

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: June 28, 2016

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **Ordinance Amendment**
Short-Term Rentals on Harding Avenue North Beach

REQUEST

File No. 2334. SHORT-TERM RENTAL OF APARTMENT AND TOWNHOME RESIDENTIAL UNITS IN NORTH BEACH. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," OF CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING DIVISION 2, ENTITLED "ACCESSORY USES"; BY AMENDING ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," BY AMENDING DIVISION 3, ENTITLED "SUPPLEMENTARY USE REGULATIONS," BY AMENDING SECTION 142-1111, ENTITLED "SHORT-TERM RENTAL OF APARTMENT UNITS OR TOWNHOMES," BY CREATING A NEW SUBSECTION (D), WHICH ESTABLISHES ELIGIBILITY REQUIREMENTS FOR SHORT-TERM RENTAL OF APARTMENT AND TOWNHOME RESIDENTIAL UNITS IN NORTH BEACH; LIMITING THE ELIGIBILITY TO THOSE PROPERTIES FRONTING HARDING AVENUE FROM THE SOUTH SIDE OF 73RD STREET TO THE NORTHERN BOUNDARY OF THE CITY; BY ESTABLISHING CONDITIONS PRECEDENT BEFORE A PROPERTY OWNER IS LEGALLY AUTHORIZED TO ENGAGE IN SHORT-TERM RENTALS; AND REQUIRE THE PROPERTY TO BE FULLY RENOVATED AND RESTORED IN ACCORDANCE WITH THOSE DELINEATED STANDARDS SET FORTH IN SUBSECTION (d)(1), WHICH MUST BE ACCOMPLISHED PRIOR TO THE ISSUANCE OF THE BUSINESS TAX RECEIPT PERMITTING SHORT-TERM RENTALS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

Transmit the proposed ordinance amendment related to the City Commission with a favorable recommendation.

HISTORY/ BACKGROUND

On January 13, 2016, at the request of Commissioner Michael Grieco, the City Commission referred this request to the Land Use and Development Committee (Item C4H). The item was discussed at the February 17, 2016 Land Use Committee meeting, at which time the Committee

directed the Administration to re-draft and modify the proposed ordinance for the March 30, 2016 meeting.

On March 30, 2016, the Land Use Committee discussed the attached Ordinance and recommended that the City Commission refer the item to the Planning Board, with modifications. On April 13, 2016, the City Commission referred the item to the Planning Board (Item C4K) in accordance with the following:

- Modify the minimum building renovation requirement to take place prior to the issuance of a CO or BTR.
- Provide mail notice to residents of Harding Avenue.
- Notify the administration at Biscayne Elementary School.

On May 28, 2016, the Planning Board continued the item to the June 28, 2016 meeting.

REVIEW CRITERIA

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed ordinance amendment is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan. The affected area is designed RM-1 in the Comprehensive Plan's Future Land Use Map, which permits the following uses:

Low Density Multi Family Residential Category (RM-1)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new low density multi family residential areas.

*Uses which may be permitted: Single family detached dwellings; single family attached dwellings, townhouse dwellings and multiple family dwellings, and **hotels for properties fronting Harding Avenue or Collins Avenue from the City Line on the north to 73rd Street on the south.***

The short-term rental use is consistent with the hotel use that is permitted within the RM-1 Future Land Use Category.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Not applicable – The proposed amendment does not modify district boundaries.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Not applicable – The proposed Ordinance does not affect the overall scale of

development.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Consistent – The proposed ordinance will not increase the level of intensity of development and will not affect the load on public facilities.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not applicable – The proposed change does not modify existing district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – The need to incentivise property owners to restore contributing structures in the North Shore Register District makes passage of the proposed change necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Consistent – The proposed change should not adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent – The proposed change will not create or increase traffic congestion.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Consistent – The proposed ordinance will not reduce light and air to adjacent areas, and will allow for additional flexibility which could allow for minimizing negative impacts to light and air.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposed change should encourage the improvement of properties in the affected area.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Not applicable.

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Not applicable.

ANALYSIS

The RM-1 zoning district prohibits transient uses (rentals for periods of less than six months and one day) such as hotels and short-term rentals. Limited exceptions to this rule exist within the Flamingo Park, Espanola Way, and Collins Park Local Historic Districts, which allow for short-term rentals under certain circumstances. Additionally, the RM-1 district allows for hotel uses in the area affected by the proposed ordinance, as follows:

Sec. 142-152. - Main permitted uses.

*The main permitted uses in the RM-1 residential multifamily, low density district are single-family detached dwelling; townhomes; apartments; **hotels, for properties fronting Harding Avenue or Collins Avenue, from the City Line on the north, to 73rd Street on the south**; and bed and breakfast inn (pursuant to article V, division 7 of this chapter).*

The North Shore National Register District is an area of North Beach that is listed in the National Register of Historic Places, and includes the area of Harding Avenue noted above. As the area is not a locally designated historic district, incentives are used to encourage the restoration of contributing structures within the National Register District. In areas and situations where short-term rentals are permitted, it is required that buildings be renovated and restored.

In order to encourage the rehabilitation of contributing structures in one of the most significant portions of the North Shore National Register District, the proposed ordinance would allow for the short term rental of apartment units, under specific regulations and requirements. Since the affected area already permits hotels, the proposed modification is not expected to create detrimental impacts.

On March 30, 2016, the Land Use Committee recommended that the City Commission refer the proposed ordinance to the Planning Board with the following modifications:

- a. Only properties with a 'contributing' structure shall be eligible;
- b. There may be a mix of short and long term rental units within a building, provided that long-term lease tenants are notified when short-term rental units are occurring in a building;
- c. To allow for up to a three-year renovation period for the structure;
- d. To permit management of the property from within the district;
- e. To allow for an open application window for short term rentals.

On April 13, 2016, the City Commission referred the ordinance to the Planning Board with a modification that renovations occur prior to allowing for short-term rentals. This modification has been included in the text of the attached ordinance.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

TRM/MAB/RAM

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