

MIAMI BEACH

City Commission Meeting

ADDENDUM MATERIAL 2

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
January 13, 2016

Mayor Philip Levine
Commissioner John Elizabeth Alemán
Commissioner Ricky Arriola
Commissioner Kristen Rosen Gonzalez
Commissioner Michael Grieco
Commissioner Joy Malakoff
Commissioner Micky Steinberg

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

ADDENDUM AGENDA¹

C4 - Commission Committee Assignments

- C4H Referral To The Land Use And Development Committee - Discussion Regarding Short Term Rentals In North Beach.
(Sponsored by Commissioner Michael Grieco)
- C4I Referral To The Land Use And Development Committee – Discussion Regarding The Impact Of A Partial Modification Of Ordinance 2014-3876, As It Relates To A FAR (Floor Area Ratio) Interpretation.
(Sponsored by Commissioner Joy Malakoff)

C7 - Resolutions

- C7J A Resolution To Consider Waiving The Special Event Fees, In The Amount Of \$6,238.50, And The Collins Park User Fee (Cost TBD), For The Miami City Ballet's 30th Anniversary Gala.
(Sponsored by Commissioner Ricky Arriola)

¹ The sponsor of the addendum agenda item deems that such item either constitutes a public emergency affecting life, health, property, or public safety and should be considered immediately; or does not constitute a public emergency, but should be considered immediately. See Miami Beach Code Sec. 2-12 (c)(3).

R7 - Resolutions

R7R A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Creating An Ad Hoc Host Committee For The June 2017 United States Conference Of Mayors Annual Meeting (“Annual Meeting”), To Be Held In Miami Beach, In Order To Raise Funds For The City’s Hosting Of The Annual Meeting; Prescribing The Duties, Manner Of Appointment, And The Terms Of Office Of Host Committee Members; Establishing That The City’s Hosting Of The Annual Meeting Serves A Public Purpose; Authorizing The Acceptance Of Donations Made To The City For The City’s Hosting Of The Annual Meeting; And Authorizing The City Manager, Or His Designee, To Make Such Expenditures And/Or Reimbursements From The Aforestated Donations In Furtherance Of And Consistent With The Hosting Of The Annual Meeting.

(Sponsored by Mayor Philip Levine)
(Legislative Tracking: Office of the City Attorney)

R9 - New Business and Commission Requests

R9V Discussion Regarding Short-Term PM Rush-Hour Gridlock Mitigation.
(Sponsored by Commissioner Michael Grieco)

Cardillo, Lilia

From: Bonini, Danila
Sent: Thursday, January 07, 2016 12:05 PM
To: Cardillo, Lilia
Subject: Referral North Beach short-term rental ordinance

Please add the following ordinance to the January 13th City Commission consent agenda for a referral to Land Use in February. This email is to serve as the cover memo. Thank you for your attention on this matter.

Danila



Danila E. Bonini
Aide to Commissioner MICHAEL C. GRIECO

OFFICE OF MAYOR AND COMMISSION
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We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

SHORT TERM RENTALS IN NORTH BEACH

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS", DIVISION 3, "SUPPLEMENTARY USE REGULATIONS", TO MODIFY THE REGULATIONS AND REQUIREMENTS FOR SHORT TERM RENTALS TO INCLUDE PROPERTIES IN NORTH BEACH LOCATED IN THE RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY ZONING DISTRICT AND FRONTING HARDING AVENUE, FROM THE CITY LINE ON THE NORTH, TO 73RD STREET ON THE SOUTH; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City Code contains provisions for the short term rental of apartments and townhomes in those zoning districts that do not permit hotel uses; and

WHEREAS, a specified section of the RM-1 district in North Beach has permitted hotel uses prior to the prohibition on short term rentals in the City of Miami Beach; and

WHEREAS, prior to prohibiting short term rentals in the RM-1 districts, and in recognition of the historical existence of transient, hotel uses near the ocean in North Beach, the City of Miami Beach amended the City Code to permit hotels along the Harding Avenue corridor; and

WHEREAS, the City of Miami Beach desires to amend existing regulations pertaining to the short term rental of apartments and townhomes to allow short term rentals in certain, nearby portions of North Beach also designated RM-1; and

WHEREAS, these regulations serve to make the retention and renovation of architecturally significant buildings in North Beach economically feasible for property owners; and

WHEREAS, in the continuing efforts to revitalize North Beach, this ordinance will stimulate its economy and provide another source of tax revenue for the benefit of the City and community at large; and

WHEREAS, the amendment set forth below is necessary to accomplish all of the above objectives.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION
OF THE CITY OF MIAMI BEACH, FLORIDA:**

SECTION 1. Chapter 142, "Zoning Districts and Regulations", Article IV, "Supplementary District Regulations", Division 3, "Supplementary Use Regulations", of the City Code is hereby amended as follows:

Sec. 142-1111. Short-term rental of apartment units or townhomes.

- (a) *Limitations and prohibitions.*
- (1) Unless a specific exemption applies below, the rental of apartment or townhome residential properties in districts zoned 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 (6) months and one (1) day is not a permitted use in such districts.
 - (2) Any advertising or-advertisement that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than six months and one day, as provided herein, or use of the residential premises in violation of this section.

"Advertising" or "advertisement" shall mean any form of communication for marketing or used to encourage, persuade, or manipulate viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than six months and one day, as provided herein, upon the premises, as may be viewed through various media, including, but not limited to, newspaper, magazines, flyers, handbills television commercial, radio advertisement, outdoor advertising, direct mail, blogs, websites or text messages.

- (3) None of the districts identified below shall be utilized as a hotel.
- (b) *Previously existing short-term rentals in specified districts.* For a period of six months after June 19, 2010, owners of certain properties located in the following districts shall be eligible to apply for approval of a certificate of use permitting short-term rental of apartment and townhome residential units for these properties under the requirements and provisions set forth below.
- (1) *Eligibility:* Properties within the RM-1 and TH zoning districts in the Flamingo Park and Espanola Way Historic Districts. Those properties that can demonstrate a current and consistent history of short-term renting, and that such short-term rentals are the primary source of income derived from that unit or building, as defined by the requirements listed below:

(A) For apartment buildings of four or more units, or for four or more apartment units in one or more buildings under the same City of Miami Beach Resort Tax ("resort tax") account. In order to demonstrate current, consistent and predominant short-term renting, the property must comply with all of the following:

- (i) Have been registered with the city for the payment of resort tax and made resort tax payments as of March 10, 2010; and
- (ii) Have had resort tax taxable room revenue equal to at least 50 percent of total room revenue over the last two-year period covered by such payments; and
- (iii) Have been registered, with the State of Florida as a transient apartment or resort condominium pursuant to Chapter 509, Florida Statutes, as of March 10, 2010.

For properties containing more than one apartment building, eligibility may apply to an individual building satisfying subsections (b)(1)(A)(i)—(iii) above.

(B) For apartment and townhouse buildings of three or less units, or for three or less apartment units in one or more buildings under the same state license. In order to demonstrate current, consistent and predominant short-term renting, the property must:

- (i) Have been registered with the State of Florida as a resort dwelling or resort condominium pursuant to Chapter 509, Florida Statutes, as of March 10, 2010.

(2) *Time periods for the districts identified in subsection (b)(1) to apply for short-term rental approvals.*

(A) Owners demonstrating compliance with subsection (b)(1) above, shall apply for a certificate of use permitting short-term rental as detailed in subsection 142-1111(f), within a time period of six months from June 19, 2010, or be deemed ineligible to proceed through the process specified herein for legalization of short-term rentals.

(B) Within three months of June 19, 2010, eligible owners shall apply to obtain all necessary approvals to comply with the Florida Building Code, Florida Fire Prevention Code and with all other applicable life safety standards.

