

MOTION made by Walter Syrek and seconded by Richard Klosiewicz to recommend approval of the proposed text amendments to section 155.2406. All voted in favor of the above motion; therefore, the motion passed.

8. Chapter 155 Text Amendments, AOD Parking Modifications
HEARD FIRST

In conjunction with the proposed text amendments resulting from the Temporary Moratorium, Staff has prepared revisions to the parking modifications for the AOD that are set to expire on January 4, 2016. The intent of the proposed parking modifications is to encourage the redevelopment of the AOD by incentivizing those uses that further the purpose of the district and incentivizing the redevelopment of properties that are the most challenging in terms of providing parking (i.e. existing development and/or small lots). The proposed amendments include a five year extension to the parking reductions.

Mrs. Friedman introduced herself to the Board and stated that this text amendment is in conjunction with the moratorium text amendments which were reviewed by the Board at the November 30th special set hearing. The proposed text amendments address revisions to the modified parking standards for the Atlantic Boulevard Overlay District (AOD) to reflect the recommendations as a result of the moratorium. The proposed amendments include a five year extension to the parking reductions. The exemptions have been tailored down to target the uses that are highly desirable in the AOD. In summary, Eating and Drinking Establishments (excluding halls for hire and nightclubs), Retail Sales and Service Uses (with a few exceptions), and Professional Offices would be targeted use categories and would be eligible to be exempt from parking requirements or would have reduced parking requirements. Mrs. Friedman asked the Board if they had any questions.

The Chairman asked if the Board had any questions. No one responded. Mr. Stacer asked if residential uses will no longer be eligible for parking modifications and Mrs. Friedman agreed.

Mr. Stacer asked if anyone from the audience wished to speak and received no response from the audience.

MOTION made by Richard Klosiewicz and seconded by Jeff Torrey to recommend approval of the proposed text amendments. All voted in favor of the above motion; therefore, the motion passed.

9. Chapter 153 “Rental Housing Code” Text Amendments, Short Term Rental Permit

As a courtesy, staff is presenting its recommended revisions to the Code of Ordinances Chapter 153 “Rental Housing Code” regarding the creation of a Short Term Rental Permit program. Staff recommends adopting regulations related to off-street parking, trash and recycling bins,

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occupancy, noise restrictions, and special events. More importantly, the proposed amendments would create a required permit, which would only be issued after a property is inspected by City Staff.

Karen Friedman introduced herself to the Board and stated that this text amendment is not subject to review and recommendation by this Board because it is a revision to Chapter 153; however, Staff is seeking the Board's support for the proposed amendments because it is an item that has been discussed at this Board and an item of sensitivity. Mrs. Friedman added that this item is a proposal by the City Attorney's office.

Mrs. Friedman stated that in 2011, the Florida Legislature prohibited local governments from regulating these types of properties (single family, duplex, triplex and quadplex) based on the fact that they have short rental periods. In 2014, the statutes were revised by the Legislature and some of the language was relaxed. Cities still cannot prohibit these types of uses nor can they regulate the length of time they are occupied. However, we can regulate these uses.

Mrs. Friedman stated that Staff has been researching this issue since 2004. Mrs. Friedman added that we are subject to the Broward County tourist development tax which means that anyone who is renting out a rental unit for a period of six months or less is required to pay this tax.

Staff is recommending creating a short term rental permit which would be required for any single family, duplex, triplex or quadplex that is available for a tenancy of six months or less. In addition to this, in order to get a permit, the units would have to be inspected prior to the permit being issued. This would be a significant change for the City because, currently, the property does not have to be inspected prior to receiving a Zoning Use Certificate or Business Tax Receipt.

Based on the statutory changes regarding regulations of vacation rentals, as well as the County's Tourist Development Tax, Staff recommends creating standards for "Short Term Rentals". The additional standards would be applicable to single family, two-family, three-family, and four-family properties with occupancy of less than six months. The inspection would only be required for the initial issuance of the permit (however, the Development Services Director does retain the authority to re-inspect if necessary). The permits will not be transferrable when a new owner purchases the property. Staff recommends that one parking space minimum shall be required per bedroom, all parking must be on paved services, overnight parking of commercial/recreational vehicles would be prohibited, and parking in the right-of-way/swale/landscaped areas would also be prohibited. Staff is recommending a minimum size trash container per bedroom and the containers shall be screened from the public right-of-way. Staff recommends limiting the occupancy to the underlying zoning and limiting units to two persons per bedroom. Staff recommends that short term rentals be prohibited from having outdoor musical performances, limiting properties to one Special Event per year, and enhancing the responsibilities for the 24 hour contact person. Staff is recommending an amortization period of one year where, in order to be eligible for the one-year deferment, the property owner must submit documentation to the City within 90 days of the effective date of the

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Ordinance. Mrs. Friedman stated that the proposed Ordinance would not become effective upon adoption, rather it would become effective 60 days after adoption. This time will be used to prepare for the new processing and procedures.

