



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### Transient Residential Uses

Meeting	File No.	Application Type
February 23, 2026	PZ-000302-2025	Amendment to the Land Development Regulations
Applicant	Agent	Property Owner
City of Delray Beach	Not applicable.	Not applicable.

### Request

Provide a recommendation to the City Commission on Ordinance No. 21-26, a City-initiated amendment to eliminate provisions related to Transient Residential Uses that are in conflict with Florida Statutes, by amending Section 4.3.3, "Specific Requirements for Specific Uses," Section 4.4.6, "Medium Density Residential (RM) District," and Appendix A, "Definitions" of the Land Development Regulations (LDR).

### Background Information

On July 7, 2009, the City adopted Ordinance No. 29-09 to regulate Transient Residential Uses (TRUs) to address their proliferation and potential negative impacts on the character of single family communities. It was determined that a dwelling unit that has a turnover in occupancy of more than six times in any one year is considered a non-residential use. The language included provisions that allowed TRUs in the Medium Density Residential (RM) District, however they were prohibited in Single Family and Planned Residential Zoning Districts. Subsequent amendments to the original ordinance via Ordinance No. 03-12 and Ordinance No. 40-12, adopted on February 21, 2012, and November 6, 2012, respectively, included additional restrictions. The restrictions provided that any turnover in occupancy of more than three times per year would be considered a TRU.

On June 2, 2011, Florida Statute 509.032(7)(b) became effective and provided that, *A local law, ordinance, or regulation may not restrict the use of vacation rentals, prohibit vacation rentals, or regulate vacation rentals based solely on their classification, use, or occupancy. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.* Florida Statute 509.032 (7) further indicates that a vacation rental is defined as *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.* As a result, any language regarding TRUs adopted prior to June 2, 2011, can be retained and enforced. However, any provisions adopted after that date that regulate turnover in a TRU are pre-empted by the State and must be repealed.

The proposed amendment reverts to the regulations adopted by Ordinance No. 29-09 in 2009.

### Description of Proposal

The regulations proposed in Ordinance No. 21-26 are summarized as follows:

#### Section 4.3.3 (ZZZ) "Transient Residential Uses"

- **Transient Residential Use.** The language is amended to reflect that a dwelling unit or any part thereof that has a turnover in occupancy of more than six times in any one year is considered a TRU, instead of three. This is consistent with the regulations originally approved under Ordinance No. 29-09.

- **Exceptions / exemptions.** Deletes references to the rate of turnover in single-family, residential, and planned residential development districts for TRUs that were allowed to continue operating for 12 months after the effective date of Ordinance No. 03-12.
- **Waiver for undue economic hardship.** Amends the application, review, and appeal process for requesting a waiver for undue economic hardship to eliminate inconsistencies with current procedures.

#### **Section 4.4.6, Medium Density Residential (RM) District**

- **(B) Principal uses and structures permitted.** TRUs are added as a principal use, subject to Section 4.3.3 (ZZZ).

#### **Appendix A, “Definitions”**

The Transient Residential Use definition is amended as follows:

TRANSIENT RESIDENTIAL USE. Shall mean the entire dwelling unit or any part thereof, ~~which that~~ is located in Single Family, ~~Rural Residential~~, or Planned Residential Development Zoning Districts and is operated or used in such a way that any part of the dwelling unit turns over occupancy more often than ~~three~~ six times in any one year and the entire dwelling unit or any part thereof, ~~which that~~ is located in ~~Low Density Residential (RL)~~ or Medium Density Residential (RM) Zoning Districts and is operated or used in such a way that any part thereof turns over occupancy more often than six times in any one year. A eCommunity rResidence is not a Transient Residential Use.

The full text of Ordinance No. 21-26 is provided as an attachment.

### **Review and Analysis**

#### **LDR Section 1.1.6, Amendments**

*The text of these Land Development Regulations may from time to time be amended, changed, supplemented, or repealed. No such action however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission.*

#### **LDR Section 2.4.7(A), Amendments to the Land Development Regulations**

*Amendments to the LDR may be initiated by the City Commission, Planning and Zoning Board, or City Administration, or by a member of the public.*

The proposed amendment is initiated by the City.

