation rental use, or for short term or long term rental use.
- (b) *Vacation rentals prohibited unless in compliance with this chapter.* No person shall rent or lease all or any portion of a dwelling unit as a vacation rental as defined in section 16-1 without first (i) obtaining a business tax receipt from the city pursuant to chapter 15 of the Code, and (ii) complying with the regulations contained in this chapter. No person shall allow occupancy or possession of all or any portion of a dwelling unit as a vacation rental if the dwelling is in violation of any zoning, building, housing, density, life/safety and fire codes or regulations.

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Sec. 105-110. Parking and storage of mobile living units.

- (A) *[Definition.]* As used in this section, the term "mobile living unit" shall mean and refer to mobile homes and house trailers.
- (B) *[Restrictions, exceptions.]* It shall be unlawful to park, store or place any mobile living unit at any site within the city, other than as follows:
 - (1) As provided in subsection (C), below;
 - (2) At a trailer park that holds a valid business tax receipt;
 - (3) As a temporary use pursuant to section 675-20 (Temporary uses), for a period of time not exceeding seven (7) days' duration, provided that mobile living units converted and used exclusively as a construction office may be permitted as a temporary use for the duration of an active building permit for construction of a nonresidential principal building or expansion of such nonresidential principal building, and residential construction for three (3) or more dwelling units on a single lot or adjoining lots; or
 - (4) In any other manner for a period of more than six (6) consecutive hours, provided that such parking, storage or placement is not prohibited under another section of the code of ordinances.
- (C) *Exemption for sales lots.* The provisions of this section shall not apply to unoccupied mobile living units stored on the lots of trailer sales operators that hold a valid business tax receipt within the city where such unoccupied mobile living units are being held for sale.
- (D) *[Natural disasters.]* Notwithstanding subsection (B), the city manager may authorize temporary placement of mobile homes or other temporary housing within any zoning district following a natural disaster.
- (E) It is unlawful to use a mobile living unit for vacation rental use, or for short term or long term rental use.

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Sec. 105-140. Restrictions on parking commercial and recreational vehicles in residential areas.

The following restrictions apply to the parking of commercial vehicles, recreational vehicles, special purpose vehicles, trailers, utility trailers or boats (collectively referred to as "regulated vehicles" only for the purpose of this section and section 105-130):

- (A) Every regulated vehicle permitted in residential areas, except special purpose vehicles and except those regulated vehicles that are parked and stored within a completely enclosed building, shall have affixed onto the vehicle a currently valid license tag or decal and vehicle inspection sticker registered to the vehicle.
- (B) All regulated vehicles shall be parked or stored with all wheels and tires mounted and inflated and shall be maintained in a movable condition. No regulated vehicle shall be supported to any degree by concrete blocks, jacks or any other means of support, except for:
 - (1) A truck-camper unit that has its own jack and is a structure designed to be mounted upon and carried by another vehicle; and
 - (2) A recreational trailer that may be supported by an attached tongue.
- (C) Any wrecked, partially dismantled or rusted-out vehicles must be stored within a completely enclosed building.
- (D) Nothing in this section shall prohibit any person from making minor repairs to a vehicle on their own property, when such repairs are completed within a twenty-four-hour period.
- (E) No regulated vehicle shall be used as an accessory building, or for storage, or occupied in any manner, or connected to any utility or electrical service, except as necessary to perform minor or emergency repairs to such vehicle, and except for recharge of batteries. Nothing in this subsection shall prohibit the owner of a recreational vehicle, in an emergency situation, from temporarily residing in the recreational vehicle on the owner's property. However, in no event shall the recreational vehicle be used as a temporary residence for more than forty-eight (48) hours.
- (F) An opaque fence or hedge measuring six (6) feet in height shall be installed and maintained to enclose all yards within which any regulated vehicle is parked or stored. Any hedge must [be] selected and maintained to achieve the required height within two (2) years of planting and shall be planted in compliance with subsection 275-190(I)(4), which governs the installation of shrubs.
- (G) It is unlawful to use a mobile living unit for vacation rental use, or for short term or long term rental use.

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Section 3. That if any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 5. It is the intention of the Mayor and City Commission of the City of Dania Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Dania Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. That this Ordinance shall be effective 10 days after passage.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____, 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

SIGNATURE PAGE TO FOLLOW

ATTEST:

ELORA RIERA
CITY CLERK

ARCHIBALD.J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY