

PLANNING AND ZONING BOARD
Sitting as the
Local Planning Agency
Special Meeting
March 14, 2024 – 12:00 pm (Noon)
247 Edwards Lane / Palm Beach Shores, FL 33404

Chairman TBD
Vice Chairman Kevin Banks

Member Tony Lembo
Member Weston Gracida
Member (Open Seat)
Alternate Member Janet Kortenhaus
Alternate Member Anastasia Stogiannis-Karloutsos

Town Attorney Dylan Brandenburg
Josh Nichols, Zoning Official
Rob Rennebaum, Engineer
Town Clerk Jude M. Goudreau

PUBLIC PARTICIPATION MAY OCCUR REMOTELY

Meeting link:

<https://townofpalmbeachshores.my.webex.com/townofpalmbeachshores.my/j.php?MTID=mfb7726d1a03ac359b5a06f03a3d1393a> Meeting ID: 2631 890 0108 Password: 0314

By phone to +1-408-418-9388 United States Toll, Access code: 263 189 00108

1. CALL TO ORDER:

- a. Pledge of Allegiance
- b. Roll call

2. APPROVAL OF MEETING AGENDA: (Additions, substitutions, deletions)

3. ACTION ITEMS:

ORDINANCE NO. O-1-24

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE CODE OF ORDINANCES AT APPENDIX A. ZONING ORDINANCE. TO REVISE THE DEFINITION OF THE TERM “FAMILY” AND AT CHAPTER 18. BUSINESSES, OCCUPATIONS AND PROFESSIONS. TO ADD AN ENTIRELY NEW ARTICLE IV. “VACATION RENTALS.” CREATING NEW SECTIONS 18-52 THROUGH 18-58 TO PROVIDE VACATION RENTAL USE REGULATIONS FOR VACATION RENTALS OPERATING WITHIN THE TOWN; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF APPENDIX A AND CHAPTER 18 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4. PUBLIC COMMENT:

5. ADJOURNMENT:

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Planning & Zoning Board with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings, and for such purpose may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. The meeting/hearing will be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting.

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. FOR HEARING ASSISTANCE: If any person wishes to use a hearing device, please contact the Town Clerk.

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WHEREAS, prior to 2011, municipalities in Florida were free to regulate local land use issues under the Home Rule authority granted by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, in 2011, the Florida Legislature enacted Chapter 2011-119, Laws of Florida, preempting the local regulation of a specific land use known as vacation rentals, preventing municipalities from enacting new regulations necessary to address any consequential or negative impacts caused by vacation rentals; and

WHEREAS, in 2014, the Florida Legislature enacted Chapter 2014-71, Laws of Florida, rescinding the complete preemption of the regulation of vacation rentals, and specifically mandating that local laws, ordinances or regulations could not prohibit vacation rentals or regulate the duration or frequency of vacation rentals; and

WHEREAS, Chapter 2014-71, Laws of Florida, returned some local control back to municipalities to mitigate the effects of vacation rentals in an attempt to make them safer and more compatible with existing neighborhood regulations and to hold operators of such properties accountable for their proper operation; and

WHEREAS, the occupants of vacation rentals, due to the transient nature of such occupancy, are unfamiliar with local hurricane evacuation plans, the location of fire extinguishers, exit routes, pool and home safety features, and other similar safety measures that would ordinarily be provided to guests in traditional lodging establishments (i.e., hotels and motels); and

WHEREAS, when unregulated, there is the potential that occupants of vacation rentals located within established neighborhoods may disturb the quiet enjoyment of the neighborhood and create numerous secondary impacts, including noise, traffic, parking and a greater demand on public services; and

WHEREAS, traditional lodging establishments are typically restricted to commercial and other non-residentially zoned areas where intensity of use is separated from less busy and quieter residential uses; and

WHEREAS, like many other municipalities throughout the State of Florida, the Town of Palm Beach Shores desires to adopt standards both to provide for the safety and welfare of occupants of vacation rentals and to minimize any negative impacts caused by vacation rentals in residential areas, especially established single-family neighborhoods with the Town; and

WHEREAS, the Town of Palm Beach Shores desires vacation rentals that are safe, that conform to the character of the community, that provide positive impacts for tourism, and that do not detract from property values and achieve greater neighborhood compatibility; and

