



AGENDA
CITY OF LAKE WORTH BEACH
CITY COMMISSION WORK SESSION - CODE COMPLIANCE/VACATION RENTALS
CITY HALL COMMISSION CHAMBER
MONDAY, MAY 23, 2022 - 5:00 PM

ROLL CALL:

PLEDGE OF ALLEGIANCE: led by Commissioner Kimberly Stokes

UPDATES / FUTURE ACTION / DIRECTION

- A. [Discussion of Code Compliance Activities in Lake Worth Beach](#)
- B. [Discussion of Vacation and Short-Term Rentals](#)

ADJOURNMENT:

The City Commission has adopted Rules of Decorum for Citizen Participation (See Resolution No. 25-2021). The Rules of Decorum are posted within the City Hall Chambers, City Hall Conference Room, posted online at: <https://lakeworthbeachfl.gov/government/virtual-meetings/>, and available through the City Clerk's office. Compliance with the Rules of Decorum is expected and appreciated.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

EXECUTIVE BRIEF WORK SESSION

AGENDA DATE: May 23, 2022

DEPARTMENT: Community Sustainability

TITLE:

Discussion of Code Compliance Activities in Lake Worth Beach

SUMMARY:

Discussion of Code Compliance activities including types of compliance, governing rules and regulations, procedures, priorities and goals.

BACKGROUND AND JUSTIFICATION:

Code Compliance is an often maligned but essential activity within the City. The process can be complex and many times does not achieve the results expected in a timely fashion. It is misunderstood with expectations often exceeding the legal limits of the law. All activities are governed by Florida Statutes 162, which has experienced some changes in the past few years. Anonymous complaints can no longer be taken unless they involve direct threat to life and safety. Florida is a property rights state, which serves to extend out the code compliance process much longer than is acceptable to many. And homesteaded properties are afforded many exceptions to the compliance options such as being exempt for foreclosure actions.

Discussion will involve the following areas of the Code Compliance process.

1. Florida Statutes and Provisions of 162
2. Traditional Code Compliance
3. Chronic Nuisance
4. Nuisance Abatement
5. Remedial Services
6. Red-Tagging and Towing
7. Use & Occupancy Inspections
8. Lien Reductions

With a mutual understanding of the Code Compliance process, consensus of direction will be sought regarding next steps for the Code Compliance Division including priorities and policy direction including identifying any changes that are needed within the City's Code of Ordinances.

DIRECTION:

Provide consensus on direction regarding goals objectives, policy direction and priorities for the City's Code Compliance Division and its activities.

ATTACHMENT(S):

Fiscal Impact Analysis – N/A
Presentation
Organizational Chart



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**Department
For
Community Sustainability
Code Compliance Division
Initiatives/Programs &
Activities**



The **Code Compliance** **Division** of the Department for Community

Sustainability is here to serve the citizens of Lake Worth Beach by ensuring compliance with all adopted City codes and ordinances. Code Compliance is committed to enforcing both F.S. 162 and the Municodes in an equitable and impartial manner. Code Compliance provides safe & effective public contact while educating and building cooperative partnerships throughout our community.

Our goal is to promote a positive image of Code Compliance to our community by fostering a culture that is Approachable, Knowledgeable, Helpful and of the Highest Integrity in an effort to

Compassionate Code Compliance

- **Cost-Effective Curb Appeal**
- **Focus on Common Violations**
- **Focus on Noticeable Landscape Violations**
- **Focus on Expired Permits/Work without Permits**
- **Focus on Unlicensed and/or Inoperable Vehicles**
- **Focus on Life/health/Safety Violations**
- **Addresses Hurricane Preparedness and Maintaining Clear Right-of-Ways**
- **Use & Occupancy Inspections**

Top Ten Common Violations

- Abandoned and/or Vacant Properties
- Bulk Garbage/Trash/Debris
- Lake Worth Beach Business/Rental License
- Dumpster Requirements
- Illegal Dumping
- Landscape Maintenance
- Outdoor Storage
- Parking on Grass
- Shutters/Boards over Windows (Egress)
- Unlicensed and/or Inoperable Vehicles

Steps for Citing Non-Life/Health/Safety Violations

- **Knock on the door**
- **Speak with the occupant; Leave a door hanger**
- **Allow a reasonable time to comply (based on the severity of the violation)**
- **Re-Inspect the property**
- **Telephone the Owner**
- **Notice of Violation mailed, if not complied**

Steps for Citing Life/Health/Safety & Business License Violations

- **Steps for citing Life/Health/Safety violations**
 - Immediately Telephone the Owner
 - Notice of Violation is mailed to the Owner (minimum time to comply)
- **Steps for Citing Business/Rental License Violations**
 - Telephone the Owner
 - Notice of Violation is mailed to the Owner

CODE COMPLIANCE INITIATIVES

- Re-initiating **Right-of-Way WEDNESDAYS**
- Every Wednesday will be dedicated to addressing inoperable and/or unlicensed vehicles – City wide
- **Vehicles Obstructing Public Right-of-ways**
- **Vehicles Posing Life/Health/Safety Issues**
- **Derelict Vehicles on the Public Right-of-Way**
- **Tagging and Towing Transport Trucks parked on Right-of-Ways**
- **Tagging and Towing 18-Wheelers parked on Right-of-Ways**

