

**SHORT TERM RESIDENTIAL USE COMMITTEE
, WEDNESDAY, OCTOBER 27, 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	7	0
H. Collins Forman, Jr., Vice Chair	P	5	1
Larry Isakowitz	A	5	2
Dwight Ledbetter	A	5	2
Ronald Mastriana	P	5	2
Lula Myers	A	6	1
D.J. Parker	P	6	1
Annette Ross	P	6	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
Deborah Rutkowski, Planning Assistant, Planning and Zoning Department
Cheryl Felder, Service Clerk, Planning and Zoning Department
D'Wayne Spence, Assistant City Attorney
Petula Burks, Public Information Specialist, Public Information Office

Communications to the City Commission

None.

I. Call to Order

Chair Mammano called the meeting to order at 3:30 p.m.

II. Roll Call

Roll was called and it was noted a quorum was present.

III. Approval of September 23, 2010 Minutes

Ms. Parker noted a typo of the word "Communication" on p.1.

Motion made by Ms. Parker, seconded by Mr. Mastriana, to approve the minutes of the September 23, 2010 meeting as corrected. In a voice vote, the **motion** passed unanimously.

IV. New Business

a. Upcoming Meeting Dates: November and December

b. Chair / Vice Chair Report

Vice Chair Forman noted that he had been granted a waiver by the City Commission, at their October 5, 2010 meeting, confirming that there was no conflict of interest regarding his service on the Committee.

c. Liaison Update

Ms. Ehle informed the Committee that the Citizens Sustainability “Green” Committee recently presented the City Commission with a report at a Conference Agenda meeting. She suggested that as an example, the Committee review the report’s format as for ideas - for its own upcoming Interim Report.

Ms. Rutkowski advised that she had printed copies of the Social Service Residential Facilities (SSRF) Ordinance, which she distributed to the Committee members. She explained that these facilities are not considered to be short-term rentals. A Level 1 facility is allowed in any residential zoning district in any City as mandated by the State of Florida.

She said examples of Level 1 facilities include homes for the elderly, which can have up to four beds; normally the property owner also lives on the premises, and two assistants may be employed at the facility. Other Level 1 facilities house mentally challenged adults or children. Chair Mammano added that the State “preempted the local zoning ordinance” to accommodate these facilities.

Mr. Mastriana asked if there is a limitation on facilities of this nature. Ms. Rutkowski said other kinds of Social Service Residential Facilities, such as residences for individuals with substance abuse issues, are not Level 1 facilities and are not allowed in every residential district. Level 1 facilities are not considered a temporary arrangement, but a home. Levels other than Level 1 must go through the Planning and Zoning Department process, and there is a dispersal for these facilities to commercial or home day-care center zoning.

It was asked if residences for “12-steppers” are similar facilities in nature. Ms. Rutkowski explained that these residences would fall into a higher level than Level 1, and dispersal would be required. She noted that if these facilities are not located in appropriate zoning districts, they are not licensed facilities.

Mr. Mastriana asked if hostels must be licensed. Ms. Rutkowski said they are not, and noted that there is no business tax for hostels. She said they are considered to be similar to hotels, but are often located “where they have a business tax for an apartment building.” Ms. Rutkowski noted that properties licensed as “apartments” often put themselves out as a hotel or hostel. This is a change in use and requires Site Plan Approval process.

Chair Mammano stated she was concerned about the taxation issue, noting that a house that is rented as a home is still taxed as residential property; however, if an individual is renting a house for commercial use, it must be taxed at a different rate. Vice Chair Forman observed that this would require a definition of what is considered to be commercial use.

He continued that the City uses Code Enforcement proceedings to verify how a structure is being used. Once a Code Enforcement action has been opened under the City, the City refers the case to the State and the Department of Revenue, which seeks tax returns to verify that the use is appropriate.

Mr. Mastriana suggested that the Interim Report could request definitions for some of the terms left undefined by the City, such as hostels. Chair Mammano agreed that Fort Lauderdale has “very few definitions” included in its zoning criteria. Ms. Ehle said these same terms and definitions can vary widely from one city to another.

Vice Chair Forman said the issue is regulating the use, pointing out that a single-family home on a lot can be used to house a single family, as intended, or for another purpose. He said the City does not “have the definition to support that,” as there is nothing in Code that says renting a property for a specific amount of time is equal to a commercial use. Transient use is also not defined by Code. Vice Chair Forman said this lack of definition has led to litigation for the City, as well as to the creation of the Committee.

Ms. Ehle proposed including a scope of what the interim report is specifically intending to address. She added that the report could identify those perspectives on which the members do not necessarily agree. Chair Mammano said while she agreed that the report should honestly disclose these areas, she felt “the City has taken a position” that its allowed uses will be “hotel, motel, bed & breakfast, or... residence.” She noted that these definitions may not be sufficiently nuanced to address all uses, and “additional variations” may need to be introduced in these categories, as other cities have done. She felt the Interim Report should be “an exploration of what is the current state of affairs” so the City Commission is aware of the Committee’s work.

d. Staff Presentations:

I. Petula Burks / Public Information Office (PIO)

Ms. Burks said there are six major means of promoting “any and all things that are going on in the City.” The first of these is Channel 78, the government access channel. She said if information is sent to her via Ms. Ehle, the PIO can turn it into PowerPoint slides to “get your information out.” This can usually be accomplished on the same day. Channel 78 reaches all Fort Lauderdale households, as well as hotels.

Another way of disseminating information is 1610 AM, the City’s radio station. Messages can be roughly four minutes in length and can be put on the air the same day they are received. On-hold messages on City lines are another means of making information available, and are usually prepared within 24 to 48 hours by an outside vendor.

City news e-blasts are available to individuals who have signed up for updates with the City’s webmaster, and are often prepared within one day. The City also prepares civic packets, which are sent on a monthly basis to homeowners’ association presidents. If information is updated during the month, it is sent via email to the presidents as well. The City’s website is the final source of information, Ms. Burks concluded.

Mr. Mastriana asked if these services would be used to advertise the Committee’s upcoming public meeting. Chair Mammano said she felt they would be appropriate, and estimated that January would give the Committee sufficient time to put the Interim Report together, find a place for the meeting, and determine the methodology to be used in sharing information.

II. Adrienne Ehle / Interim Report – Background
e. Roundtable Discussion: STRU Committee’s Interim Report

Mr. Mastriana suggested that the Committee have a “real draft of that interim report” after their November meeting, which can then be reviewed by Staff.

Ms. Ehle said depending on the Committee’s preference, the scope of the report can be very narrow or very expansive; in either case, “there’s a lot of work to do.” She said if the group wished the report to be more detailed and extended, it would be helpful for the Committee to request direction for Staff from the City Commission “as to how they want this to pan out.”

Mr. Mastriana said the Committee should prepare “what we think... is the Interim Report” at their next meeting and then present it to the City Commission, rather than asking the Commission what kind of report they would like to see. Ms. Ehle said to clarify, the question for the Commission would not be what *kind* of report, rather if it is to be extensive, whether or not there are sufficient Staff resources, as well as a request for Staff direction to pursue a particular kind of report either

in-house or with outside assistance. She explained that if the suggestion is for Staff to write the report, then Staff requires the City Commission and City Manager's direction when preparing such a report.

Vice Chair Forman said members are appointed for one year, and advised that they could run out of time to complete their work. He suggested that he and Mr. Mastriana could work together to "propose something... for the Committee to look at the next meeting." He also noted they might reconsider preparing an Interim Report due to the short time period remaining. Mr. Mastriana agreed, and said he felt the format of the "Green" Committee report was "very organized" and could be suitable to follow for the Committee's report. It was noted, however, that two members could not meet outside the Committee proper, as this would violate the Sunshine Law.

Chair Mammano said the time period was one reason she did not consider the Interim Report "as a major piece of work," but primarily an update on what the Committee has discussed, the information they have gathered, and where they stand at present.

Chair Mammano asked if the Committee could give Ms. Ehle direction regarding the report, including "using your judgment" on the format, and have her prepare an outline of what should be included in the interim report at the November meeting. She noted that if the report could be prepared in advance of the meeting, Ms. Ehle could send it to the members, and they could respond with comments. Ms. Ehle reiterated that depending on how extensive the report will be she would need direction from the City Manager in order to concentrate on an assignment given by the Committee to prepare their report.

She explained that she was aware that other committees had divided their reports into sections, which were written by individual members and then sent to their liaison to be consolidated. The liaison then forwarded the complete document to the City Commission. Attorney Spence said the sections were written by individual members and discussed at subsequent meetings. Chair Mammano noted, however, that there were no "diametrically opposed" points of view on the other committee, and pointed out that even if the Committee eventually reaches a consensus, its members may wish to add "some additional personal perspective" to the final report.

Mr. Mastriana said he was concerned if a report was compiled by individual Committee members, it would not be complete by November. He recommended "another interim sub-meeting" prior to the November meeting, at which any members who wished to attend could "sit down and write." Chair Mammano said an outline from Ms. Ehle would be helpful if this was done.

Ms. Ehle said if the Committee provided her with “outline bullets” at today’s meeting, she would generate an outline framework and send it to the members to ensure she had understood their intent and discussion correctly. If a date is planned for an interim report workshop-type meeting, the members could work through the outline and “draft some language.” If there are differences of opinion among the members, these could be presented and compared in the report as alternative views on the subject.

With regard to the Committee’s request to identify terms and definitions, Ms. Ehle said the interim report could include a section listing those terms the Committee is “interested in digging into further.” This could include a comparison of definitions used by other cities. Vice Chair Forman and Mr. Mastriana agreed to reach out to contacts in other cities with regard to reports they produced before developing new ordinances.

Ms. Ross asked if the Committee’s task would include “some language to get the City started.” Mr. Mastriana said he felt they should ultimately propose an ordinance, with which the City Commission would agree or disagree and possibly expand upon.

Ms. Ross said if they arrive at a conclusion that is “too restrictive,” it could be potentially problematic for the City and restrict uses more than the Committee intended. Vice Chair Forman and Mr. Mastriana each cited examples of charitable events held in residential homes as examples. Ms. Ross advised that they should keep the character of the City in mind when proposing an ordinance, so the rules would not be so restrictive as to affect this character.

Chair Mammano agreed with Ms. Ross, and said instead of providing the City Commission with a potential ordinance, her vision was for the Committee to look at all aspects of the short-term rental issue, identify the problem, state the positive and negative aspects of short-term rentals, and “make some recommendations,” such as ensuring that the City continues to support the marine industry “by allowing that type of use in more places.”

Mr. Mastriana asserted that the Committee should prepare a proposed ordinance for the City Commission to consider, and then let them expand upon it. He felt their mission is “to actually come up with something.” Chair Mammano noted their mission statement was “to define the parameters of the use [of residential property]... in light of protecting neighborhood tranquility.”

Copies of minutes from the cities of Destin and St. Augustine in reference to those cities’ ordinances were distributed to the Committee members. It was noted that the minutes do not entirely reflect the background history of those cities’ ordinances.

Vice Chair Forman added that an individual's use of his property must also be considered, and noted that there is a case against the City that would, if successful, cause all the City's short-term rentals to be grandfathered in even if a more restrictive ordinance is ultimately passed. Ms. Ross asserted that while there are property rights, there is also responsibility for property. Vice Chair Forman agreed, but said what he hears is "someone wanting to impose responsibilities" against the freedom of property rights.

Ms. Ehle said she would send the outline of what the Committee has discussed to the members, and requested that they provide input on what else needs to be added when they send their responses to her. In addition, if members wish to add written sections, she will include these in the compiled draft report.

f. **Public Comment (approx. 4:30 p.m.)

None at this time.

g. Set Agenda for Next Meeting (5:00 p.m.)

It was determined that the Committee would hold a special meeting to work on the Interim Report on Tuesday, November 9, at 3:30 p.m. at the Planning and Zoning Office to further discuss the interim report. Ms. Ehle's draft outline would be sent to the Committee members by November 2. Responses to her outline would be sent to Ms. Ehle's office by Friday, November 6, so she would have sufficient time to compile the information.

Motion made by Mr. Mastriana, seconded by Vice Chair Forman, to hold a Special Meeting November 9, 2010 3:30-5:30 p.m. and the next Regular Meeting November 23, 2010 3:30-5:15 p.m. In a voice vote, the **motion** passed unanimously.

h. Other New Business

None.

V. For the Good of the Committee

None.

VI. Communications to the City Commission

None.

VII. Announcements

None.

VIII. Adjournment

There being no further business to come before the Committee at this time, the meeting was adjourned at 5:10 p.m.

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