WHEREAS, the Town's enactment of regulations applicable to vacation rentals is necessary to preserve the integrity of residential areas and neighborhoods and corresponding property values, while also protecting the health, safety and welfare of residents, property owners, investors and transient occupants of the Town; and

WHEREAS, the Town's regulations are intended to supplement, not replace, any existing federal or state law or regulation or any existing controls within established residential units served by homeowner or condominium associations; and

WHEREAS, the Town's regulations neither prohibit vacation rentals nor restrict the duration or frequency of vacation rentals; rather they are intended to address life safety and compatibility concerns and the secondary effects of vacation rentals located within residential areas and neighborhoods in conformance with current state law; and

WHEREAS, the Town of Palm Beach Shores has held all required public hearings and has provided public notice in accordance with applicable State statutes and Town ordinances; and

WHEREAS, the Town Commission believes these amendments to the Code of Ordinances are in the best interests of the citizens of the Town of Palm Beach Shores.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1: Appendix A. Zoning Ordinance. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section II. Definitions., Pf. 2.22 to revise the definition of the term "family" relative to transient use and provide internal cross reference to the supplemental regulations for vacation rentals; providing that Pf. 2.22. shall hereafter read as follows:

Pf. 2.22. - Family.

A family is one (1) or more persons who are either related or unrelated by blood, marriage or adoption; and who also occupy a single dwelling unit and have chosen to reside as a member of an independent residence. Each "family" as defined herein is subject in all instances to the occupancy restrictions of Article IX of the Town's Building Code set forth at Chapter 14. The term "family" does not include the occupants of a "hotel," "motel," or any other living arrangements within a building or facility which is being utilized for the transient occupancy of its inhabitants in accordance with Sections 18-52 through 18-58 of the Town Code.

Section 2: Chapter 18 – Businesses, Occupations and Professions. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended to add entirely new Article IV. Vacation Rentals. containing entirely new Sections 18-52 through 18-58 to require permits and establish supplemental regulations for vacation rentals operating within the Town; providing that Article IV. shall hereafter read as follows:

ARTICLE IV. – VACATION RENTALS

Sec. 18-52. - Vacation rental defined; permit required.

A vacation rental is any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but that is not a timeshare project. A transient public lodging establishment is any such unit which is rented out to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out the public as a place regularly rented to guests for periods less than thirty (30) days or one (1) calendar month, whichever is less.

It shall be unlawful for any person or entity to operate a vacation rental within the town, or offer such property for rent as a vacation rental within the town, unless the person or entity has registered such property with the town by obtaining a vacation rental permit in accordance with the requirements of this article. Separate permits are required for each individual vacation rental unit. All vacation rental permits shall be renewed annually and shall be considered delinquent if not renewed by September 30 of each year. Vacation rental permits are separate and distinct requirements in addition to business tax receipts and certificates of use.

Sec. 18-53. - Vacation rental permit application.

Every vacation rental owner or operator shall register with the town by submitting to the building department a completed vacation rental permit application in a form promulgated by the town, together with registration and inspection fees in amounts established by resolution of the town commission, which amounts may be amended from time to time. A separate permit application form with separate registration and inspection fees shall be required for each vacation rental unit.

- (1) *Permit application.* A complete vacation rental permit application form shall include the following:
- a. Property card printout from the county property appraiser database;
 - b. Current transient public lodging establishment license issued by the Florida department of business and professional regulation;
 - c. Current certificate of registration with the Florida department of revenue for remittance of applicable state taxes, or proof that payment is arranged through a third party such as an on-line platform;
 - d. Current palm beach county business tax receipt;
 - e. Evidence of the vacation rental's current and active account with the county tax collector for the purpose of collecting and remitting tourist development taxes and any other taxes required by law to be remitted to the county tax collector;
 - f. Total number of sleeping rooms at the vacation rental unit; maximum number of guests that can stay overnight at the vacation rental unit at any one time (maximum occupancy is eight in four or more sleeping rooms);
 - g. Maximum number of individuals that may gather at or occupy vacation rental unit property at any one time (maximum number of individuals permissible is one and

one-half times the maximum occupants authorized to stay overnight at the vacation rental unit, and in no case more than 12 individuals);