Right-of-Way Tow



Tows



Unlicensed/Inoperable Derelict Vehicle



New Programs/Changes

- Utilizing a Collection agency for collection of outstanding fines for properties in compliance
- Two new Special Magistrates
- New Special Magistrate Hearing Process -- Focusing on Safety & Social Distancing
- Presentation before Special Magistrate -- Code Compliance cases, Palm Beach County Fire Rescue cases, Building Division cases & Public Services (Refuse) cases
- Presentation before Special Magistrate -- Code Compliance cases authorizing foreclosure of liens (non homestead properties)
- Lien Reductions – Section 2-69.3
- Start at 100% of outstanding lien amount and then apply the following reduction factors: gravity of violation, action taken to correct the violation, previous violations, other matters that suggest it is in the best interest of the City – reduction can be no less than 10% of the fine amount/unless owner-occupied residential property

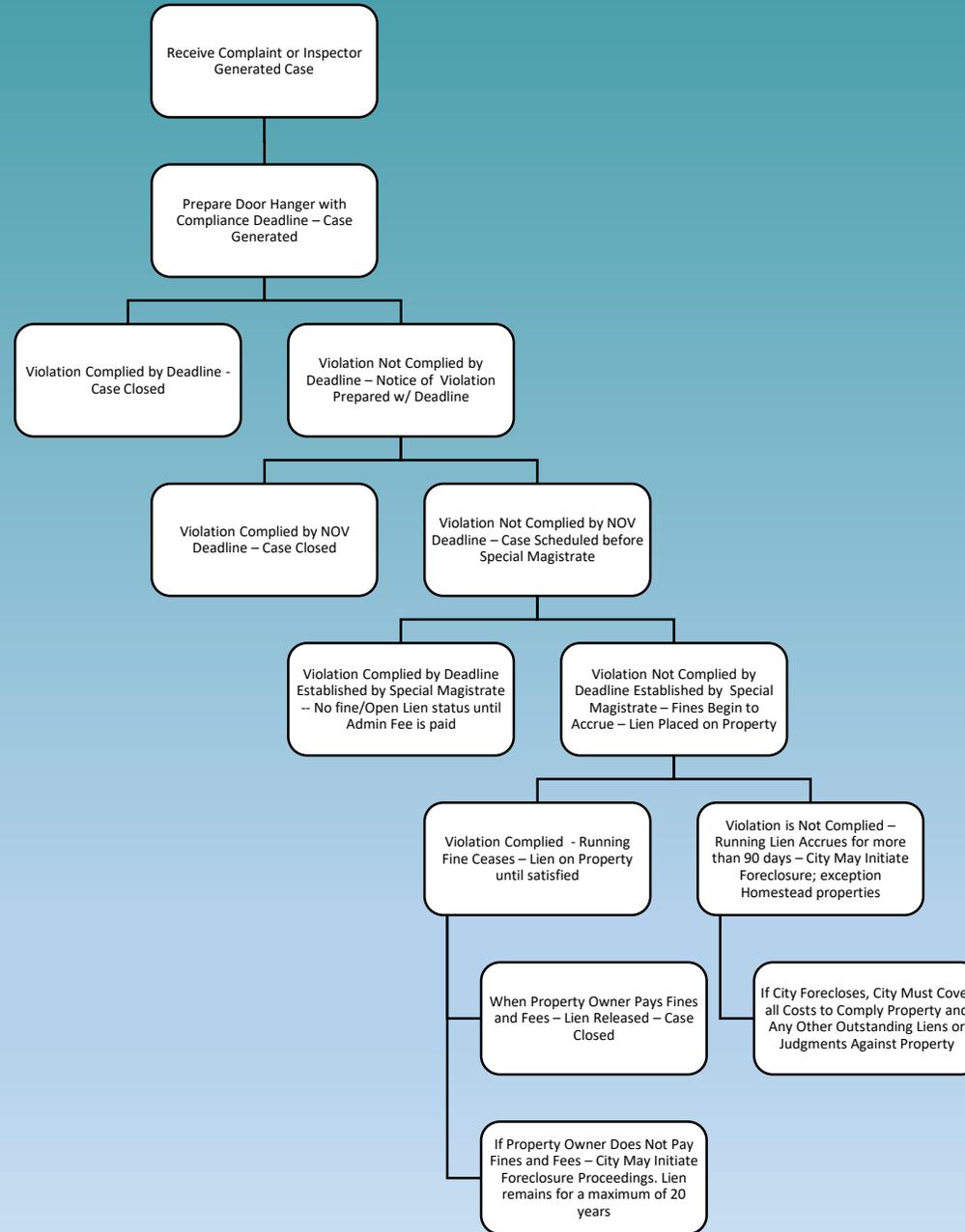
Staffing/Training

- **1 Assistant Director for Code Compliance**
 - **1 Community Code Field Supervisor**
 - **1 Compliance Admin Manager**
 - **8 Community Code Officers**
 - **2 Use & Occupancy Inspectors**
 - **2 Administrative Staff Members**
 - **1 Remedial Secretary**
 - **1 Use & Occupancy Secretary**
- **F.A.C.E. – Florida Association of Code Enforcement – 4 Certification Trainings**
- **NIMS – National Incident Management System – First Responder training to allow Code to work to protect, prevent against, respond to, recover and mitigate the effects of an incident**
 - **Palm Beach County Code Enforcement Officers Association**
 - **Parking Enforcement Specialist Training for Civilians**
 - **Supervision in Government**
 - **Numerous MANDATORY Leadership Trainings**

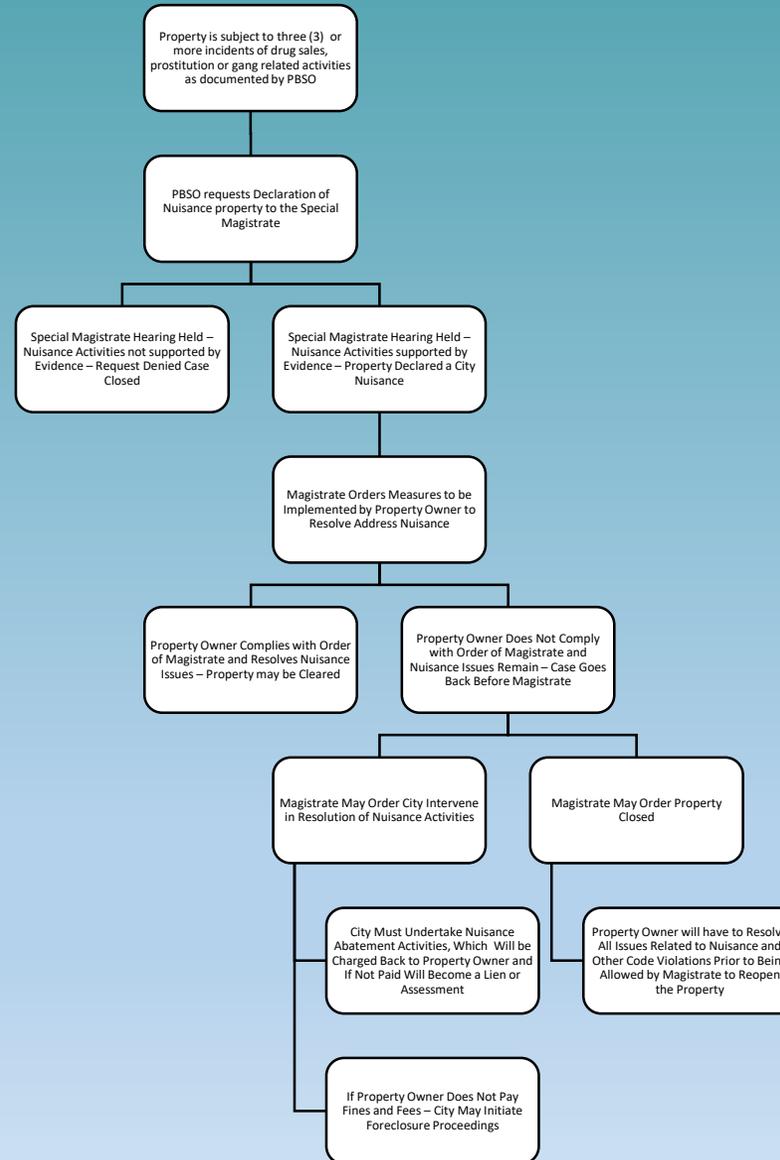
New COVID-19 Lien/Fine Reduction Scale

- 1, 2, 3, 4 years in violation – allow the maximum reduction down to a 10%
- 5, 6, 7, 8 years in violation – allow down to a 20% reduction
- 9, 10, 11, 12 years in violation – allow down to a 30% reduction
- 13, 14, 15, 16 years in violation – allow down to a 40% reduction
- 17, 18, 19 years in violation – allow down to a 50% reduction