(C) Compliance with the applicable requirements of the Florida Building Code and Florida Fire Prevention Code shall be demonstrated by October 1, 2011, or rights to engage in short-term rental under this section shall be subject to restrictions and/or limitations as directed by the building official and/or fire marshal. This subsection

shall not prevent these officials from undertaking enforcement action prior to such date.

- (D) Applications under this section may be accepted until 60 days after April 11, 2012, upon determination to the planning director that a government licensing error prevented timely filing of the application.
- (3) *Eligibility within the Collins Waterfront Local Historic District.* Owners of property located in the Collins Waterfront Local Historic District shall be eligible to apply for approval of a certificate of use permitting short-term rental of apartment and townhome residential units under the requirements and provisions set forth below:
- (A) Only those properties located south of West 24th Terrace shall be eligible for short-term rentals.
- (B) Only buildings classified as "contributing" in the city's historic properties database shall be eligible for short-term rentals. The building and property shall be fully renovated and restored in accordance with the Secretary of the Interior Guidelines and Standards, as well as the certificate of appropriateness criteria in chapter 118, article X of these Land Development Regulations.
- (C) The property must have registered with the State of Florida as a transient or condominium pursuant to Chapter 509, Florida Statutes, as of ~~the effective date of this ordinance~~ February 21, 2015.
- (D) The property must have registered with the city for the payment of resort tax and made resort tax payments as of ~~the effective date of this ordinance~~ February 21, 2015.
- (E) Short-term rental use shall be based on a single use for the property. No building or property seeking to have short-term rentals will be permitted to have mixed residential uses.
- (F) Any property seeking to have short-term rental will need to demonstrate that there is on-site management, 24 hours per day, seven days a week.
- (G) The short-term rental use requires at least a seven-night reservation.
- (4) *Time period to apply for short-term rental approvals for those properties located in the Collins Waterfront Architectural District.*
- (A) Owners demonstrating compliance with subsection (b)(3), above, shall apply for a certificate of use permitting short-term rental as detailed in subsection 142-1111(e) within a time period of three months from ~~the effective date of this ordinance~~

February 21, 2015, or be deemed ineligible to proceed through the process specified herein for legalization of short-term rentals.

(B) Within three months of ~~the effective date of this ordinance~~ February 21, 2015, eligible owners shall have obtained all the necessary approvals to comply with the Florida Building Code, Florida Fire Prevention Code and with all other applicable life safety standards.

(C) Compliance with the applicable requirements of the Florida Building Code and Florida Fire Prevention Code, shall be demonstrated by ~~the effective date of this ordinance~~ February 21, 2015, or rights to engage in short-term rental under this section shall be subject to restrictions and/or limitations as directed by the building official and/or fire marshal. This subsection shall not prevent the building or fire departments from undertaking enforcement action prior to such date.

(5) In the event a building approved for short-term rentals in accordance with subsections (b)(3) and (4), above, is demolished or destroyed, for any reason, the future use of any new or future building on that property shall not be permitted to engage in short-term rentals, nor apply for short-term rental approval.

(c) Eligibility within North Beach. Notwithstanding the requirements of subsection (d) below, owners of properties in North Beach zoned RM-1 shall be eligible to apply for approval of a certificate of use permitting short-term rental of apartment and townhome residential units under the following requirements and provisions:

(1) Only those properties fronting Harding Avenue, from the City Line on the north, to 73rd Street on the south, shall be eligible for short term rentals;

(2) Owners seeking to construct a ground floor attached or detached addition, or seeking to introduce an alcoholic beverage establishment, may use the following sections:

(A) For buildings classified as "contributing" in the North Shore National Register Historic District which are being substantially retained, preserved and restored, and any addition up to a maximum of 2,500 square feet, whether attached or detached, there shall be no off-street parking requirement. The proposed addition to the existing structure shall be subject to the review and approval of the Design Review Board or Historic Preservation Board, whichever has jurisdiction, and shall include a renovation plan for the existing structure that is fully consistent with the Secretary of the Interior Guidelines and Standards for the Rehabilitation of Historic Buildings.

