

**APPROVED**  
**TOWN OF LAUDERDALE-BY-THE SEA**  
**PLANNING AND ZONING BOARD**  
**MEETING MINUTES**  
*Jarvis Hall - 4505 Ocean Drive*  
*Wednesday, March 1, 2017*

1. CALL TO ORDER

Chair John Lanata called the meeting to order at 6:01P.M. Members present were Charles Clark, Roseann Minnet, John Lanata, John Graziano, and 2<sup>nd</sup> Alternate Paul LaCoursiere. The members not in attendance were David Chanon and 1<sup>st</sup> Alternate Cari McCormack. Also present were Town Attorney Susan Trevarthen, Assistant Town Manager Tony Bryan, Development Services Director Linda Connors, and Clerk Jhanelle Campbell.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. APPROVAL OF MINUTES

a. Planning and Zoning Board Meeting Minutes – February 15, 2017

Ms. Minnet made a motion to approve the minutes of February 15, 2017. The motion was seconded by Mr. LaCoursiere. The motion carried 5-0.

4. PUBLIC COMMENTS

The Chair invited public comments but there weren't any members of the public requesting to speak now.

5. NEW BUSINESS

a. Short Term Rental Regulations

Development Services Director Linda Connors said that the Town has regulations for vacation rentals which were adopted in 2009. She explained that in 2011, the State Legislature passed legislation limiting local government's ability to regulate vacation rentals. Ms. Connors clarified that the Town's regulations pertain only to single-family homes and townhomes and limits stays for less than seven days. The Town is not allowed to expand our regulations because of the State's legislation. She explained that what the board has before them tonight are short-term rental regulations that would cover duplex or two-family unit, multi-family dwellings with three or more dwelling units, or a mixed-use development of one to four dwelling units. She stressed that these regulations are not touching our vacation rental regulations. It is just adding an additional layer of regulations using the State's definition of short term in our ordinance. It would require short-term rental properties (duplex or two-family unit, multi-family dwellings with three or more dwelling units, or a mixed-use development of one to four dwelling units) to comply with the same registration and operations requirements as vacation rental properties (single-family homes and townhomes) except for the restrictions on duration and rental frequency. She explained why this would be consistent with the Town's Comprehensive and Strategic Plan.

Ms. Connors read into the record the registration process for a short-term rental property. The regulations are not authorizing a new use but simply bringing the use, both existing and future,

under the licensing and regulatory provisions that the Town is authorized by State Statute to impose. She said that staff recommends approval of the draft ordinance. Ms. Connors was asked to find out from the Planning and Zoning Board if it would like to regulate also the use of a pool at the site and to add hours in which to use the pool. Ms. Trevarthen wanted to make clear to the board that by operation of law, short-term rental use and vacation rental use are allowed in every place where residential use is allowed. She explained that the new regulations only give the Town control of short-term rental and vacation rental through registration and regulations.

The Chair opened the meeting for questions from the board members. Ms. Connors answered Ms. Minnet that the Town does have a vacation rental ordinance that limits the amount of days to seven nights. Ms. Connors answered Ms. Minnet that the proposed short-term rental ordinance does not have a limitation because the Town is not allowed to do so by State Legislation. It has all the other regulations that we have for vacation rentals but we are not allowed to limit the stay. Ms. Connors answered Ms. Minnet that by definition, someone cannot go from vacation rental to short-term rental. She read the definition from the proposed ordinance into the record. Ms. Trevarthen spoke about the Town Commission's adoption of a resolution in January 2017 stating among other things to pass the bill that respects local home rule. She spoke about the Legislature having a bill on file that is moving through the committees that strips our powers by even taking away our grandfathered regulations. However, there is another bill pending that restores all of our powers. This is how it has been for about six years.

Ms. Trevarthen answered Mr. Graziano about a bed tax for hotel uses and a state tax that applies to hospitality uses. State law applies as to whether they need to pay state taxes but the Town is not involved in that. She said that taxes are not relative to the Planning and Zoning Board's prerogatives as we are not a taxing body. Mr. Graziano feels that vacation rentals are hard to manage and short-term rentals would not be an exception. We need to regulate and be able to manage the regulations. She said that the ordinance will now regulate the structures that were not defined in vacation rental but were now defined in the proposed ordinance. He also felt that pools, especially for the short-term rental structures, should be ADA compliant. Mr. Clark believes that enforcing would be almost impossible. The residents would have to help the Town enforce by reporting abuses. Ms. Connors explained how the Town could get the word out to neighbors and why it is important to notify the Town or BSO in the evening. BSO knows all the vacation homes and will give the Town a report in the morning. Mr. LaCoursiere asked for a list of vacation rentals and Ms. Connors explained that under Documents on the Town's website is a Vacation Rental Map which is updated quarterly or as necessary for the registered vacation rentals. If a property is acting like a vacation rental and is not on that map, she asked the residents to please call the Town. In answer to Ms. Minnet's question, she was told that short-term rentals would not be classified as commercial but rather residential and that both short-term rentals and vacation rentals are transient. Ms. Minnet said that the number one request for occupational licenses would probably be for vacation rentals and short-term rentals. She felt that vacation rentals and short-term rentals change the quality of life for the Town's residential neighborhoods. This is happening in other municipalities as well because of the powers taken away by Tallahassee. The Town will need cooperation from its local residents to let Town Staff/Code Enforcement know if there are issues.

