

MEMORANDUM

Date: September 20, 2007
To: A. William Moss
City manager
From: Stephen R. Olmsted, AICP
Community Development Director
Subject: **Vacation Rental Properties**

Introduction

As requested by City Council, the Community Development Department has reviewed the City's existing code requirements relative to the regulation of short term vacation rental properties. In addition to review of the City's existing regulations, staff has also researched codes and ordinances of various other municipalities in the State of Florida.

Our research indicates that the method and degree of regulation vary among the communities selected. There does not appear to be a common or consistent regulatory framework or set of criteria for the regulation of vacation rental properties. In those communities where vacation rental properties are regulated, it was found that the primary method of regulation is through registration and required compliance with a set of listed criteria. In two instances, the City of Naples and the City of Sanibel, rental of resort residential properties on a short term basis is regulated as a conditional use in limited zoning districts. In one case, the Village of Islamorada passed an ordinance in 2001 that would prohibit the rental of vacation properties within single family residential properties following a two-year period of amortization.

The City of Marco Island does not directly regulate the rental of vacation properties, although the City's Code of Ordinances does contain requirements that regulate associated impacts including noise, and parking of vehicles. Through definition, the City's Code of Ordinances also restricts the number of unrelated persons that may live in a single family residence to a maximum of four.

The goal of the future land use element of the City of Marco Island Comprehensive Plan may provide guidance with regard to the issue of vacation properties. The goal is as follows:

“To enhance Marco Island's quality of life, environmental quality and tropical small town and resort character by managing growth and assuring a stable

residential community with sufficient business to serve the needs of residents and visitors.”

The goal clearly recognizes the City as a tropical resort which suggests the need for sufficient short term tourist accommodations. The goal is supportive of vacation rental lodging necessary to accommodate visitors to Marco Island.

The goal of the City’s Comprehensive Plan is also intended to assure a “stable residential community.” In order to maintain consistency with the goal of the City’s Comprehensive Plan, any amendments to the Code of Ordinances should accommodate short term rental of vacation property in a manner that is consistent with the City’s goal of preserving stable residential communities.

Existing Regulations - City of Marco Island, Florida

The rental of multiple family dwelling units for periods of less than one week is limited to designated zoning districts. With regard to the short term rental of single family residences, Chapter 18, Article IV of the City’s Code of Ordinances regulates noise. Chapter 30, Article V regulates off-street parking. Chapter 30, Article 1 defines a single family as a group of related individuals or a maximum of 4 unrelated individuals. More than 4 unrelated individuals are not permitted within a dwelling designated as a single-family residence.

Other Regulations – Selected Florida Communities

A complete copy of the regulations of other selected communities is available upon request. A summary of researched regulations is provided for your consideration as follows:

City of Destin, Florida

Registration of both short term and long term rental properties is required.

Islamorada, Florida

Registration is required. A license, valid for one year is issued. Also, a County occupational license is required.

City of Naples, Florida

Defines transient lodging facility where stay is limited to a period of less than one month. Transient lodging facilities are allowed in certain districts as conditional uses.

City of Palm Coast, Florida

Encourages appropriate management of rental properties. City Council has provided an educational program relative to rental properties. Requires registration of rental properties and local representation.

City of Sanibel, Florida

Provides for definition of “resort rental” housing and where permitted, there are no limits to the frequency of change or length of stay of occupants or tenants. In areas where “resort rental” housing is not permitted, rentals less than 4 weeks are prohibited.

Village of Wellington, Florida

Requires annual licenses and registration of rental properties. Requires affidavit stating that owner is aware of local requirements, will comply with requirements, and will notify tenants of requirements. Detached single Family residences are exempt from regulation.

Options for Discussion

Following review of the City’s Code of Ordinances and ordinances of other municipalities in the State of Florida, the following options are provided for Council’s consideration:

Least Regulatory Take no further action

Prepare a public awareness and information campaign to alert property owners and renters of the need to preserve the quiet enjoyment of single family residential neighborhoods

Supplement existing regulations in the Marco Island Code of Ordinances to address any unmitigated impacts of short term rental of properties on single family residential neighborhoods

More Regulatory Require Registration of rental properties

Most Regulatory Require internal and/or external inspection of rental properties

Permit short term rental of single family homes as a conditional use

Prohibit short term rental of residential property in single family residential neighborhoods