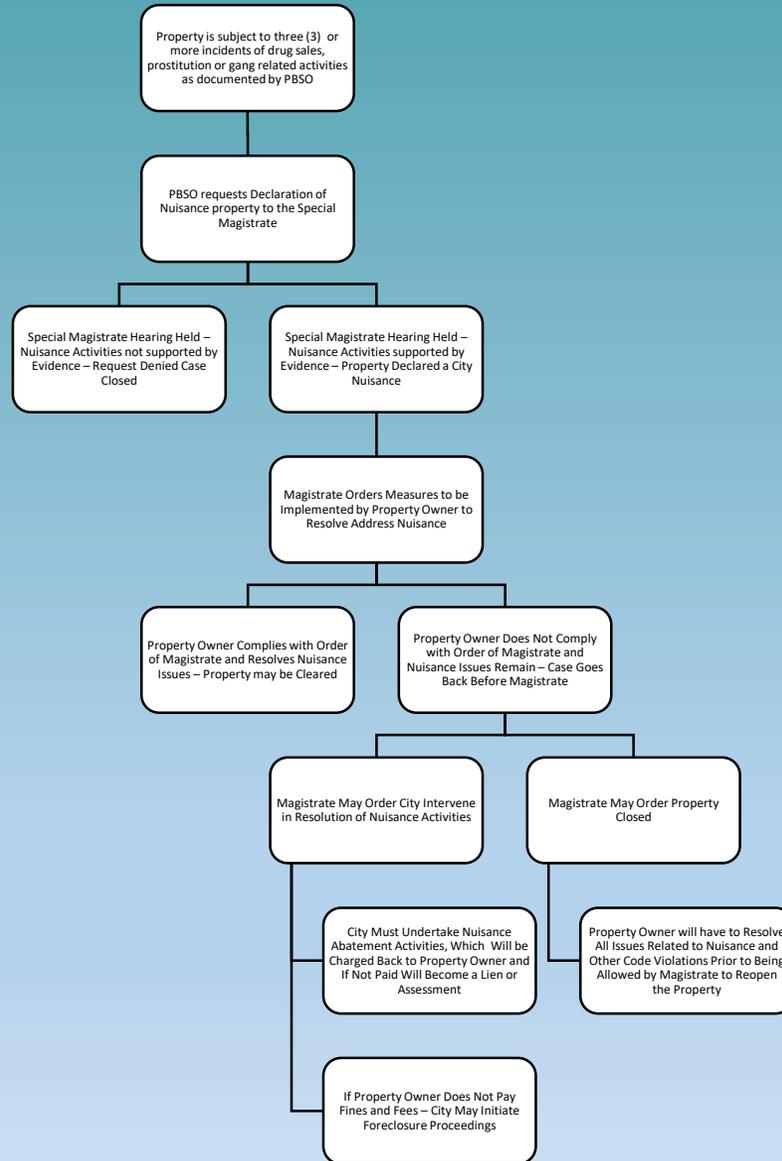
Traditional Code Compliance Process



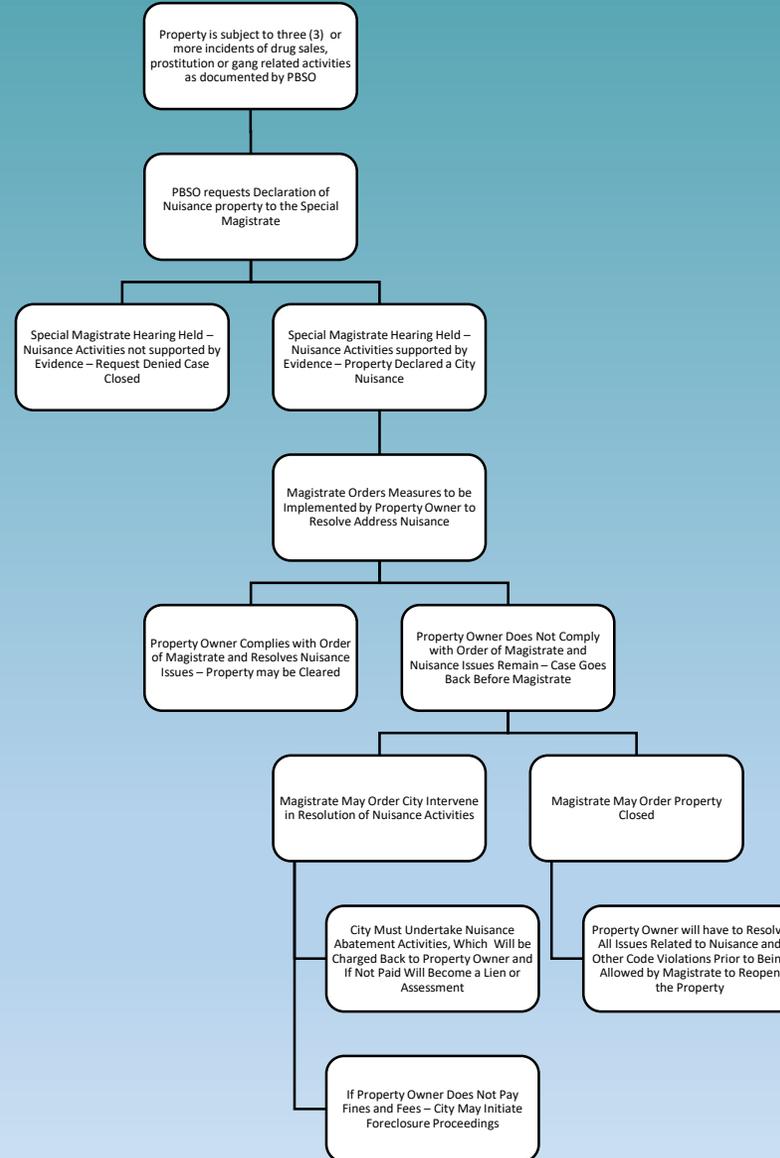
Nuisance Abatement Process



Chronic Nuisance Process



Chronic Nuisance Remedial Services Process





Marketing/Outreach

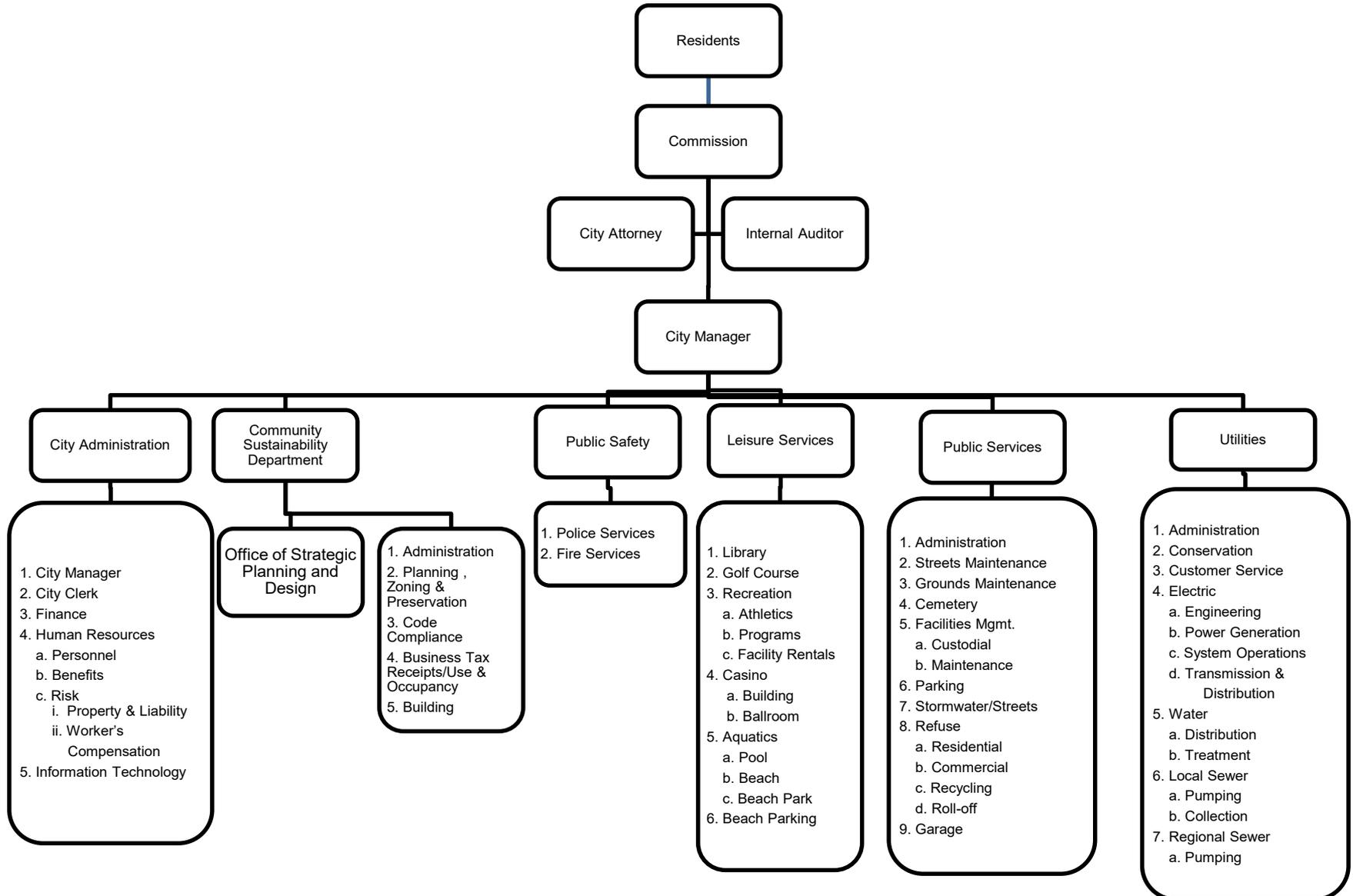
- Courtesy Notices of Violation – Issuing Door Hangers – in 3 languages: English, Spanish and Creole
- Thank You Cards - Acknowledging the efforts of our property owners' improvements to their properties
- Neighborhoods – Educating the community via Neighborhood Association Meetings
- Partnership with Healthier Lake Worth Beach – Working in conjunction with Healthier Lake Worth Beach in an effort to assist the community with voluntary compliance
- Task Force – Implementing a task force with PBSO, PBCFR, & Legal to address Chronic Nuisances
- Partnership with PBCFR – Establishing cooperative Code Compliance efforts by utilizing a Fire Inspector to inspect commercial properties



