

**SHORT TERM RESIDENTIAL USE COMMITTEE
THURSDAY, SEPTEMBER 23, 2010, 3:30 P.M.
CITY HALL, 100 NORTH ANDREWS AVENUE
1ST FLOOR, FORT LAUDERDALE, FL**

**CUMULATIVE
MEMBER**

		MAR 2010 / FEB 2011	
		Present	Absent
Marilyn Mammano, Chair	P	6	0
H. Collins Forman, Jr., Vice Chair	P	4	1
Larry Isakowitz	P	5	1
Dwight Ledbetter	P	5	1
Ronald Mastriana	P	4	2
Lula Myers	P	6	0
D.J. Parker	P	5	1
Annette Ross	P	5	1

At this time there are 8 appointed members to the Board, which means 5 would constitute a quorum.

Staff

Adrienne Ehle, Liaison, Planner III, Planning and Zoning Department
Cheryl Felder, Service Clerk, Planning and Zoning Department
Deborah Rutkowski, Assistant Planner, Planning and Zoning Department
D'Wayne Spence, Assistant City Attorney
Barbara Hartmann, Recording Secretary, Prototype, Inc.

Communication to the City Commission

Motion was made by Ms. Myers and seconded by Mr. Mastriana to send a Communication to the City Commission to inform them that the Committee is putting together an interim report with all the information gathered to date, and that they would like to hold a public forum in the near future to gather additional public input. They would also like the City Commission to instruct the police department to provide additional information about nuisance complaints, relative to the location of enforcement actions.

The motion was passed unanimously.

I. Call to Order

Chair Mammano called the meeting to order at 3:40 p.m.

II. Roll Call

Roll was called and it was noted a quorum was present. Ms. Ehle introduced the Staff members present.

III. Approval of August 26, 2010 Minutes

Ms. Ehle advised she would like to restate a sentence on p.6 for clarification. In paragraph 6, she felt the second sentence would be more clear as follows: "For example, the character of a residential district that is adjacent to a commercial or other high-density use might feel different to its residents than the character of a single-family residential district that is surrounded by similar districts: in effect, its own 'island,' surrounded by only similar lower-scale residential areas." In other words, the character of a district feels different depending upon where it is located.

Ms. Parker made a clarification on p.6, paragraph 4, stating that she meant the format used by Destin could be useful to the Committee "as a procedure or a format only."

Motion made by Ms. Myers, seconded by Ms. Ross, to accept the August 26, 2010 minutes as corrected. In a voice vote, the **motion** passed unanimously.

IV. New Business

a. Chair / Vice Chair Update

Chair Mammano recalled that at the previous meeting, Vice Chair Forman had provided the Committee with a summary of his thoughts on short-term rentals. After consideration, she had documented her response to his summary, which was distributed to the members at this time. She also distributed a document, in bullet point format, on what she felt the Committee's interim report to the City Commission might contain.

Chair Mammano requested an update on Vice Chair Forman's status with the Committee at this time, recalling that the City Manager had forwarded an Agenda Item requesting a waiver of conflict for Vice Chair Forman to be presented to the City Commission.

Vice Chair Forman replied that the waiver had appeared on the Consent Agenda for the last City Commission meeting; however, he had been unable to attend that meeting. Ms. Ehle explained that the waiver had been deferred in his absence. Vice Chair Forman advised he planned to attend the City Commission meeting scheduled for Tuesday, October 5.

Chair Mammano noted that a motion had been made at a previous meeting that Vice Chair Forman voluntarily refrain from voting on items before the Committee until the situation is resolved. Vice Chair Forman said he was still amenable to this decision.

Vice Chair Forman recalled that Ms. Myers had suggested the Committee consider the format used in Destin's ordinance, and said he had reached out to a colleague who sits on that city's Code Enforcement board or a similar advisory body. He explained that this might be a way for the Committee to learn what problems Destin faces, and how their ordinance works or does not work for them.

He added that he had recently learned about a study by PhoCusWright, a company that follows marketing trends. The study suggested that while vacation rentals are a relatively new trend in the United States, it has been in existence in Europe and the Caribbean for some time, and is becoming more of a trend in Fort Lauderdale due to its status as a "traditional tourist destination." He pointed out that while the study is "not cheap," it could contain useful information for the Committee.

Mr. Mastriana commented that he felt a company such as Fishkind & Associates could provide more information on the economic impact of vacation rentals, particularly to the hotel industry. He added that members of the hotel industry might be willing to fund such a study, as they believe renting homes is detrimental to Fort Lauderdale's hotels.

Vice Chair Forman agreed Fishkind & Associates would be a good resource, although he emphasized that the Committee, rather than the hotel industry, should provide the instructions for a study.

Chair Mammano felt the economic impact of vacation rentals, both positive and negative, should be "part of [the Committee's] consideration." Mr. Mastriana proposed raising this issue in the interim report to the City Commission, suggesting that an outside consultant may be necessary to evaluate the economic impact of an ordinance on both hoteliers and property owners.

Ms. Parker noted, from the *Miami Herald* excerpt provided by Vice Chair Forman, that Broward County's tourism director stated she did not see private homes for rent as "competition" for the hotels. Chair Mammano agreed that there are many differing opinions on the topic. She also felt if a consultant is retained for this purpose, he should answer the Committee's questions rather than those of any particular industry.

Ms. Myers recalled that before the 2010 Super Bowl, she had seen several advertisements for house rentals. She asked if the hotel industry had presented any complaints to the City, and if so, how this was handled. Ms. Ehle replied she

was not aware of any such feedback from the hotel industry, and offered to follow up with Code Enforcement on this topic. The City had not done “anything special” to allow an exception for short-term rentals at that time.

Chair Mammano recalled that “many homeowners and civic associations” had addressed this issue with the police. She recalled that the issue had not been pursued by the City.

Vice Chair Forman asked if any Committee members were aware of problems that arose on the Super Bowl or Pro Bowl weekends. Mr. Mastriana stated while he was not aware of an incident from these specific dates, a house in his neighborhood had been recently rented to a business that invited potential customers to the neighborhood for a party. In response, members of the neighborhood had requested that Code Enforcement take preventative action; however, no preemptive action could be taken, as no violation had yet occurred. Ultimately the members of the neighborhood “had... police officers go and knock on doors, and... paid for tow trucks to be present,” which were effective in stopping much of the activity. He concluded that this was “one of the things that this Committee has got to stop.”

Vice Chair Forman stated he respectfully disagreed with Mr. Mastriana over this issue, and cited the example of a “long term renter” in his own neighborhood who had regularly caused problems for the neighborhood with “loud parties” and traffic issues. He did not believe “because a person rents short-term, that they’re going to bring in these types of egregious situations.” While he understood that commercial situations, such as renting a house to a business or for a wedding, could be problematic, he felt an ordinance such as Destin’s would provide “accountability with the property owner,” which would address some of the negative aspects of vacation rentals.

He concluded that these rentals are a trend, and the Committee should “err on the side of freedom and deal with the abuses in ways that will strongly protect against long-term degradation of a neighborhood.”

Chair Mammano agreed that it is important to distinguish between using a property for residential or commercial purposes, as a property used for commercial reasons would have “no interest in the neighborhood” other than making a profit on the property. She suggested the “commercial nature of the use” may be what leads to problems, as “the prime motivation is profit, not neighborhood stability.”

She referred to the bullet points she had distributed earlier, noting that short-term rentals are “a pressing issue” for neighborhoods, property owners, and the marine industry, which means the Committee must “act quickly.” There is a great deal of information available on this issue from Fort Lauderdale as well as other

cities, which Chair Mammano felt the Committee should “share with a wider audience.” Finally, “wider public input” is also essential before making a final report to the City Commission.

She concluded that the interim report could be “very brief,” introducing the Committee’s purpose and providing background on the issue. The report could then discuss the growth of this issue as a trend, the various types of short-term rentals, the City’s position on and reaction to these rentals, and how other cities handle this issue. Finally, the report could list both negative and positive impacts of short-term rentals.

Chair Mammano felt the Committee’s recommendation should be to distribute the report, hold a public hearing for further testimony, and then make final recommendations. An appendix to the report could include the following:

- The City Commission’s Resolution establishing the Committee;
- Membership, as well as resolution of the conflict involving Vice Chair Forman;
- Minutes of all meetings;
- Public testimony;
- Exhibits and observations submitted by Staff and members.

Vice Chair Forman asked who would write the Committee’s report. Ms. Ehle suggested that the Committee might draft a memo to the City Commission in advance of their interim report, advising the Commissioners on their direction; they could ask, by way of the memo, whether Staff would produce the report or funding should be secured for a consultant to write the report. Knowing the available resources in advance could affect “how you would want to generate the report.”

Chair Mammano clarified that the Committee could send a Communication to the City Commission, requesting that the Commission “assign Staff resources” to compile an interim report. She noted that for the interim report, which would be less formal than the Committee’s final recommendations, a bullet point format could be used to ensure that “everybody knows what we know.”

Ms. Parker continued that when she has traveled, there have been *pensiones*, hostels, and other kinds of short-term rentals all over the world, “anywhere there is tourism.” She cautioned that these rentals are “not going to go away.” With this realization in mind, she felt the Committee’s objective should be to define short-term rentals. She added that one guideline she favored would be a “property contact” requirement for any rental property or space, and advised that “very broad” guidelines should be put in place to control short-term rentals.

Ms. Myers asked if there are contact people in other cities to whom the Committee could reach out, who might be able to offer their expertise or

assistance to the Committee. She explained this would provide a sense of “what it’s really like” for other cities to deal with the issue of short-term rentals through their own ordinances.

Ms. Ehle agreed this could be useful for the Committee. She proposed that the members identify the cities whose ordinances seemed most useful, and she could provide contact information for these individuals by the next meeting. She noted that the ordinance from St. Augustine is now available and will be distributed to the members. Chair Mammano requested this information from Miami as well.

With regard to the interim report, Ms. Ehle noted that Staff has compiled a great deal of information for the members, as well as information from them in some cases, and asked if the Committee would like this information packaged together for them prior to the next meeting. These packets could be forwarded to the City Commission. She added that they could also partner with the Public Information Office to discuss the public outreach the Committee wanted to accomplish, as well as what information they would like to disseminate to the public. Chair Mammano requested that an outline of all the materials the Committee has used “in an appropriate order” might be compiled by the next meeting.

Vice Chair Forman said the City has taken the position that “any type of short-term rental” in a residential neighborhood is a commercial use. For enforcement purposes, operation of a short-term rental “is as if it is an unlicensed hotel or motel in a residential area.” Code also states that “anything that’s not specifically allowed is not allowed.” He said the Committee should decide how they intend to define commercial use if this will be the basis for prohibiting or uses.

Mr. Mastriana said they should also consider that there are zoning areas in which some uses, such as crew quarters, should be permitted, and others where they should be “absolutely prohibited.” He noted that the city of Oakland Park “does everything by charts.” He added that a definition for crew quarters would be necessary, pointing out that “there are some things... that are not in the Code right now that we want to add to it to help out the marine industry.”

Attorney Spence reminded the Committee that “defining uses by users” is not allowed. Vice Chair Forman explained that crew quarters may be defined, but the definition may not be based upon “the type of person” using the quarters: it must be based upon the use itself.

Ms. Myers said she would like to separate the discussions of short-term rental from discussions of crew quarters on the Committee’s Agenda. She stated it would be much easier to make progress if focus on these two issues was separated.

Chair Mammano noted that “the way the City interprets short-term rentals includes crew quarters,” and they are included in the City’s prohibition of these rentals. Ms. Myers said while this is the City’s interpretation, they are not discussed in this manner by the Committee.