(B) For buildings classified as "contributing" in the North Shore National Register Historic District which are being substantially retained, preserved and restored, and any addition in excess of 2,500 square feet, whether attached or detached, may participate in the Fee In Lieu of Parking Program specifically provided for in Chapter

130, Article V, of these land development regulations. The proposed addition to the existing structure shall be subject to the review and approval of the Design Review Board or Historic Preservation Board, whichever has jurisdiction, and shall include a renovation plan for the existing structure that is fully consistent with the Secretary of the Interior Guidelines and Standards for the Rehabilitation of Historic Buildings.

- (C) An alcoholic beverage establishment, whether a restaurant or bar, with a maximum of 40 seats, shall be permitted as an accessory use in buildings classified as "contributing" in the North Shore National Register Historic District. There shall be no parking requirement for the accessory alcoholic beverage establishment use.
- (d) *Regulations.* For those properties eligible for short-term rental use as per (b) shall be permitted, provided that the following mandatory requirements are followed:

- (1) *Approvals required: applications.* Owners, lessees, or any person with interest in the property seeking to engage in short-term rental, must obtain a certificate of use permitting short-term rental under this section. The application for approval to engage in short-term rentals shall be on a form provided for that purpose, and contain the contact information for the person identified in subsection (3) below, identify the minimum lease term for which short-term rental approval is being requested, and such other items of required information as the planning director may determine. The application shall be accompanied by the letter or documents described in subsection (9) below, if applicable.

The application for a certificate of use permitting short-term rentals shall be accompanied by an application fee of \$600.00.

- (2) *Time period.* All short-term rentals under this section must be pursuant to a binding written agreement, license or lease. Each such document shall contain, at a minimum: the beginning and ending dates of the lease term; and each lessee's contact information, as applicable. No unit may be rented more frequently than once every seven days.
- (3) *Contact person.* All rentals must be supervised by the owner, manager, or a local and licensed real estate broker or agent or other authorized agent licensed by the city, who must be available for contact on a 24-hour basis, seven days a week, and who must live on site or have a principal office or principal residence located within the districts identified in subsection (b). Each agreement, license, or lease, or scanned copy thereof, must be kept available throughout its lease term and for a period of one year thereafter, so that each such document and the information therein, is available to enforcement personnel. The name and phone number of a 24-hour contact shall be permanently posted on the exterior of the premises or structure or other accessible location, in a manner subject to the review and approval of the city manager or designee.

- (4) *Entire unit.* Only entire apartment units and townhomes, as defined in section 114-1, legally created pursuant to applicable law, may be rented under this section, not individual rooms or separate portions of apartment units or townhomes.
- (5) *Rules and procedures.* The city manager or designee may adopt administrative rules and procedures, including, but not limited to, application and permit fees, to assist in the uniform enforcement of this section.
- (6) *Signs.* No signs advertising the property for short-term rental are permitted on the exterior of the property or in the abutting right-of-way, or visible from the abutting public right-of-way.
- (7) *Effect of violations on licensure.* Approvals shall be issued for a one-year period, but shall not be issued or renewed, if violations on three or more separate days at the unit, or at another unit in any building owned by the same owner or managed by the same person or entity, of this section, issued to the short-term rental licensee were adjudicated either by failure to appeal from a notice of violation or a special master's determination of a violation, within the 12 months preceding the date of filing of the application.
- (8) *Resort taxes.* Owners are subject to resort taxes for rentals under this section, as required by city law.
- (9) *Association rules.* Where a condominium or other property owners' association has been created that includes the rental property, a letter from the association dated not more than 60 days before the filing of the application, stating the minimum rental period and the maximum number of rentals per year, as set forth under the association's governing documents, and confirming that short-term rentals as proposed by the owner's application under subsection (c)(1) above, are not prohibited by the association's governing documents, shall be submitted to the city as part of the application.
- (10) *Variances.* No variances may be granted from the requirements of this section.