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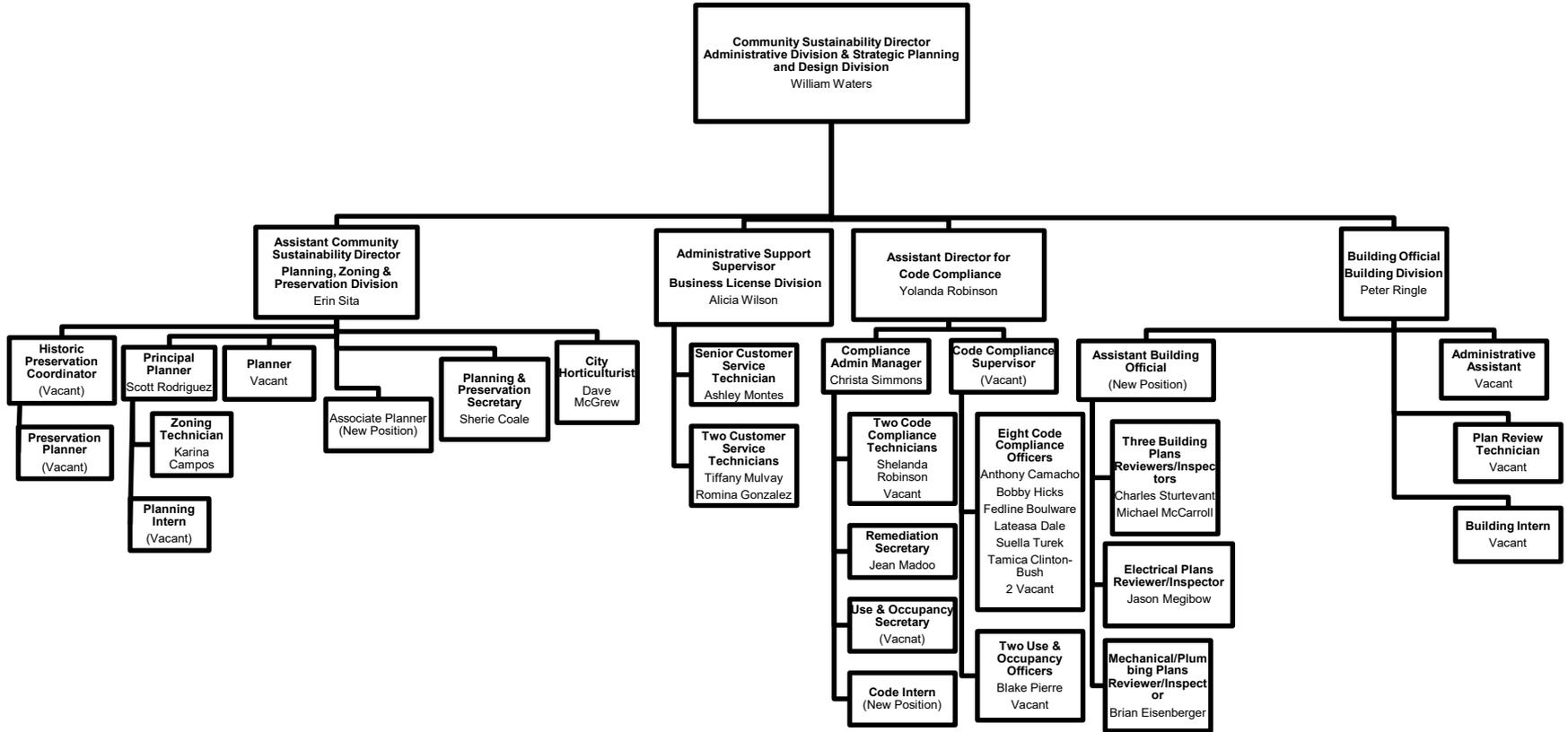
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City Wide



Community Sustainability Department Office of Strategic Planning & Design Office of Economic Development

FY 2022/23 Management Tree



EXECUTIVE BRIEF WORK SESSION

AGENDA DATE: May 23, 2022

DEPARTMENT: Community Sustainability

TITLE:

Discussion of Vacation and Short-Term Rentals

SUMMARY:

Discussion seeking consensus on policy and next steps regarding vacation rentals and short-term rentals in Lake Worth Beach

BACKGROUND AND JUSTIFICATION:

The City of Lake Worth Beach has struggled with the issue of vacation and short-term rentals for nearly a decade. At present, vacation and short-term rentals of residential dwelling units are not allowed and have not been allowed in the City going back many years. Beginning during the Great Recession and in the years following, these types of uses of residential properties have proliferated across the country and within the City. The actual number of these rentals within the City is unknown but is estimated at more than a couple of hundred during the Winter Season.

Because the State of Florida has preempted the City from establishing any new regulations for the specific use regarding vacation and short-term rentals, the City's Land Development Regulations (LDRs) have not been amended to recognize their existence. In addition, the use is not listed within the City's LDRs and was not specifically mentioned in the City's Zoning Code, which existed prior the adoption of the LDRs in August 2013. As such, the City has been grappling with how to address the myriad issues raised by their existence. City Staff prepared two memos outlining possible next steps and options for a City policy. These memos serve as the basis for a renewed discussion of the topic and can serve to offer an appropriate City policy moving forward.

DIRECTION:

Provide consensus regarding vacation and short-term rental policy and direction

ATTACHMENT(S):

Fiscal Impact Analysis – N/A
Presentation
2021 Vacation Rental Memo
2020 Vacation Rental Memo



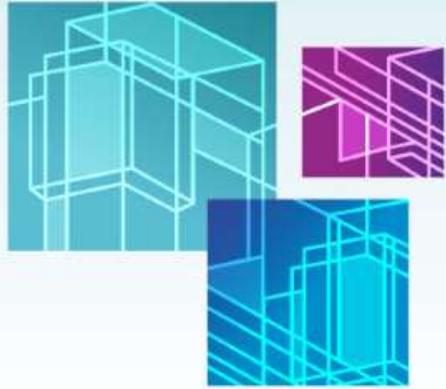
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Vacation/Short Term Rentals Air B&Bs

**Commission Workshop Discussion
May 23, 2022**

Vacation/ Short Term Rentals

Air B&B's



Options for Vacation/Short Term Rentals

Option 1 - Continue the status quo of the use not being allowed

- 100s of properties currently held out as vacation/short term rentals
- Most have residential rental business licenses restricting rental terms to 60 days or more
- Code Compliance has numerous complaints and cases being held awaiting policy direction on issue. If policy direction is to prohibit them, cases will be adjudicated

Option 2 - Allow use throughout the City and adopt rules to govern their options

- Require management rules and oversight ordinance
- Cannot regulate rental duration or rental frequency

Vacation/Short Term Rentals



“White Paper” Items for Option 2

Establish a registration process as part of the Business License application process for the property owner to establish compliance with all required criteria, which may include:

1. A completed and signed Vacation Rental Registration Form.
2. Payment of applicable fee (to be established by resolution and based on occupancy level).
3. A copy of the Vacation Rental’s current and active license as a transient public lodging establishment with the Florida Department of Business and Professional Regulation.
4. A copy of the Vacation Rental’s current and active certificate of registration with the Florida Department of Revenue.
5. Evidence of the Vacation Rental’s current and active account with the Palm Beach County Tax Collector and Palm Beach County.