- h. Homeowners or property owners association approval to operate the vacation rental unit, if applicable;
- i. Floorplan of the vacation rental unit which includes stairways, hallways, bedrooms, exists, and which identifies all fire extinguisher locations;
- j. Site survey which includes the residential unit, any swimming pools, hot tubs, spas, and fencing;
- k. A copy of a sample lease agreement;
- l. A completed vacation rental responsible party designation, in the format prescribed by the town, which includes the information required by section 18-54 of this Code;
- m. Proof that the vacation rental has satisfied the inspection requirements contained in section 18-56 of this Code; and
- n. A commercial certificate of insurance evidencing coverage to cover bodily injury and property damage liability for injury or harm to occupants and other invitees, with respect to the use of the property as a vacation rental with minimum limits of liability as follows:
 - i) Each Occurrence: \$1,000,000.00; and
 - ii) Policy Aggregate: \$2,000,000.00.

Modification of permit. An application for modification of a vacation rental permit shall be required in the event that any of the following changes to the vacation rental are proposed:

- a. An increase in the gross square footage;
- b. An increase in the number of bedrooms;
- c. An increase in the maximum occupancy;
- d. An increase in the number of parking spaces, or a change in the location of parking spaces;
- e. An increase in the number of bathrooms;
- f. Any other material modifications that would increase the intensity of use on the vacation rental property; or
- g. A change in responsible party.

(2) Duration of permit. A vacation rental permit issued under this article shall expire each September 30 and may be annually renewed thereafter if the property is in compliance with this article.

- (3) *Renewal of permit.* A vacation rental permit renewal shall be completed by September 30 of each year, through the execution of a renewal affidavit, in the format prescribed by the town, and the payment of the renewal fee as established by the town. A property owner may apply for renewal of a vacation rental permit beginning July 1 prior to the expiration of the annual license.
- (4) *Incomplete permit application/renewal.* If the permit application or renewal form submitted pursuant to this article is incomplete, the applicant shall be informed of such deficiency and shall have ten (10) calendar days to correct the deficiency. If any deficiency is not so corrected, the permit application shall be deemed withdrawn.
- (5) *Outstanding code violations.* The town shall not process any vacation rental registration or renewal if the property has unresolved code violations or code enforcement liens.
- (6) *Non-transferability and non-assignability of permit.* Vacation rental permits issued under this article are non-transferrable and non-assignable. If the ownership of any vacation rental property is sold or otherwise transferred, the new owner is required to apply for new permits.
- (7) *Permit application or renewal fees.* The town charges reasonable administrative fees to process a vacation rental permit application or renewal, the amount of which shall be established by resolution of the town commission. Fees are non-refundable.
- (8) *False or misleading information.* It shall be unlawful for any person to give false or misleading information in connection with any application for, modification, or renewal of a vacation rental permit as required by this article. Vacation rental permit applications shall be sworn to under penalty of perjury. Any false statements made in an application shall be a basis for the revocation of any permit issued pursuant to such application.

Sec. 18-54. - Vacation rental responsible party.

Every permitted vacation rental under this article must designate a responsible party to respond to routine inspections as well as non-routine complaints and any other problems related to the operation of the vacation rental. The property owner may serve in this capacity or shall otherwise designate another person 18 years or older to perform the following duties:

- (1) *Be available by telephone at the listed phone number 24 hours per day, seven days per week and be capable of handling any issues relating to the operation of the vacation rental:*

- (2) If required, be willing and able to return to the vacation rental within 60 minutes following notification from a vacation rental occupant, law enforcement officer, emergency personnel, or the town to address any issues relating to the operation of the vacation rental;
- (3) Maintain for three (3) years a record of all lease/rental agreements for the vacation rental, as well as a record of all guests of the vacation rental. Both of these records shall be available for inspection upon request;
- (4) Receive service of any legal notice on behalf of vacation rental owners or operators for violation of the requirements set forth in this article; and
- (5) Conduct an on-site inspection of the vacation rental at the end of each rental period to ensure continued compliance with the requirements of this article.

Sec. 18-55. - Vacation rental standards.