#### **LDR Section 2.4.7(A)(5), Findings**

*For any approval, the City Commission must make a finding that the text amendment is consistent with the Comprehensive Plan, and that the amendment furthers the implementation of an adopted neighborhood plan, if applicable.*

The following Goals, Objectives, and Policies of the adopted Comprehensive Plan are applicable to the proposed amendment.

#### **Neighborhoods, Districts, and Corridors Element**

Objective NDC 3.5, Update the Land Development Regulations *Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.*

The mix of enforceable and unenforceable regulations, due to the State preemption, makes it confusing for members of the public to understand when making investment decisions, and challenging for Staff to explain. Reverting to the regulations adopted via Ordinance No. 29-09 improves the development review process.

**GOAL NDC 1 NEIGHBORHOODS, DISTRICTS, AND CORRIDORS ENHANCE THE QUALITY AND CHARACTER OF THE CITY'S NEIGHBORHOODS, DISTRICTS, AND CORRIDORS TO CONTINUE TO PROVIDE A SUSTAINABLE COMMUNITY IN WHICH TO LIVE, WORK, PLAY, AND GROW.**

**Policy NDC 1.2.5** *Use the Low Density Residential land use designation to create and maintain low density residential neighborhoods up to five dwelling units per acre with high quality amenities.*

**GOAL NDC 2 QUALITY OF LIFE AND URBAN FORM PROVIDE A HIGH QUALITY OF LIFE FOR ALL RESIDENTS, ENCOURAGE A MIX OF BUILDING TYPES AND USES, DIVERSE HOUSING, AND TRANSPORTATION OPTIONS, AND USE MEANINGFUL COMMUNITY ENGAGEMENT TO TRANSFORM UNDERUTILIZED AND BLIGHTED AREAS INTO ATTRACTIVE AND THRIVING NEIGHBORHOODS, DISTRICTS, AND CORRIDORS.**

### Housing Element

**Objective HOU 1.2 Neighborhood Planning** *Become a city of diverse, distinct, and well-planned neighborhoods that meet the community's needs for complete, sustainable, and high-quality living environments with a strong sense of place and identity.*

**Policy HOU 3.2.4** *Establish development standards and design criteria to determine the appropriateness of new housing types in single-family areas and ensure compatibility with the character of the neighborhood through a robust design review process.*

The Comprehensive Plan prioritizes stable neighborhoods by including policies that maintain their residential character. Frequent turnover can result in a de facto hotel district, and disrupt neighborhood social cohesion as longstanding neighbors are replaced by regularly changing occupants without a stake in the neighborhood. Regulating the turnover for housing units helps maintain a stable neighborhood character, and ensure that adequate housing stock is available for permanent residents. Reverting to the regulations in Ordinance No. 29-09, which prohibits TRUs in single family residential districts and limits the amount of transient, short-term leases where they are allowed in the RM district, supports these goals.

### Reviewing Boards

The City Commission is anticipated to review the amendment at April 2026 and May 2026 meetings.

### Options for Board Action

- A. Recommend **approval** to the City Commission on Ordinance No. 21-26, a City-initiated amendment to LDR Section 4.3.3, "Specific Requirements for Specific Uses," LDR Section 4.4.6, "Medium Density Residential (RM) District," and LDR Appendix A, "Definitions", by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the City Commission of Ordinance No. 21-26, **as amended**, a City-initiated amendment to LDR Section 4.3.3, "Specific Requirements for Specific Uses," LDR Section 4.4.6, "Medium Density Residential (RM) District," and LDR Appendix A, "Definitions", by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- C. Recommend **denial** to the City Commission of Ordinance No. 21-26, a City-initiated amendment to LDR Section 4.3.3, "Specific Requirements for Specific Uses," LDR Section 4.4.6, "Medium Density Residential (RM) District," and LDR Appendix A, "Definitions", by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.
- D. Continue with direction.

### Public and Courtesy Notices

Courtesy Notices are not required.

Public Notices are not required for this request.