



Cover Memorandum/Staff Report

File #: 26-0289

Agenda Date: 4/7/2026

Item #: 8.C.

TO: Mayor and Commissioners
FROM: Anthea Giannotes, Development Services Department
THROUGH: Terrence R. Moore, ICMA-CM
DATE: April 7, 2026

ORDINANCE NO. 21-26: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES SECTION 4.3.3 "SPECIFIC REQUIREMENTS FOR SPECIFIC USES", BY AMENDING SUBSECTION (ZZZ), "TRANSIENT RESIDENTIAL USES", TO ELIMINATE PROVISIONS PREEMPTED BY THE STATE; AMENDING SECTION 4.4.6 MEDIUM DENSITY RESIDENTIAL (RM) DISTRICT, SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES PERMITTED", TO ADD A REFERENCE TO SECTION 4.3.3 (ZZZ) "SPECIFIC REQUIREMENTS FOR SPECIFIC USES" FOR TRANSIENT RESIDENTIAL USES; AMENDING APPENDIX "A", DEFINITIONS, TO ELIMINATE INCONSISTENCIES IN THE CURRENT DEFINITION FOR "TRANSIENT RESIDENTIAL USES" WITH STATE STATUTES; PROVIDING A CONFLICTS CLAUSE; A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (FIRST READING / PUBLIC HEARING)

Recommended Action:

Consider 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:

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 were adopted via Ordinance No. 03-12 and Ordinance No. 40-12, on February 21, 2012, and November 6, 2012, respectively, and 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.

Concerns regarding the proliferation of vacation rentals have been raised by various representatives during several sessions of the Florida Legislature; however, the pre-emption remains in place. As a result, any language regarding TRUs adopted prior to June 2, 2011, can be retained and enforced, but provisions adopted after June 2, 2011 that regulate turnover are pre-empted by State statutes and must be repealed. The City Attorney sought review by outside council regarding this issue, which is attached.

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

Planning and Zoning Board voted 7-0 to recommend approval at its February 23, 2026 meeting.

City Attorney Review:

Ordinance No. 21-26 is approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Ordinance No. 21-26 would be effective immediately at second reading, anticipated for May 5, 2026.