Vacation/Short Term Rentals



“White Paper” Items for Option 2 (continued)

Establish a registration process as part of the Business License application process for the property owner to establish compliance with all required criteria, which may include:

6. Exterior site sketch showing all structures, pools, spas, hot tubs, fencing, and uses, including areas provided for off street parking.
7. Interior building sketch by floor showing the floor layout, identifying all bedrooms, other rooms, exits, hallways, stairways, as applicable.
8. Occupancy limits established based on sketch and posted within Vacation Rental.
9. Property owner to provide 24/7 contact information for property owner or manager in case of emergency to City, PBSO, PBCFR and all occupants.
10. Parking restrictions.

Vacation/Short Term Rentals



“White Paper” Items for Option 2 (continued)

- **Property could not be claimed as homestead (with exception for owner-occupied).**
- **Utilities would be possibly assessed under the commercial rate schedules (coordination with Village of Palm Springs and Palm Beach County would be necessary on properties outside City limits).**
- **Use & Occupancy inspection would be conducted to reflect commercial use and potentially increase to an annual inspection along with fire marshal inspection.**
- **External signage would need to be consistent with current sign code; internal postings would be required for waste collection schedule, noise ordinance, emergency numbers, etc.**
- **Create a specific calls-for-service standard for Vacation Rentals to more quickly declare them a Chronic Nuisance and commence the process to obtain compliance with all regulations.**

Vacation/Short Term Rentals



“White Paper” Items for Option 2 (continued)

- **Possibly equate the Vacation Rental use to a motel, hotel or extending stay lodging and each Vacation Rental would have to meet the performance criteria of such uses as outlined in the Land Development Regulations.**
- **Parking requirements would need to be established, which could be that of a single family residence or transient lodging facility (depending on occupancy level).**
- **Create potential fee schedule for violations and identify irreparable fine amount for operating a Vacation Rental without the appropriate licenses and certifications.**
- **All Vacation Rental structures (residences) would need to meet commercial fire code and accessibility requirements.**
- **Potentially treat structures (residences) being used commercially as formal changes in use & occupancy triggering Florida Building Code Requirements to bring the structures up to current code. This may involve, structural, electrical, mechanical and plumbing requirements.**

Vacation/Short Term Rentals



Next Steps

In order to incorporate the desired recommendations, the City would need to amend the following Chapters of its Code of Ordinances and its Schedule of Fees & Charges

1. Chapter 2, Administration, Article VI Code Compliance and Article VII Abatement of Nuisances
2. Chapter 9, Buildings and Structural Regulations – 40 year recertification of commercial and multi-family structures and buildings
3. Chapter 11, Fire Protection and Prevention
4. Chapter 14, Business License
5. Chapter 18, Utilities
6. Chapter 23, Land Development Regulations, Article 1 General Provisions, Article 3 Zoning Districts, Article 4 Development Standards and possibly Article 5 Supplemental Regulations.

Vacation/Short Term Rentals



Questions & Thank You





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Office of the City Manager
7 North Dixie Highway
Lake Worth Beach, FL 33460
561-586-1689

Memorandum

To: Honorable Mayor & City Commissioners

Through: Juan Ruiz, Interim City Manager

From: William Waters, Community Sustainability Director

Subject: Air B&B, Short Term and Vacation Rental Status

Date: July 8, 2021

The issue of managing and regulating Air B&B, Short Term and Vacation Rentals has been a topic of discussion going back at least 8 years. Over that time these rentals have proliferated across the City. As has been discussed, several years ago the State of Florida preempted the City from instituting regulations governing these uses directly. Prior to the preemption, the City's Land Development Regulations (LDRs) and Permitted Use Table did not allow for single family residential rentals for less than sixty (60) days, and single-family residences could not be transient lodging, which is leasable lodging for less than thirty (30) days. These types of uses are not even mentioned as permitted uses anywhere in the current version of City's LDRs. Consequently, the operation of these rentals technically is prohibited and illegal in the City. Their existence and prohibition are issues that require both further discussion and an established policy direction. The policy question outstanding is whether to allow these uses to legally operate, which would require that they be allowed anywhere in the city, or to continue to prohibit them, which would be leaving the status quo. Leaving the status quo would raise an additional question of enforcement and the ramifications of such code compliance actions.

At the direction of the previous Commission and City Manager, the City's Code Compliance Division has not actively or aggressively cited illegally operating Air B&B, Short Term or Vacation Rentals. Most properties operating as such at least have an active Lake Worth Beach Residential Rental Business License, which stipulates that residential rentals cannot be for less than sixty (60) days. In circumstances, where the City has received complaints regarding a property and there are other code compliance violations present including an illegal rental, the property is cited for all violations. A few of these have been presented to the Special Magistrate, who has found them in violation. At present there are over 100 complaints regarding properties where the operation of an Air B&B, Short Term or Vacation Rental is the only issue. Code Compliance does monitor these properties, but actual violation proceedings have not been processed and they have not been presented to the Special Magistrate.