No person or entity shall own or operate a vacation rental within the town unless such vacation rental complies with the following standards:

- (1) *Minimum life/safety requirements.*
 - a. *Swimming pool, spa and hot tub safety.* A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, as set forth in F.S. ch. 515.
 - b. *Smoke and carbon monoxide (CO) detection and notification system.* Each vacation rental unit must be outfitted with an operational smoke and carbon monoxide (CO) detection notification system. Every smoke and carbon monoxide (CO) detection notification system must be hard-wired, or have a sealed ten-year battery. A smoke alarm shall be installed in each sleeping room. A carbon monoxide alarm shall be installed outside each sleeping room and adjacent to the garage door. All smoke and carbon monoxide alarms shall be interconnected.
 - c. *Fire extinguisher.* A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor/level of the dwelling unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.
 - d. *Local telephone service.* At least one (1) landline telephone with the ability to call 911 shall be available in the main level common area in the vacation rental.

e. Secondary means of escape. Every sleeping room and living area shall have a secondary means of escape. It shall be a minimum of one (1) doorway or one (1) window directly to the exterior. The window shall have a clear opening compliance with the following:

1. Clear width shall be no less than 20 inches;
2. Clear height shall be no less than 24 inches;
3. Opening shall be no less than 5.7 square feet; and
4. Opening shall be no more than 44 inches above the floor.

(2) Maximum occupancy.

a. Each vacation rental dwelling unit shall comply with Sec. 14-266 " Occupancy Limitations" of the Town's Code of Ordinances, provided however that:

1. The maximum number of transient occupants authorized to stay overnight at any vacation rental unit shall be limited to two (2) persons per sleeping room, and a maximum total occupancy of eight (8) individuals in four or more sleeping rooms. The number of sleeping rooms shall be confirmed by on-site inspection by a representative of the town, and
2. The maximum number of persons allowed to gather at or occupy a vacation rental shall not exceed one and one-half times the maximum occupants authorized to stay overnight at that site, as shown on the vacation permit application, and in no event shall a gathering exceed twelve (12) individuals.

(3) Solid waste handling and containment. Solid waste and recycling collection services shall be provided pursuant to Chapter 38, of the Town Code of Ordinances. For purposes of this section, a solid waste or recycling container shall not be placed at curbside before the day prior to solid waste pickup, and each solid waste or recycling container shall be removed from curbside before midnight of the day of pickup.

(4) Designation of responsible party. Each vacation rental owner or operator shall designate a responsible party capable of meeting the duties provided in section 18-54.

(5) Rental or lease agreement requirements.

a. There shall be a written or online lease, rental, tenant or other recorded agreement memorializing each vacation rental tenancy between the owner/operator or its responsible party and the occupant(s). The agreement shall, at a minimum, contain the following information:

1. The maximum number of occupants for the unit as specified in subsection (2) above;

2. The number of parking spaces associated with the vacation rental property or dwelling unit, if applicable, and a sketch or photograph showing the location of such spaces;
 3. The names and ages of all persons who will be occupying the property or unit;
 4. The dates of such occupancy; and
 5. A statement that all occupants must evacuate from the vacation rental following any evacuation order issued by local, state or federal authorities.
- b. The town reserves the right to request and receive a copy of any vacation rental lease or rental agreement from the owner/operator or responsible party at any time.
- (6) Vacation rental unit posting requirements.
- a. The vacation rental unit shall be posted with the following information next to the main entrance door:
 1. The name, address and telephone number of the vacation rental responsible party;
 2. The maximum occupancy permitted;
 3. The days and times of solid waste and recycling pick up and a notification that all garbage or trash must be placed in a garbage or trash can or other approved solid waste receptacle and that all recyclables must be placed in approved recyclable containers;
 4. The location of the nearest hospital; and
 5. The location of designated parking spaces/areas, if applicable.
 - b. There shall also be posted, next to the interior door of each bedroom, a building evacuation map (at least 8 ½ inches by 11 inches).
- (7) Other regulations. Vacation rentals must comply with all other regulations, standards and requirements set forth in the Town Code of Ordinances, including, but not limited to, the requirements of Chapter 6 (alcoholic beverages), Chapter 10 (animals), Chapter 14 (buildings and building regulations), Chapter 42 (nuisances, including noise regulations), Chapter 70 (traffic and vehicles), Chapter 74 (utilities), Chapter 78 (vegetation), Chapter 82 (waterways), and Appendix A zoning ordinance.

Sec. 18-56. - Initial and subsequent compliance inspections of vacation rentals.