For a quality of life issue, Ms. Minnet would like to have swimming pools added. Ms. Connors suggested using swimming pool hours of operation. Ms. Connors asked for a board recommendation. Mr. Lanata suggested 8:00AM to 8:00PM and Mr. Clark suggested 8:00AM or 9:00AM to Dusk. Mr. Graziano felt that the Planning and Zoning Board has input into quality

of life and managing pool hours is an important issue. He is in favor of managing the pool hours, managing vacation rentals, and managing short-term rentals but we have to commit to doing it. He felt that this would be a real burden to a town of this size. He said that his residential area is turning into a vacation rental area. This quality of life topic must be discussed. If we go with short-term rentals, there would be a lot of activity where there are two-three-four families. He wanted to know what other pool management we have and Ms. Connors explained that the noise issue would come from a different regulation. He said that we do not restrict a hotel's pool usage that might be situated next to a two-family home. Ms. Trevarthen answered Ms. Minnet that the same rules would apply but it is just different building types that are affected and only the single-family and the townhome that would have a minimum seven day stay. She said they wanted the board's input on pools and then would follow it to the extent that it was legally feasible to do so. Ms. Minnet felt that this should be for short-term rental and not adding it to vacation rental until we know what Tallahassee is up to. She said that the Town needs to ensure that Tallahassee knows that we do not want them touching home rule. We need to make our rules for our town so she suggested calling our legislatures to let them know this. She suggested perhaps a petition. Ms. Trevarthen said that if people want to follow Ms. Minnet's suggestion, good places for information and talking points would be the Town Commission's January 2017 resolution that mentioned the names of the bills (both good and bad), plus the on-line Sunshine Website.

Before making a motion, Ms. Minnet wanted further discussion on hours of operation for pools. She suggested 8:00AM to 8:00PM. If there is a problem between a short-term rental and a neighbor, then they would be able to call the police to enforce the noise ordinance. Mr. Clark made a comment for the people watching this meeting that short-term rental and vacation rental impacts home value. He encouraged residents to notify the local authorities when there is a problem.

Ms. Minnet made a motion to accept staff's recommendations on the short-term rental regulations with an add-on to include pools that would be closed from 8:00PM at night until 8:00AM in the morning. The motion was seconded by Mr. Graziano. The motion carried 5-0.

Mr. Graziano asked to go on record regarding vacation rentals. He knows that year round residents use their pools at night. He said that while we do not want to upset the applecart with respect to vacation rentals, some use their pools only at 11:00PM at night. This is a problem and they should be covered also. He will not push for this now but may re-think this issue in the future.

Ms. Connors said for the benefit of people watching this hearing at home; if there is an issue with vacation rentals after hours, please call the non-emergency phone number for BSO and she said the phone number into the record. If the problem is between 8:00AM to 4:00PM, she gave the Town's phone number.

## 6. OLD BUSINESS

- a. Business District Ordinance 2017-03, Linda Connors – Development Services Director

Ms. Connors stated that in December 2016, the Planning and Zoning Board (P&Z) recommended approval of Ordinance 2017-03 (for our B-1 and B-1-A zoning business districts). Between going from P&Z to the Town Commission last night, there were several

changes to the ordinance. She wanted to ensure that she receives comments from the board before the second reading. Ms. Connors read into the record the changes to the ordinance as listed on the February 23, 2017 Staff Report on this subject. Some of the changes she spoke about were adding a definition for Call Center and Short-Term Rental. Each bulleted change also depicted its coordinating line number(s) on the ordinance. Ms. Trevarthen explained *Use* on line 505 in the ordinance, especially clarifying for the board line 510 regarding properties with more than four dwelling units – a minimum residency of 120 consecutive days is required. Ms. Trevarthen said that they need board feedback on this and to know what the board would recommend. Ms. Connors explained to the board what the Town Commission suggested. Ms. Trevarthen said that we would need for line 510 either no minimum duration or maybe the seven day or whatever we would want to make the minimum duration for that area east of Seagrape. Ms. Connors explained the Town Commission's thought process on this issue and how the Town Commission was interested to hear the board's thoughts.

