



Reply To: Tampa Bay

December 29, 2014

Via Email and U. S. Mail

City of Anna Maria, Florida
Mayor Dan Murphy
Commissioner Doug Copeland
Commissioner Nancy Yetter
Commissioner Carol Carter
Commissioner Charles “Chuck” H. Webb
Commissioner Dale Woodland
P.O. Box 779
Anna Maria, FL 34216

RE: Anna Maria Island Vacation Property Association

Dear Mayor Murphy and Commissioners,

As you know, this firm represents the Anna Maria Vacation Rental Association. The association is made up of over 1000 homeowners who at times rent their property for vacation use. Over 250 of these homes are located within the City of Anna Maria. This letter is in response to the City’s discussions on vacation rentals at its meeting on Thursday, December 18, 2014.

First, the Association requests that the City clearly and unequivocally state that the renting of residences located in the residential districts of the City is a legal activity under the City’s zoning code. The Association understands that the City received a letter from attorney David Levin, wherein he expressed the opinion that the City’s existing zoning code does not identify and therefore does not allow vacation rentals in the City’s residential districts. The undersigned provided the City with a letter providing some legal points as to why Mr. Levin’s advice was wrong. I will not reiterate our points made previously except to ask the City to take note that the Florida Attorney General, a local circuit Judge and the Attorney for the Florida League of Cities, have all considered the question of whether a zoning code, that does not mention the rental of residential properties in residential neighborhoods, can be construed as prohibiting short-term vacation rentals. In every one of those situations the answer has been an emphatic no, the code must contain a specific prohibition, to limit property rights in such a manner.

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The Association's members need a definitive statement from the City that rentals are not prohibited under the code because its members are actively signing rental agreements with vacationers into next year and beyond, as well as selling property with representations that the potential for rental income can offset the purchase costs of a home. The continuation of the current limbo creates significant impact on the business of its members. The Association, on behalf of its members, would encourage the City to clearly state that rentals are legal.

We would also like to assist the City by participating in a more formal Mayoral task force to investigate the impact (both positive and negative) of vacation rentals on the island toward a goal of identifying a direction for the City to take that will have support from the entire community. If there is interest in such an effort, please contact the undersigned to discuss the details of such an approach.

Thank you for consideration of the views of our Association.

Sincerely,

LEWIS, LONGMAN & WALKER, P.A.



Kevin S. Hennessy

KSH/cej

cc: Lori Killinger, Esq.
Larry Chatt, President, Anna Maria Island Vacation Property Association
Mike Brinson, Secretary/Treasurer, Anna Maria Island Vacation Property Association
Darcie Duncan, Board Member, Anna Maria Island Vacation Property Association
Jason Sato, Board Member, Anna Maria Island Vacation Property Association