The public also has been informed that the City will conduct a second public workshop to discuss this issue. Provided here as an attachment is a "white paper" prepared by the City Attorney's Office and this Department that offers an outline of possible regulations that could be adopted to govern the activities of these uses. The "white paper" was the result of questions and policy suggestions that arose during the discussion at the first public workshop on this issue.

Presently, a clear policy direction on this issue has not been established. Barring any change in direction, the uses will remain prohibited. Many likely will continue to operate illegally. Code Compliance will continue to



monitor properties and code violation proceedings will not move forward unless other violations are cited (and the complaints, if anonymous, involve life-safety issues). Please keep in mind that establishing a clear policy direction on this issue will be involved and somewhat time consuming. It would be appropriate to have the second policy workshop on the issue to bring everyone up to the same understanding of where the City is and what the possible ramifications would be should a change in policy be adopted.

Should there be a need for further clarification or should additional questions need to be addressed, please let me know.

Thank you.





Office of the City Manager
7 North Dixie Highway
Lake Worth Beach, FL 33460
561-586-1689

Memorandum

To: Honorable Mayor & City Commissioners

From: Michael Bornstein, City Manager

Subject: Air B&B, Short Term and Vacation Rental Potential Regulations

Date: October 23, 2020

Per the direction posed to City staff regarding Air B&Bs, Short Term and Vacation Rentals (“Vacation Rentals”), the City Attorney’s Office and the Community Sustainability Department collaborated to identify potential regulations the City could impose in order to reasonably allow and regulate Vacation Rentals within the City of Lake Worth Beach. The below list of potential regulations are not prohibited under the current statutory scheme for Vacation Rentals. However, please note, if the City modifies its existing Code of Ordinances to allow for Vacation Rentals (which are currently prohibited city-wide), Vacation Rentals should be allowed city-wide due to the State’s preemption set forth in section 509.032, Florida Statutes. Further, once Vacation Rentals are allowed, the City is currently prohibited from regulating the rental duration or rental frequency of Vacation Rentals.

Potential Regulations:

1. Establish a registration process as part of the Business License application process for the property owner to establish compliance with all required criteria, which may include:
 - a. A completed and signed Vacation Rental Registration Form.
 - b. Payment of applicable fee (to be established by resolution and based on occupancy level).
 - c. A copy of the Vacation Rental’s current and active license as a transient public lodging establishment with the Florida Department of Business and Professional Regulation.
 - d. A copy of the Vacation Rental’s current and active certificate of registration with the Florida Department of Revenue.
 - e. Evidence of the Vacation Rental’s current and active account with the Palm Beach County Tax Collector and Palm Beach County.
 - f. Exterior site sketch showing all structures, pools, spas, hot tubs, fencing, and uses, including areas provided for off street parking.
 - g. Interior building sketch by floor showing the floor layout, identifying all bedrooms, other rooms, exits, hallways, stairways, as applicable.
 - h. Occupancy limits established based on sketch and posted within Vacation Rental.
 - i. Property owner to provide 24/7 contact information for property owner or manager in case of emergency to City, PBSO, PBCFR and all occupants.

2. Property could not be claimed as homestead (with exception for owner-occupied).
3. Except for owner-occupied Vacation Rentals, utilities could be assessed under the commercial rate schedules (coordination with Village of Palm Springs and Palm Beach County would be necessary on properties outside City limits).
4. Except for owner-occupied Vacation Rentals, use & occupancy inspections would be conducted to reflect commercial use and potentially increase to an annual inspection along with fire marshal inspection.
5. External signage would need to be consistent with current sign code; internal postings would be required for waste collection schedule, noise ordinance, emergency numbers, etc.
6. Create a specific calls-for-service standard for Vacation Rentals to more quickly declare them a Chronic Nuisance and commence the process to obtain compliance with all regulations.
7. Possibly equate the Vacation Rental use to a motel, hotel or extended stay lodging and each Vacation Rental would have to meet the performance criteria of such uses as outlined in the Land Development Regulations.
8. Parking requirements would need to be established, which could be that of a single family residence or transient lodging facility (depending on occupancy level).
9. Create potential fee schedule for violations and identify irreparable fine amount for operating a Vacation Rental without the appropriate licenses and certifications.
10. Except for owner-occupied Vacation Rentals, Vacation Rental structures (residences) would need to meet commercial fire code and accessibility requirements.
11. Except for owner-occupied Vacation Rentals, potentially treat structures (residences) being used commercially as formal changes in use & occupancy triggering Florida Building Code Requirements to bring the structures up to current code. This may involve, structural, electrical, mechanical and plumbing requirements as well as fire code.

In order to incorporate all of these recommendations, the City would need to amend the following Chapters of its Code of Ordinances:

1. Chapter 2, Administration, Article VI Code Compliance and Article VII Abatement of Nuisances
2. Chapter 9, Buildings and Structural Regulations – 40 year recertification of commercial and multi-family structures and buildings
3. Chapter 11, Fire Protection and Prevention
4. Chapter 14, Business License
5. Chapter 18, Utilities (and the applicable rate resolutions)

- 
6. Chapter 23, Land Development Regulations, Article 1 General Provisions, Article 3 Zoning Districts, Article 4 Development Standards and possibly Article 5 Supplemental Regulations.

The City's Resolution providing the official schedule of fees and charges also would need to be amended.