(e) *Enforcement.*

- (1) Violations of section 142-1111(b) shall be subject to the following fines. The special master may not waive or reduce fines set by this section.
 - A. If the violation is the first violation: \$500.00.
 - B. If the violation is the second violation within the preceding 12 months: \$1,500.00.
 - C. If the violation is the third violation within the preceding 12 months: \$5,000.00.
 - D. If the violation is the fourth violation within the preceding 12 months: \$7,500.00.

E. If the violation is the fifth or greater violation within the preceding 12 months: suspension or revocation of the certificate of use allowing short-term rental.

Fines for repeat violations by the same offender shall increase regardless of locations.

- (2) In addition to or in lieu of the foregoing, the city may seek an injunction by a court of competent jurisdiction to enforce compliance with or to prohibit the violation of this section.
- (3) Any code compliance officer may issue notices for violations of this section, with enforcement of subsection 142-1111(a) and alternative enforcement of subsection 142-1111(b) as provided in chapter 30 of this Code. Violations shall be issued to the owner, manager, real estate broker or agent, or authorized agent, or any other individual or entity that participates in or facilitates the violation of this section. In the event the record owner of the property is not present when the violation occurred or notice of violation issued, a copy of the violation shall be served by certified mail on the owner at its mailing address in the property appraiser's records and a courtesy notice to the contact person identified in subsection (c)(3) above.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____ 2015.

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

First Reading:
Second Reading:

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

Underline = new language
~~Strikethrough~~ = deleted language

(Sponsor Commissioner _____)

Sec. 142-1111. - Short-term rental of apartment units or townhomes.

(a) *Limitations and prohibitions.*

- (1) Unless a specific exemption applies below, the rental of apartment or townhome residential properties in districts zoned 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.
- (2) Any advertising or advertisement that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than six months and one day, as provided herein, or use of the residential premises in violation of this section.

"Advertising" or "advertisement" shall mean any form of communication for marketing or used to encourage, persuade, or manipulate viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than six months and one day, as provided herein, upon the premises, as may be viewed through various media, including, but not limited to, newspaper, magazines, flyers, handbills television commercial, radio advertisement, outdoor advertising, direct mail, blogs, websites or text messages.

- (3) None of the districts identified below shall be utilized as a hotel.

(b) *Previously existing short-term rentals in specified districts.* For a period of six months after June 19, 2010, owners of certain properties located in the following districts shall be eligible to apply for approval of a certificate of use permitting short-term rental of apartment and townhome residential units for these properties under the requirements and provisions set forth below.

- (1) *Eligibility:* Properties within the RM-1 and TH zoning districts in the Flamingo Park and Espanola Way Historic Districts. Those properties that can demonstrate a current and consistent history of short-term renting, and that such short-term rentals are the primary source of income derived from that unit or building, as defined by the requirements listed below:

- (A) For apartment buildings of four or more units, or for four or more apartment units in one or more buildings under the same City of Miami Beach Resort Tax ("resort tax") account. In order to demonstrate current, consistent and predominant short-term renting, the property must comply with all of the following:

- (i) Have been registered with the city for the payment of resort tax and made resort tax payments as of March 10, 2010; and
- (ii) Have had resort tax taxable room revenue equal to at least 50 percent of total room revenue over the last two-year period covered by such payments; and
- (iii) Have been registered, with the State of Florida as a transient apartment or resort condominium pursuant to Chapter 509, Florida Statutes, as of March 10, 2010.

For properties containing more than one apartment building, eligibility may apply to an individual building satisfying subsections (b)(1)(A)(i)—(iii) above.

