

**BAL HARBOUR VILLAGE**  
**LOCAL PLANNING AGENCY MEETING MINUTES**  
**MAY 17, 2011**

A Local Planning Agency Meeting was held on Tuesday, May 17, 2011, at the Bal Harbour Village Hall Council Chambers (655 – 96<sup>th</sup> Street, Bal Harbour, Florida).

**1. CALL TO ORDER/ROLL CALL:** The meeting was called to order at 7:04 p.m. by Mayor Rosenfield. The following were present:

Mayor Jean Rosenfield  
Assistant Mayor Joni D. Blachar  
Councilwoman Patricia Cohen  
Councilman Martin Packer  
Councilman Jaime M. Sanz

Alfred J. Treppeda, Village Manager  
Ellisa Horvath, MMC, Village Clerk  
Richard J. Weiss, Village Attorney  
James White, Village Attorney

As a quorum was determined to be present, the meeting commenced.

**2. PLEDGE OF ALLEGIANCE:** The Pledge was led by Councilman Packer.

**3. PUBLIC HEARINGS:**

**Consideration of the Following Ordinance Creating Section 21-363**  
**Providing for Vacation Rental Use Regulations:** The following Ordinance was read, by title, by Mrs. Horvath:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING CHAPTER 21 "ZONING," ARTICLE I "IN GENERAL," SECTION 21-1 "DEFINITIONS AND RULES OF CONSTRUCTION" OF THE VILLAGE CODE OF ORDINANCES CREATING A VACATION RENTAL DEFINITION; AMENDING CHAPTER 21 "ZONING," ARTICLE IV "SUPPLEMENTARY DISTRICT REGULATIONS" OF THE VILLAGE CODE CREATING SECTION 21-363 "VACATION RENTAL USES;" PROVIDING FOR VACATION RENTAL USE REGULATIONS; AMENDING THE LIST OF PERMITTED, CONDITIONAL, AND PROHIBITED USES IN ZONING DISTRICTS WITHIN THE VILLAGE RELATING TO VACATION RENTAL USES; AND PROVIDING FOR AN EFFECTIVE DATE.

*Michael Miller, Village Planner*, explained the Ordinance. He reported that the Florida Legislature adopted HB 883, to create a statute to pre-empt local governments from adopting regulations for seasonal rentals. He clarified that the Village would need to adopt something by June 1<sup>st</sup>, if it wanted to adopt regulations.

Mr. Weiss explained that the Ordinance was drafted broadly, to allow the Council flexibility to do what it wanted with it. He clarified that the Council needed to decide if the Village wanted to regulate short term rentals.

*A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to recommend approval.*

Councilman Packer clarified that the hotels would be exempt. Mr. Weiss agreed. Councilman Packer questioned if a condo renting a couple of apartments could be classified as a hotel, for exemption purposes, or if this legislation would encompass it as a short term rental. Mr. Weiss explained that the Council needed to decide the areas that were a problem in the Village. He clarified that most condos had their own regulations. He added that if the Village wanted it to apply to condos, then it would not be considered a hotel, but the Village would need to decide what the regulation would be. Councilman Packer noted that the Village's home rule was being stepped on and the Village needed to protect itself. He spoke in favor of the regulations being as strict as possible.

Mayor Rosenfield opened the public hearing.

***Betsey Bystock, 80 Park Drive***, discussed occasional problems with rentals at her building, but explained that they had their own regulations prohibiting it. She reported that despite the rules in some condos, there seemed to be problems. She questioned if the Village or a condominium would have the higher authority. Mr. Weiss clarified that whichever one had the stricter regulations would apply. Ms. Bystock discussed taxes, licenses, enforcement, etc. Mayor Rosenfield explained that anything rented for less than six months would need to pay resort tax.

***Neil Alter, 9801 Collins Avenue***, questioned the amount of money the Village was collecting from rental of condos/houses. Mr. Treppeda explained that four or more units needed to be rented out for the resort tax to be implemented. Mr. Alter questioned the aspirations of the Village, from an economic standpoint. Mr. Treppeda explained that it would not be a revenue producer, but that the goal was to prevent party houses.

***Danielle Blake, Miami Association of Realtors***, submitted statistical information. She discussed the properties that would be affected by the Ordinance and reported that 40% of the housing was not occupied. She added that if the property was rented for less than six months then it would pay resort tax and sales tax, so it was regulated by the State. Ms. Blake thought that it would be a big impact on the community to pass the Ordinance and place regulations such as a business tax, etc.