Ms. Minnet was wondering about the competition with the hotels by allowing nightly stays. Ms. Connors said that the problem is within residential areas and not in a hotel district area. It would be better if a person chooses the downtown area rather than a residential area for their stay. Ms. Minnet wondered if the hotels would want this competition. Ms. Trevarthen said that to the extent the residential units already exist, they are already entitled to be transient rentals. Ms. Minnet asked about the hardship permits and Ms. Connors answered her. Ms. Trevarthen said that we are talking about mixed-use now which could be a single unit. Mr. Graziano said that this is starting to get blurred and wanted to know if this sets us up for more legal problems. Ms. Trevarthen said that nightly rentals are happening now and this is just trying to give the Town some recourse in regulating them. The Chair opened the meeting to public comment but no one wished to speak.

Ms. Minnet asked if the board wanted to take each change from the February 23, 2017 Staff Report individually. Discussion ensued about making a motion taking out two bulleted items listed in this report which are:

- Provided that Short Term Rentals are permitted in Mixed use buildings (have to register pursuant to 30-327) - lines 507-509 and 1091-1093.
- Required that properties with more than 4 residential units must have a minimum residency of 120 consecutive days – lines 510-511 and 1094-1095

Ms. Minnet made a motion to approve the changes except for two items (listed above) and have discussion on these two items individually. The motion was seconded by Mr. Clark. The motion carried 5-0.

Ms. Connors explained that short-term rentals are permitted in mixed-use buildings which are regulated by the State. You can have overnight stays in the buildings that have four or fewer units. Ms. Trevarthen said that they are discussing two things. 1) If it is between two, three or four units – do you want the Town's regulations to apply? 2) If there are more than four units, do we do the minimum duration of 120 days? She explained why the Commission made the distinction between east of Seagrape and west of Seagrape which backs up to single-family area.

Mr. Graziano made a motion to apply the Town's short-term regulations to properties between one and four units that are not covered by the vacation rental regulations. The motion was seconded by Mr. LaCoursiere. The motion carried 5-0.

Ms. Trevarthen explained what was just created and now the last piece of the puzzle needs to be decided. Ms. Connors said that last night the Town Commission suggested regulations on properties west of Seagrape and not to have a minimum stay east of Seagrape. Ms. Minnet expressed keeping things as strict as possible.

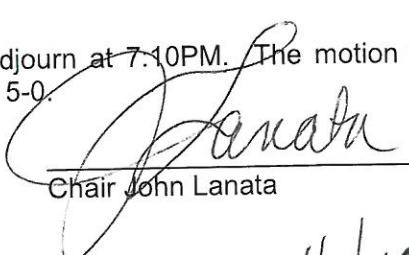
Ms. Minnet made a motion that properties with more than four units there would be a minimum stay requirement of 120 days Town-wide (consistent with State legislation). The motion was seconded by Mr. LaCoursiere. The motion carried 5-0.

7. UPDATES/BOARD MEMBER COMMENTS  
a. Overnight Parking

Assistant Town Manager Tony Bryan gave a response to the question of whether or not overnight parking is allowed or prohibited in the Town. For personal vehicles, overnight parking is not prohibited. It is prohibited for commercial vehicles which are defined within the ordinance, recreational vehicles which are also defined and vessels from being parked overnight in any metered spaces within the Town. In regards to personal vehicles, even though it is not prohibited, the Town sells certain permits both for the El Prado area (hotels with parking hardships) and for the South Bouganvilla area for personal vehicles and not commercial vehicles. Even if you do not have a permit, parking for personal vehicles is allowed by paying the meter and parking. Ms. Minnet asked about enforcement for commercial vehicles parking overnight where prohibited and also suggested signage. Mr. Bryan said that signage is a consideration and if the board would like to make such a recommendation. If someone sees a violation after hours, they can call the BSO non-emergency phone number. Ms. Minnet would like to hear from Chief Palmer to know what goes on overnight in parking lots. The chief first addressed commercial and recreational vehicles parking overnight. He said that BSO tries to notify the owner of the vehicle and tell them about the ordinance. A citation is issued if they cannot contact them. He read into the record a full year's data for the El Prado parking lot. Ms. Minnet asked the chief if signage would help in the parking lots and about a direct phone line to BSO. The chief said the direct line is not available anymore but explained why using the non-emergency BSO number is important. He had no opinion about certain signs. Mr. Bryan said that staff was already dealing with the overnight parking issues because they heard the same complaints. They will continue to work on this to see if there is something that they can come up with to take before the Town Commission.

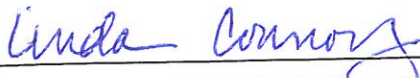
8. ADJOURNMENT

Ms. Minnet made a motion to adjourn at 7:10PM. The motion was seconded by Mr. LaCoursiere. The motion carried 5-0.

  
Chair John Lanata

ATTEST:  
Development Services Director Linda Connors

Date Accepted: 4/19/17

  
Linda Connors