Vice Chair Forman recalled that Ms. Myers had suggested discussing the format used by Destin some time ago. Chair Mammano agreed Destin presents “one possible way of dealing with short-term rentals.”

Ms. Myers explained that Destin has a format the Committee could use in working with the issue of short-term rentals, noting they would not have to use Destin’s definitions.

Vice Chair Forman noted Destin does not deal with crew housing as a short-term use. They define long-term rental as “more than 180” days; short-term rentals are for less than 30 days, and seasonal rental is “more than 30 but less than 180” days. Owners of short-term rental properties are required to fill out an application and registration, and to pay fees and insurance. Registrations are not transferable. A sign must be posted on the property, and these properties must be defined “within a particular area.”

Chair Mammano stated that Destin has determined they will allow short-term residential uses “from one day to six months in certain areas,” and then wrote an ordinance to apply this decision. She felt the format they have selected is intended “to deal with the policy decision that they made.” She agreed that someone from Destin could address the Committee to tell them how this ordinance has or has not worked for that city.

Mr. Mastriana asked if Code Enforcement could also be invited to attend next month’s meeting in order to help the Committee “understand what they’re going through” and hear their input.

Chair Mammano noted that there had been prior discussion of seeking information from the Police Department relative to “what kinds of complaints they have been getting.” She had suggested they provide the Department with a list of enforcement action addresses, so the Police Department could determine if they had been involved in any of those complaints. Ms. Ehle said she would forward this request to the Police Department, and asked if the Committee could clarify whether they would like someone to attend and speak to this issue at the next meeting.

Mr. Ledbetter noted if they are asking for a report “for specific addresses,” this provides no baseline for comparison to determine if there is an aberration. He noted that the Police Department records all information from calls, even if an officer does not respond to the complaint. He suggested narrowing the request

down to “nuisance complaints,” such as disturbing the peace; this could be “overlaid” on the information related to short-term rentals and zoning to determine if there is a relationship between Code Enforcement complaints and nuisance complaints.

Mr. Ledbetter suggested asking for a report “neighborhood by neighborhood,” or a map showing nuisance complaints. This would help determine whether short-term use is compatible with the “peaceful enjoyment and tranquility of a neighborhood.”

Ms. Ehle stated she would make this request of the Police Department with the help of Code Enforcement. She noted, however, that she could not guarantee the information would be available by the next meeting; she would find out what the Department could provide for the Committee within that time frame.

Chair Mammano asked if it would be helpful to include this request in the Committee’s communication to the City Commission. Ms. Ehle said she felt this could be helpful. Chair Mammano stated the Committee would ask the City Commission to instruct the Police Department to provide this requested information.

Vice Chair Forman referred to the St. Augustine ordinance, noting that it appears to be a proposed ordinance. Attorney Spence advised it was passed in August 2010.

Attorney Spence explained that the table for the St. Augustine ordinance is a “zoning approach” to dealing with the issue; the document provided condenses the zoning regulations related to this use, and an explanation of how that city deals with short-term use in their zoning code. They have recently instituted a registration policy similar to that used by Destin “for short-term rentals in their lower-density zoning districts.” Its intent is to reach further than the zoning approach, which is no longer considered sufficient.

Mr. Mastriana asked if planning backup materials could be obtained from both Destin and St. Augustine. Attorney Spence said they could obtain this.

b. Liaison Update

c. Roundtable Discussion: Recommendations Report

d. Public Comment

Paul Dooley said he is on the Board of the Coral Ridge Homeowners’ Association and a member of the City’s Code Enforcement Board. He advised that there are several websites available to advertise vacation rentals, and over 200 are listed in “all neighborhoods” of Fort Lauderdale on a single site. Rentals are available by the month, week, or sometimes the day. While he felt people

have the right to use their property as they see fit, he asked “where does it stop being a single-family home and start being a hotel?”