Mr. Klosiewicz asked what prompted the need for this change. Mrs. Friedman responded that there has been concerns from many neighborhoods that homes were being occupied for short periods and the impacts have had a negative effect on the neighborhood-wide and City-wide. Mrs. Friedman added that the City receives many complaints about noise, and parking on the swale. Mr. Klosiewicz asked the projected number of properties that would qualify. Mrs. Friedman answered that there are guesses but not a firm number that code enforcement has used. Mrs. Sarver stated that she does not feel comfortable with staff answering that question because it would only be speculation.

Mr. Syrek asked about the Transient Housing Report prepared in July 2011 by Jennifer Gomez which has eleven recommendations. Mr. Syrek asked if all eleven items have been addressed in the proposed text amendments. Mrs. Friedman stated that she cannot give a definitive answer but the recommendations being given have been upheld in other cities and they received support from the City Attorney's office.

Mr. Syrek read off some of the highlights from the Transient Housing Report. Item 4 states that a 24 hour contact person should be made available to the public at Click 2 Gov. Item 5 states that, at the time of BTR, identify the maximum capacity of each dwelling unit and sleeping rooms and make this information available on Click 2 Gov. Mr. Syrek asked if this information is currently available online and does this ordinance revision enhance this at all. Mrs. Friedman stated that she is not sure if the contact information is available on Click 2 Gov and will have to report back to the Board. Mr. Syrek asked if the property owners have to sign for the educational materials at the time the rental housing BTR is obtained. Mrs. Friedman responded that one of the proposed changes is that the property owner will have to submit a copy of the rental agreement. Mr. Syrek recommended handing out a brochure to the property owner that explains the rules and responsibilities.

Mr. Syrek asked for a number of rental BTRs that are active in the City and Mrs. Friedman responded that she does have the numbers and she can report back to the Board with the number of units and the number of inspections that have been performed.

Mr. Klosiewicz asked if a transitional rental property would currently be registered with the City. Mrs. Friedman responded that anyone who is renting out a single-family, duplex, triplex or quadplex is required to have a Business Tax Receipt.

Mr. Syrek asked Staff about the Florida Accessibility code and Mrs. Friedman responded that these units are still exempt from complying with ADA. Mrs. Sarver stated that she agrees with Mrs. Friedman. Mr. Syrek asked if a property owner is renting out units on a weekly basis and making the property similar to a hotel use, do they still not have to comply with ADA. Mrs. Sarver answered that she is not aware of anything that would have the Florida Building Code treat this any differently.

Mr. Evans asked if a tenant leaves before the lease is up (prior to six months), does the property owner become exempt from the requirements of the lease. Mrs. Friedman stated that if false information was provided to Staff, the City could revoke the permit.

Mr. Stacer asked why Staff did not address condominiums. Mrs. Friedman replied that condo associations usually have strict requirements on length of stay.

Mr. Stacer asked if anyone else had any questions and he received no response.

MOTION was made by Dwight Evans and seconded Richard Klosiewicz to support the recommended text amendments to Chapter 153. All voted in favor of the above motion; therefore, the motion passed.

I. AUDIENCE TO BE HEARD

The Chair asked if anyone in the audience wished to be heard and received no response.

J. BOARD MEMBERS DISCUSSION

Mr. Torrey and Mr. Klosiewicz wished everyone a pleasant holiday and new year.

Mr. Evans asked if there is a recognized neighborhood association listing and Mr. Syrek stated that the City's website has a PDF that you can access. Mr. Syrek added that the City Manager's office maintains the list and details of neighborhood associations. Mr. Evans asked if there is anything planned for the Northwest corner of Atlantic Boulevard and Dixie Highway. Mrs. Gomez showed Mr. Evans and the Board the Interactive Map on the City's Planning and Zoning webpage which shows current projects. Mrs. Gomez then answered Mr. Evans question by informing him that no site plans were in for this parcel. Mr. Stacer asked Staff when the map is updated, Paola replied that we update the map monthly.

Paola West spoke about the "Click 2 Gov" webpage that will allow anyone the ability to search all Business Tax Receipts. This information will be live. Mrs. West added that Commissioner Dockswell requested this map about two years ago.

Mr. Syrek asked if the buildings on the RaceTrac property on the corner of Federal Highway and 33rd will be torn down and if any new uses will be added. Mrs. West stated that Staff is actively trying to help them apply for demo permits.

Mr. Stacer asked if the new overlay (Transit Oriented District) will supersede the CRA and the AOD in certain areas.

Mrs. Gomez answered that if we adopt a Transit Oriented Development District, it will supersede and eliminate the Atlantic Boulevard Overlay District (AOD) west of the Intracoastal Waterway. There will most likely be a map with a series of regulating plans.