

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members  
Planning Board

DATE: August 23, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **Ordinance Amendment**  
**Short Term Rentals in the Collins Waterfront Local Historic District**

### **REQUEST**

**PB0716-0041. SHORT TERM RENTALS IN THE COLLINS WATERFRONT LOCAL HISTORIC DISTRICT. 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(b)(4), ENTITLED "SHORT-TERM RENTAL OF APARTMENT UNITS OR TOWNHOMES," BY ESTABLISHING A NEW TIME PERIOD FOR OWNERS OF PROPERTY IN THE COLLINS WATERFRONT LOCAL HISTORIC DISTRICT TO APPLY FOR APPROVAL OF A CERTIFICATE OF USE THAT PERMITS SHORT-TERM RENTAL OF APARTMENT AND TOWNHOME RESIDENTIAL UNITS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

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

### **HISTORY**

On June 8, 2016, at the request of Commissioner John Elizabeth Aleman, the City Commission referred the subject ordinance to the Land Use and Development Committee and Planning Board (Item C4Q). On June 15, 2016, the Land Use and Development Committee discussed the ordinance and recommended that the Planning Board approve the item.

### **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 uses proposed by the ordinance amendment are consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.

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

**Not Applicable** – The proposed does not modify district boundaries.

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

**Consistent** – The proposed Ordinance will not modify the scale of development.

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

**Consistent** – The proposed will not modify the intensity of development.

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

**Consistent** – The boundaries of the Collins Waterfront Local Historic District are logically drawn and not affected by the proposed ordinance.

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

**Consistent** – The desire to allow uses short term rentals for qualifying buildings that did not meet the timeframe requirements during the previous window to allow for such uses the last time the window was opened.

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

**Consistent** – The proposed change will not adversely affect living conditions in the neighborhood as several short term rentals already leagally exist in the area.

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 allow not create or excessively increase traffic congestion beyond the levels of service set forth in the Comprehensive Plan.

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

**Consistent** – The proposal will not reduce light and air to adjacent areas.

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 proposal will allow for short-term rentals for eligible properties, which will incentivize the improvement those properties. This should encourage the improvement of adjacent properties.

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 proposed ordinance amendment modifies section 142-1111 (b)(4), of the Land Development Regulations to reopen the window for 'contributing buildings' located south of West 24<sup>th</sup> Terrace in the Collins Waterfront Local Historic District to apply for a certificate of use to permit short-term rentals. A three month window was previously provided by the City Commission on February 11, 2015. The proposed ordinance would provide for a window between November 1, 2016 and April 30, 2017 to apply for short-term rentals.

The previous window allowed for the Tradewinds building complex, which had been renovated, to allow for short-term rentals. There was confusion with the Mantell Plaza condominium, in which many owners believed that they were grandfathered to allow for short-term rentals, since the building was originally designed as a hotel and it contains seven (7) units that legally allow short-term rentals. As a result of the confusion, the building did not meet the benchmarks required to allow for the entire building to permit short-term rentals. Owners within the building have expressed support to allow for short-term rentals throughout the entire building, especially since many of the units are small, and therefore not able to ideal for long-term rentals.

Due to the limited area and window to authorize short-term rentals, it is not expected that the proposed ordinance will create negative impacts to the surrounding community. The benchmarks already in place to authorize short-term rentals provide safeguards against any potential negative impacts that may come about as a result of the use.

### **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