- (a) Initial inspection. An initial inspection of the vacation rental by a town code inspector and/or building department personnel, for compliance with this article is required prior to the

issuance of a vacation rental permit. If violations are found, all violations must be corrected, and the property or dwelling unit must be re-inspected prior to issuance of the vacation rental permit as provided herein.

(b) Subsequent inspections. Once a vacation rental permit is issued, a vacation rental must be properly maintained in accordance with the vacation rental standards herein and will be re-inspected annually. For an inspection, all violations must be corrected and re-inspected within thirty (30) calendar days. Failure to correct such inspection deficiencies in the timeframes provided shall result in the suspension of the vacation rental permit until such time as the violations are corrected and re-inspected.

(c) Inspection appointments. The inspections shall be made by appointment with the vacation rental responsible party. If the inspector has made an appointment with the responsible party to complete an inspection, and the responsible party fails to admit the officer at the scheduled time, the owner shall be charged a "no show" fee in an amount established by resolution of the town commission to cover the inspection expense incurred by the town.

(d) Notice of failure of inspections. If the inspector(s) is denied admittance by the vacation rental responsible party or if the inspector fails in at least three (3) attempts to complete an initial or subsequent inspection of the rental unit, the inspector(s) shall provide notice of failure of inspection to the owner to the address shown on the existing vacation rental application or permit.

(1) For an initial inspection, the notice of failure of inspection results in the vacation rental permit not being issued; the vacation rental is not permitted to operate without a valid permit.

(2) For a subsequent inspection, the notice of failure of inspection is considered a violation and is subject to enforcement remedies as provided herein.

Sec. 18-57. - Prohibitions; evidence of unlawful vacation rental operation.

(a) It shall be unlawful for any person or entity to rent, lease, advertise or hold out for rent any property or dwelling unit for vacation rental use without a vacation rental permit, or pending application under section 18-53.

(b) Prima facie evidence of vacation rental uses of a property or dwelling unit shall include:

(1) Registration or licensing for short-term rental or transient rental use by the state under F.S. chapters 212 (Florida Tax and Revenue Act) and 509 (Public Lodging and Food Service Establishments);

- (2) Advertising, listing, posting, or otherwise holding out a property or dwelling unit for vacation rental use on the internet or other mass communication medium;
 - (3) Reservations, booking arrangements or more than one signed lease, sublease, assignment, or any other occupancy or agreement for compensation, trade, or other legal consideration addressing or overlapping any period of 30 days or less; or
 - (4) The use of an agent or other third person to make reservations or booking arrangements.
- (c) Nothing set forth herein precludes the town from presenting other forms of evidence of unlawful vacation rental use or operation.

Sec. 18-58. - Administration of vacation rental permits; criteria for denial, suspension, cancellation, or revocation of permits; appeals; enforcement.

- (a) Issuance or denial by the town upon application. The town may either approve a vacation rental permit application/renewal or deny such application/renewal in conjunction with the issuance of a notice of denial upon a finding that one or more of the criteria at subsections (b)(1)—(5) of this section are not met. In addition, the town may, upon approval of a vacation rental permit application/renewal, impose reasonable conditions of operation as may be necessary to protect the public health, safety and welfare.
- (b) Specific criteria which may result in the denial, suspension, or revocation of a vacation rental permit by the town or special magistrate. A vacation rental permit may be denied, suspended, or revoked by the town, or suspended or revoked by the special magistrate, as further provided herein, when it is determined that:
- (1) A property owner or vacation rental permit applicant (owner/applicant) has misrepresented or failed to disclose material facts or information which is required to be included in the vacation rental permit application and any other application required by the town, the county or the state;
 - (2) The same or substantially similar vacation rental activity on the subject property during the preceding 12-month period, has been conducted in such a manner as to have violated the town's Code of Ordinances which regulates the use or operation of the vacation rental premises and/or one of the following determinations is made:
 - a. The activity has become a public nuisance as set forth in town code;
 - b. The activity constitutes a public nuisance at common law;
 - c. The activity violates the town's regulations as set forth in Chapter 6, alcoholic beverages;

- d. The activity is manifestly injurious to the public morals; or
- e. The vacation rental has been operated in such a manner as to injure the health, safety, or welfare or to disturb the quiet enjoyment of the citizens in the nearby vicinity.

This criterion shall not apply if the vacation rental permit application/renewal is in conjunction with new ownership of the subject property. "New ownership" for this purpose requires an actual change in the individuals who have ownership interests in the subject property. The mere re-structuring of corporate holding companies or other transfers deemed to be illusory in nature shall not be considered "new ownership."

