



city council minutes

MINUTES
June 29, 2018 * 9:00 a.m.
City Council Workshop Session

The Belle Isle City Council met in a City Council Workshop Session on June 29, 2018, at 9:00 a.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FI 32809.

Present:

Mayor Pisano
Commissioner Gold
Commissioner Carugno
Commissioner Weinsier
Commissioner Readey
Commissioner Sims
Commissioner Partin
Commissioner Nielsen

Absent:

N/A

Also present: Attorney Chris Connelly, City Manager Bob Francis, Chief Houston, and Administrative Assistant Heidi Peacock. Meeting audio is available on the City's website at www.cityofbelleislefl.org and at City Hall.

CALL TO ORDER

Vice Mayor Readey called the meeting to order at 9:08 am due to the Mayor's absence. Comm Nielsen gave the invocation and led the pledge to the flag.

Mayor Pisano joined the meeting at 9:08 am.

1. DISCUSSION OF SHORT TERM RENTALS

Attorney Chris Connelly gave a brief overview of two Attorney General Opinions in pursuing vacation rentals. He stated to the extent that we have an existing ordinance that does not currently forbid vacation rentals or substantially hampers the use we will be in a good position to move forward in modifying the City's ordinance when the State law changes. He further stated if the City modifies the ordinance to forbid the use entirely the City may be open to a potential class action lawsuit.

Council discussed owner-occupied short term rentals and modifying the current ordinance to allow for reasonable restrictions that may stand up to the challenge, protect the neighborhoods in the City and correspond with the State law. Discussion ensued on staff enforcement of the code, permitting guidelines and a severability clause allowing for unforeseen challenges.

Code Enforcement Officer Winters spoke briefly on the enforcement process and said existing AirBnBs are hard to find. She noted that it would be beneficial to place restrictions on the use and collect an annual license/registration fee. Requiring an annual license will help staff track the number of businesses in the City to ensure that they are following the guidelines of the code.

Attorney Connelly read and spoke briefly on SS. 196.061 regarding the substantial use of the property and the rental of all or substantially all of a dwelling previously claimed to be a homestead for tax purposes shall constitute the

abandonment of such dwelling as a homestead, and the abandonment continues until the dwelling is physically occupied by the owner.

Mayor Pisano was excused to attend previously scheduled a meeting.

Attorney Connelly addressed Accessory Uses / Sec 50-103 of the City code. He said the City can modify the ordinance and define the use of a short-term rental as an accessory use or special exception on a trial basis for less than 364 days. After discussion, Council consensus was to have the City Attorney research the option.

Council discussed the following points for guidance to include in the proposed ordinance,

1. The Attorney General says that a City cannot limit the number of vacation rentals on City streets or neighborhoods or frequency of use;
2. The City cannot deny or approve a license based on a Home Owners Association's rules and regulations;
3. Staff should be able to track the short-term rental businesses in the City by creating a registration process (e.g. proof of ownership, life safety inspections with Fire Marshall approval and display of license permit numbers on all ads/publications);
4. The proposed ordinance must align the number of parking spaces for guest with the section of the code prohibiting parking on the grass;
5. Add a provision that states, it is a code infraction to violate the Florida Criminal Law;
6. Limit the number to two rooms per dwelling and the two persons per room;
7. Violations for no license, penalties and imposed fines should be issued in 3-tiers (e.g. first, second and third offense);
8. Provide the homeowner a hearing process for disputing violations through the Special Magistrate which may incur administrative processing fees up to \$500;
9. New and existing short-term rentals will be required to apply for a license and start following the ordinance in place;
10. Utilizing multiple dwellings as a short-term rental on a property will not be allowed;
11. Create a brochure/pamphlet with the rules and regulations available with the application form;
12. Require the numbering of the dwelling to be in fluorescent letters to be seen at night;
13. Define owner-occupied to mean, the owner must be accessible at any time;
14. Must be registered with the tax collector and department of revenue.
15. Council requested further research to add the provision that the dwelling requires homestead exemption to qualify for a license.

ADJOURNMENT

There being no further business, Vice Mayor Readey called for a motion to adjourn, unanimously approved at 11:10 a.m.

Yolanda Quiceno
CMC-City Clerk