He described experiences with a short-term rental in his neighborhood in which renters do not pick up trash and cause other issues within the neighborhood. Mr. Dooley asserted that this was unfair to him as a homeowner. He felt homeowners in the neighborhood did not deserve to be exposed to these problems.

Chair Mammano asked if the owner of the rented property is “in desperate need of an extra stream of income,” as the owner is in foreclosure. Mr. Dooley said the owner “owns multiple properties in Fort Lauderdale.”

e. Set Agenda for Next Meeting

It was noted that the next meeting is scheduled for October 28, which is the first day of the Boat Show. Chair Mammano asked if the meeting could be rescheduled. Ms. Ehle said she would ask what rooms are available on Wednesday, October 27. Chair Mammano advised she would be willing to relocate to the Executive Airport “if that’s the last...option.”

Mr. Mastriana added that the Committee had previously asked whether or not there is a Code provision restricting the number of individuals in a home. He recalled he had received a question regarding the “renting out of rooms in houses” in one neighborhood.

Mr. Ledbetter noted that this would be difficult to determine, as Code Enforcement cannot “demand entry” into a home and can only discern “from the street or the alleyway” what is inside a house.

Vice Chair Forman said he understood there may be a limit on how many individuals “safely should go into a home,” but noted the issue is whether the use of a property is problematic for its neighbors. He noted that individuals may rent a room or dock space and said he did not feel the City should regulate this if no problem arises from it. He offered the example of a senior citizen renting a room to a boarder.

Chair Mammano said the fact that the City does not enforce all density requirements “doesn’t mean that we shouldn’t know what the requirement is,” or if there is in fact a requirement. If the problem is in the enforcement or failure to enforce a requirement, she said, the Committee should be aware of this. She concluded that there “isn’t anything wrong” with seeking the information.

Ms. Ehle advised she had looked into the Code to determine if a limit is set on the number of people who can live in a home. She said it does not define “a set number of people.” There is also no provision in Code that allows someone to

demand admission to a house to learn how many people are living in a residence. It was noted that a “No Trespassing” sign prohibits Code Enforcement from asking this of a home.

Chair Mammano noted that boardinghouses are no longer a defined and permitted use in the City; she did not see how renting rooms did not violate Code.

Vice Chair Forman asked “what difference does it make” if the people at a residence do not create a problem for their neighbors. Chair Mammano reiterated that boardinghouses are not permitted within the City. Mr. Mastriana said a single-family house is “not set up” to accommodate multiple families, as there might not be sufficient parking and can add traffic to the roads.

Chair Mammano stated if the City has decided to prohibit a use, it is obligated to determine a way to enforce that decision, or “not enforce it and take it off the books.”

Ms. Ehle stated the following items had been raised by the Committee for inclusion on the next month’s Agenda:

- Address public outreach questions, and invite PIO to speak to the Committee about the best methods for outreach;
- Have “some type of outreach” before or after the interim report is drafted;
- Produce an interim report that will outline all the material research the Committee has gathered, in bullet point form. This will include Agendas, minutes, and issues discussed by the Committee;

She added she would also look into changing the date for the October meeting.

f. Other New Business

None at this time.

V. For the Good of the Committee

None.

IV. Communication to the City Commission

Motion made by Ms. Myers, seconded by Mr. Mastriana, that we send a communication to the Commission informing them that we are putting together an interim report with all of the information we have gathered to date, and that we would like to hold a public forum in the near future to gather additional public input, and that we would like the Commission to instruct the Police Department to

provide additional information about nuisance complaints relative to the location of enforcement actions. In a voice vote, the **motion** passed unanimously.

VII. Announcements

Mr. Mastriana asked if it would be possible to compile a list of what defines crew quarters, what is necessary to these quarters, and what “could regulate it better,” so those less familiar with crew quarters could understand it more clearly.

VIII. Adjournment

There being no further business to come before the Committee at this time, the meeting was adjourned at 5:24 p.m.

[Minutes prepared by K. McGuire, Prototype, Inc.]