- (3) The issuance or renewal of the vacation rental permit was contingent upon the owner's/applicant's compliance with specific provisions of the town's, the county's or the state's laws and the owner/applicant has not satisfied or has violated such conditions, to include but not limited to, specific conditions of approval imposed through development orders issued by the town;
- (4) An owner/applicant has violated any provision of this article and has failed or refused to cease or correct the violation at the subject property after having been notified to do so by the town or by an order of the special magistrate; or
- (5) The premises have been condemned by the local health authority or by the town building official and/or fire marshal for failure to meet state and local standards.

(c) Appeals.

- (1) Any owner/applicant aggrieved by a town decision regarding denial of a vacation rental permit application/renewal may file an appeal by requesting a hearing before the code enforcement special magistrate. The hearing request must be in writing and filed with the town attorney within ten (10) calendar days of receipt of the decision complained of. The hearing request must also specify the decision and the principal grievance of the owner/applicant. The town shall then provide such applicant/owner notice of a hearing before the special magistrate pursuant to Section 2-75 of the Town Code of Ordinances.
- (2) Hearing procedures shall be as prescribed in Chapter 2, Article III, Division 2 of the Town Code of Ordinances. The special magistrate's findings and order shall constitute the final administrative action of the town for purposes of judicial review under state law.
- (3) If the owner/applicant fails to seek timely appellate review of an order of the special magistrate under this subsection and continues to operate the vacation rental premises in violation of the order and/or this article, the town may pursue any and all enforcement procedures necessary, including abatement of the violation. Any costs for enforcement

or abatement action shall be placed as a lien against the owner/applicant's real and personal property.

(d) Enforcement procedures, generally.

- (1) First-time violations. Upon determination by the town that a vacation rental is being operated in a manner consistent with a first-time violation of this article, the town shall notify the property owner and/or vacation rental permit-holder of the nature of such violation pursuant to Section 2-75 of the Town Code of Ordinances. Likewise, notice of a hearing before the special magistrate, if needed, shall be provided to the property owner and/or permit-holder pursuant to Section 2-75 of the Town Code of Ordinances. The conduct for such hearing shall be as prescribed in Chapter 2, Article III, Division 2 of the Town Code of Ordinances. In addition to any other enforcement authority provided by law, the special magistrate may authorize suspension or revocation of a vacation rental permit upon a finding of one or more of the criteria set forth in subsections (b)(1)—(5) above. The special magistrate's findings and order shall constitute the final administrative action of the town for purposes of judicial review under state law.
- (2) Subsequent violations. Upon determination by the town that a vacation rental property owner and/or permit-holder has committed a second or subsequent violation of the provisions of this article, the town may immediately suspend or revoke the vacation rental permit at issue. The town's immediate suspension or revocation of a vacation rental permit as provided herein shall be based upon a finding of one or more of the criteria set forth in subsections (b)(1)—(5) above.
- (3) Enforcement; abatement. If vacation rental property owner and/or permit-holder fails to seek timely appellate review of an order of the special magistrate under this subsection and fails to comply timely with such order, the town may pursue any and all enforcement procedures necessary, including abatement of the violation. Any costs for enforcement or abatement action shall be placed as a lien against the owner/applicant's real and personal property.
- (4) Fees or taxes. No fees or taxes shall be refunded if a vacation rental permit is suspended, revoked, or cancelled pursuant to this section.
- (5) Additional remedies. Nothing contained herein shall prevent the town from seeking all other available remedies which may include, but not be limited to, injunctive relief, liens and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

Section 3: Each and every other Section of Appendix. A. Zoning Ordinance. and Chapter 18. Businesses, Occupations and Professions. shall remain in full force and effect as previously adopted.

Section 4: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 5: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 6: Specific authority is hereby granted to codify this Ordinance.

Section 7: This Ordinance shall take effect immediately upon passage.

FIRST READING this ____ day of February, 2024.

SECOND AND FINAL READING this ____ day of March, 2024.

TOWN OF PALM BEACH SHORES

Alan Fiers, Mayor

ATTEST:

Jude Goudreau, Town Clerk

(Seal)

Approved as to form and legal sufficiency.

Keith Davis, Town Attorney