Mr. Weiss explained that the people engaged in the business would have to file and register as a business, which the Village could consider. Ms. Blake discussed the burden on owners that would be created for them to have to register as a business. She thought that the restrictions would limit the amount of properties available to realtors.

Councilwoman Cohen pointed out that most condos had limitations and didn't allow weekly rentals. Councilman Packer noted that Ms. Blake was concerned about investors who wanted to buy homes and rent them out. He didn't think that the Village would look good with people moving in and out of homes. Ms. Blake questioned the amount of complaints

the Village had received about that. Councilman Packer didn't know of any, but clarified that he didn't want any either.

**Brian Mulheren, 10245 Collins Avenue**, spoke in favor of the Ordinance. He explained that it wasn't about investors, but was about keeping and protecting the Village.

**Nina Rudolph, 212 Bal Bay Drive**, spoke in favor of the Ordinance and against short term rentals. She clarified that she was a realtor specializing in Bal Harbour and explained that short-term rentals would change the whole feeling of the Village.

**Anamarie (Ree) Kelly, 77 Camden Drive**, spoke in favor of the Ordinance. She discussed maintaining the Village's standards.

**Doug Rudolph, 212 Bal Bay Drive**, spoke in favor of the Ordinance and it having as many restrictions as reasonable, in order to maintain the Village.

There being no additional comments, Mayor Rosenfield closed the public hearing.

Assistant Mayor Blachar questioned if the current owners of the properties would be affected. Mr. Weiss advised that they would be. He requested that the Council decide the amount of regulation, to provide guidance.

**An amendment to the motion was offered by Councilman Packer and seconded by Councilman Sanz to have the maximum regulations. The amendment to the motion carried (5-0).**

**James White, Village Attorney - Weiss Serota Helfman**, discussed the provisions in the Ordinance. Mr. Weiss clarified that the Village could be as restrictive as allowed by law.

Councilwoman Cohen clarified that the Village couldn't restrict it, but the condominiums could, so the Ordinance would apply to single family homes or condos that allowed short term rentals. Mr. Weiss agreed, but clarified that the Ordinance would apply to the condos also. Councilwoman Cohen discussed problems with enforcement in the past.

Assistant Mayor Blachar discussed the blanks areas in the Ordinance. Mr. White advised the he could come back with the additional language, but he needed direction on the time periods and zoning districts to regulate.

**It was the consensus of the Council for the Ordinance to cover the entire Village.**

Mr. White requested direction on the time frame. Mr. Weiss clarified that the Council had directed that the Ordinance be made as strict as possible, within the legal parameters. Councilman Sanz suggested that it be restricted to twice a year. Mr. White will look into that, since the minimum he had seen was three times a year. He noted that the six month restriction was being challenged in Miami Beach and was currently in litigation.

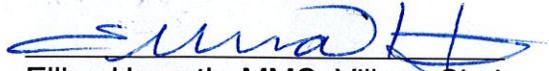
Councilwoman Cohen discussed the noise restrictions, etc. which might make the rentals less desirable. She spoke in favor of approval of the Ordinance.

The motion to approve (the motion as amended) carried (5-0), with the roll call vote as follows: Assistant Mayor Blachar yes; Councilwoman Cohen yes; Councilman Packer yes; Councilman Sanz yes; Mayor Rosenfield yes.

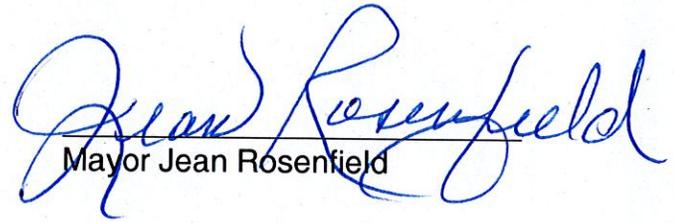
Ms. Blake questioned if the Village would still want to pass the Ordinance if the Governor didn't sign the law.

**4. ADJOURN:** There being no further business to come before the Local Planning Agency, a motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to adjourn. The motion carried (5-0) and the meeting was adjourned at 7:43 p.m.

Attest:



Ellisa Horvath, MMC, Village Clerk



Mayor Jean Rosenfield