

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Planning Board

TO: Chairperson and Members  
Planning Board

DATE: May 22, 2018

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **DISCUSSION: Short Term Rental Occupancies**

#### **HISTORY**

On October 11, 2017, as part of the review of an Ordinance pertaining to occupancy limitation for hotel units and hostels, the Land Use and Development Committee (LUDC) recommended that short term rental occupancies be reviewed as part of a separate referral by the City Commission to the Planning Board.

On December 13, 2017, the City Commission referred this discussion item to the Planning Board.

On February 27, 2018, the Planning Board discussed this item and continued the discussion to a future date.

#### **DISCUSSION**

Recently the City Code was amended to put in place occupancy limits for hotel units located in residential zoning districts in accordance with the following:

**Section 142-1105(c)(3)** *Hotels located in the C-PS2, R-PS3, R-PS4, RM-1, RM-2 and RM-3 zoning districts shall not exceed the following occupancy limits per individual unit:*

- a. *For units less than 335 square feet, occupancy shall be limited to four (4) persons.*
- b. *For units between 335 and 485 square feet, occupancy shall be limited to six (6) persons.*
- c. *For units larger than 485 square feet, occupancy shall be limited to eight (8) persons.*
- d. *No hotel unit may be occupied by more than eight (8) persons.*

The code was also recently amended to include a definition for hostel and occupancy limits in the residential zoning districts where they are allowed (RM-2 and RM-3) in accordance with the following:

**Section 142-1105(b)(2)** *Hostels shall be permitted in the RM-2 and RM-3 zoning districts, provided the occupancy of a hostel shall not exceed the following limits per individual unit:*

- a. For units less than 335 square feet, occupancy shall be limited to four (4) persons.*
- b. For units between 335 and 485 square feet, occupancy shall be limited to six (6) persons.*
- c. For units larger than 485 square feet, occupancy shall be limited to eight (8) persons.*
- d. No hostel unit may be occupied by more than eight (8) persons*

For reference, Hostels are only permitted in the following zoning districts:

RM-2 (Except for properties located in the Palm View Neighborhood and West Avenue Corridor)

RM-3 (Except for properties located in the West Avenue Corridor)

CD-2

CD-3

MXE

CPS-3

CPS-4

TC-1

TC-2

With the exceptions noted in Section 142-111 (attached), short term rental of apartment units are prohibited in RM-1, RM-PRD, RM-PRD-2, RPS-1 and RPS-2, CD-1, RO, R0-3 or TH for periods of less than six months and one day.

Short term rental of apartment units are generally allowed in zoning districts which include a hotel use as a main permitted use (in accordance with the requirements of Section 142-111). However, if an apartment unit is part of a condominium association, and that association does not allow the short term rental of an apartment unit, such rental will not be authorized by the City.

In light of the recent code amendments with occupancy limits put in place for hotels and hostels in the residential zoning districts where they are allowed (RM-2 and RM-3, except as noted above), the City Commission requested that the Planning Board discuss the potential to also include occupancy limits for the short term rental of apartment units. Absent any limitations in

the Land Development Regulations, occupancies are limited by the Building Code and Life-Safety requirements.

Staff would recommend the following be considered as part of the discussion:

- Applicable Zoning Districts. The occupancy limits in place for hotels and hostels only applies to RM-2 and RM-3 districts (where allowed). It may be reasonable to place any limitations on short term rental occupancies to the same zoning districts.
- Unit Sizes. Unlike hotel units and hostel rooms, apartment unit sizes are typically much larger with one or more bedrooms, and generally are larger than 800 SF, which is the minimum average unit size for the construction of new apartment units in most areas of the City. Some short term rental apartments could be several thousand square feet.
- Current limits of Condo-Docs. It is also customary that, just as rental restrictions may be in place for residential condominiums, condominium documents typically already place limits on occupancies.
- Enforcement. Also unlike a hotel, an apartment unit is not under the control or management of a single company that that can more easily manage and enforce occupancy restrictions.
- Application requirements. Currently a floor plan is not part of the review process for the short term rental of an apartment unit. If occupancy limits are put in place, a floor plan will have to be submitted, which should be something that was approved by the City with a previous building permit to ensure that the area of the unit and the unit layout including the number of bedrooms is accurate.

### **RECOMMENDATION**

The staff recommends that the Planning Board discuss the item and provide appropriate recommendations to the City Commission.

TRM/MAB