- (B) For apartment and townhouse buildings of three or less units, or for three or less apartment units in one or more buildings under the same state license. In order to demonstrate current, consistent and predominant short-term renting, the property must:

- (i) Have been registered with the State of Florida as a resort dwelling or resort condominium pursuant to Chapter 509, Florida Statutes, as of March 10, 2010.
- (2) *Time periods for the districts identified in subsection (b)(1) to apply for short-term rental approvals.*
- (A) Owners demonstrating compliance with subsection (b)(1) above, shall apply for a certificate of use permitting short-term rental as detailed in subsection 142-1111(f), within a time period of six months from June 19, 2010, or be deemed ineligible to proceed through the process specified herein for legalization of short-term rentals.
 - (B) Within three months of June 19, 2010, eligible owners shall apply to obtain all necessary approvals to comply with the Florida Building Code, Florida Fire Prevention Code and with all other applicable life safety standards.
 - (C) Compliance with the applicable requirements of the Florida Building Code and Florida Fire Prevention Code shall be demonstrated by October 1, 2011, or rights to engage in short-term rental under this section shall be subject to restrictions and/or limitations as directed by the building official and/or fire marshal. This subsection shall not prevent these officials from undertaking enforcement action prior to such date.
 - (D) Applications under this section may be accepted until 60 days after April 11, 2012, upon determination to the planning director that a government licensing error prevented timely filing of the application.
- (3) *Eligibility within the Collins Waterfront Local Historic District.* Owners of property located in the Collins Waterfront Local Historic District shall be eligible to apply for approval of a certificate of use permitting short-term rental of apartment and townhome residential units under the requirements and provisions set forth below:
- (A) Only those properties located south of West 24th Terrace shall be eligible for short-term rentals.
 - (B) Only buildings classified as "contributing" in the city's historic properties database shall be eligible for short-term rentals. The building and property shall be fully renovated and restored in accordance with the Secretary of the Interior Guidelines and Standards, as well as the certificate of appropriateness criteria in chapter 118, article X of these Land Development Regulations.
 - (C) The property must have registered with the State of Florida as a transient or condominium pursuant to Chapter 509, Florida Statutes, as of the effective date of this ordinance.
 - (D) The property must have registered with the city for the payment of resort tax and made resort tax payments as of as of the effective date of this ordinance.
 - (E) Short-term rental use shall be based on a single use for the property. No building or property seeking to have short-term rentals will be permitted to have mixed residential uses.
 - (F) Any property seeking to have short-term rental will need to demonstrate that there is on-site management, 24 hours per day, seven days a week.
 - (G) The short-term rental use requires at least a seven-night reservation.
- (4) *Time period to apply for short-term rental approvals for those properties located in the Collins Waterfront Architectural District.*
- (A) Owners demonstrating compliance with subsection (b)(3), above, shall apply for a certificate of use permitting short-term rental as detailed in subsection 142-1111(e) within a time period of three months from the effective date of this ordinance, or be deemed ineligible to proceed

through the process specified herein for legalization of short-term rentals.

- (B) Within three months of the effective date of this ordinance, eligible owners shall have obtained all the necessary approvals to comply with the Florida Building Code, Florida Fire Prevention Code and with all other applicable life safety standards.
- (C) Compliance with the applicable requirements of the Florida Building Code and Florida Fire Prevention Code, shall be demonstrated by the effective date of this ordinance, or rights to engage in short-term rental under this section shall be subject to restrictions and/or limitations as directed by the building official and/or fire marshal. This subsection shall not prevent the building or fire departments from undertaking enforcement action prior to such date.
- (5) In the event a building approved for short-term rentals in accordance with subsections (b)(3) and (4), above, is demolished or destroyed, for any reason, the future use of any new or future building on that property shall not be permitted to engage in short-term rentals, nor apply for short-term rental approval.
- (c) *Regulations.* For those properties eligible for short-term rental use as per (b) shall be permitted, provided that the following mandatory requirements are followed:
- (1) *Approvals required: applications.* Owners, lessees, or any person with interest in the property seeking to engage in short-term rental, must obtain a certificate of use permitting short-term rental under this section. The application for approval to engage in short-term rentals shall be on a form provided for that purpose, and contain the contact information for the person identified in subsection (3) below, identify the minimum lease term for which short-term rental approval is being requested, and such other items of required information as the planning director may determine. The application shall be accompanied by the letter or documents described in subsection (9) below, if applicable.
- The application for a certificate of use permitting short-term rentals shall be accompanied by an application fee of \$600.00.
- (2) *Time period.* All short-term rentals under this section must be pursuant to a binding written agreement, license or lease. Each such document shall contain, at a minimum: the beginning and ending dates of the lease term; and each lessee's contact information, as applicable. No unit may be rented more frequently than once every seven days.
- (3) *Contact person.* All rentals must be supervised by the owner, manager, or a local and licensed real estate broker or agent or other authorized agent licensed by the city, who must be available for contact on a 24-hour basis, seven days a week, and who must live on site or have a principal office or principal residence located within the districts identified in subsection (b). Each agreement, license, or lease, of scanned copy thereof, must be kept available throughout its lease term and for a period of one year thereafter, so that each such document and the information therein, is available to enforcement personnel. The name and phone number of a 24-hour contact shall be permanently posted on the exterior of the premises or structure or other accessible location, in a manner subject to the review and approval of the city manager or designee.
- (4) *Entire unit.* Only entire apartment units and townhomes, as defined in section 114-1, legally created pursuant to applicable law, may be rented under this section, not individual rooms or separate portions of apartment units or townhomes.
- (5)

Rules and procedures. The city manager or designee may adopt administrative rules and procedures, including, but not limited to, application and permit fees, to assist in the uniform enforcement of this section.

- (6) *Signs.* No signs advertising the property for short-term rental are permitted on the exterior of the property or in the abutting right-of-way, or visible from the abutting public right-of-way.
- (7) *Effect of violations on licensure.* Approvals shall be issued for a one-year period, but shall not be issued or renewed, if violations on three or more separate days at the unit, or at another unit in any building owned by the same owner or managed by the same person or entity, of this section, issued to the short-term rental licensee were adjudicated either by failure to appeal from a notice of violation or a special master's determination of a violation, within the 12 months preceding the date of filing of the application.
- (8) *Resort taxes.* Owners are subject to resort taxes for rentals under this section, as required by city law.
- (9) *Association rules.* Where a condominium or other property owners' association has been created that includes the rental property, a letter from the association dated not more than 60 days before the filing of the application, stating the minimum rental period and the maximum number of rentals per year, as set forth under the association's governing documents, and confirming that short-term rentals as proposed by the owner's application under subsection (c)(1) above, are not prohibited by the association's governing documents, shall be submitted to the city as part of the application.
- (10) *Variances.* No variances may be granted from the requirements of this section.

(d) *Enforcement.*

- (1) Violations of section 142-1111(b) shall be subject to the following fines. The special master may not waive or reduce fines set by this section.
 - A. If the violation is the first violation: \$500.00.
 - B. If the violation is the second violation within the preceding 12 months: \$1,500.00.
 - C. If the violation is the third violation within the preceding 12 months: \$5,000.00.
 - D. If the violation is the fourth violation within the preceding 12 months: \$7,500.00.
 - E. If the violation is the fifth or greater violation within the preceding 12 months: suspension or revocation of the certificate of use allowing short-term rental.

Fines for repeat violations by the same offender shall increase regardless of locations.

- (2) In addition to or in lieu of the foregoing, the city may seek an injunction by a court of competent jurisdiction to enforce compliance with or to prohibit the violation of this section.
- (3) Any code compliance officer may issue notices for violations of this section, with enforcement of subsection 142-1111(a) and alternative enforcement of subsection 142-1111(b) as provided in chapter 30 of this Code. Violations shall be issued to the owner, manager, real estate broker or agent, or authorized agent, or any other individual or entity that participates in or facilitates the violation of this section. In the event the record owner of the property is not present when the violation occurred or notice of violation issued, a copy of the violation shall be served by certified mail on the owner at its mailing address in the property appraiser's records and a courtesy notice to the contact person identified in subsection (c)(3) above.

(Ord. No. 2010-3685, § 1, 6-9-10; Ord. No. 2012-3758, § 1, 4-11-12; Ord. No. 2014-3854, § 3, 4-23-14; Ord. No. 2015-3925, § 1, 2-11-15)

TO: Jimmy L. Morales, City Manager
FROM: Joy V. W. Malakoff, Commissioner
DATE: January 7, 2016
SUBJECT: Referral to Land Use for a discussion regarding the impact of a partial modification of Ordinance 2014-3876 as it relates to a FAR interpretation.

Please add the above item to the January 13, 2016 City Commission Consent Agenda for referral to the Land Use Committee on January 20, 2016:

If you have any questions, please contact me at extension 6622.

JVWM

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TO: Jimmy Morales, City Manager
FROM: Ricky Arriola, Commissioner
DATE: January 8, 2016
SUBJECT: **A RESOLUTION TO CONSIDER WAIVING THE SPECIAL EVENT FEES IN THE AMOUNT OF \$6,238.50 AND THE COLLINS PARK USER FEE (COST TBD) FOR THE MIAMI CITY BALLET'S 30TH ANNIVERSARY GALA.**

Please add the above subject as a consent item to the January 13, 2016 Commission meeting agenda.

Sincerely,
Ricky Arriola

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

**TO: MAYOR PHILIP LEVINE
MEMBERS OF THE CITY COMMISSION
JIMMY L. MORALES, CITY MANAGER**

FROM: RAUL AGUILA *Raul Aguila*
CITY ATTORNEY

DATE: JANUARY 13, 2016

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CREATING AN AD HOC HOST COMMITTEE FOR THE JUNE 2017 UNITED STATES CONFERENCE OF MAYORS ANNUAL MEETING ("ANNUAL MEETING"), TO BE HELD IN MIAMI BEACH, IN ORDER TO RAISE FUNDS FOR THE CITY'S HOSTING OF THE ANNUAL MEETING; PRESCRIBING THE DUTIES, MANNER OF APPOINTMENT, AND THE TERMS OF OFFICE OF HOST COMMITTEE MEMBERS; ESTABLISHING THAT THE CITY'S HOSTING OF THE ANNUAL MEETING SERVES A PUBLIC PURPOSE; AUTHORIZING THE ACCEPTANCE OF DONATIONS MADE TO THE CITY FOR THE CITY'S HOSTING OF THE ANNUAL MEETING; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO MAKE SUCH EXPENDITURES AND/OR REIMBURSEMENTS FROM THE AFORESTATED DONATIONS IN FURTHERANCE OF AND CONSISTENT WITH THE HOSTING OF THE ANNUAL MEETING.

Pursuant to the request of Mayor Philip Levine, the attached Resolution is submitted for consideration by the City Commission at the January 13, 2016 Commission Meeting.

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CREATING AN AD HOC HOST COMMITTEE FOR THE JUNE 2017 UNITED STATES CONFERENCE OF MAYORS ANNUAL MEETING (“ANNUAL MEETING”), TO BE HELD IN MIAMI BEACH, IN ORDER TO RAISE FUNDS FOR THE CITY’S HOSTING OF THE ANNUAL MEETING; PRESCRIBING THE DUTIES, MANNER OF APPOINTMENT, AND THE TERMS OF OFFICE OF HOST COMMITTEE MEMBERS; ESTABLISHING THAT THE CITY’S HOSTING OF THE ANNUAL MEETING SERVES A PUBLIC PURPOSE; AUTHORIZING THE ACCEPTANCE OF DONATIONS MADE TO THE CITY FOR THE CITY’S HOSTING OF THE ANNUAL MEETING; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO MAKE SUCH EXPENDITURES AND/OR REIMBURSEMENTS FROM THE AFORESTATED DONATIONS IN FURTHERANCE OF AND CONSISTENT WITH THE HOSTING OF THE ANNUAL MEETING.

WHEREAS, the United States Conference of Mayors (USCM) is the official non-partisan organization of cities with populations of 30,000 or more and there are currently 1,407 such U.S. cities; and

WHEREAS, the primary roles of the USCM include promoting the development of effective national urban/suburban policy; strengthening federal-city relationships; ensuring that federal policy meets urban needs; and creating a forum in which mayors from across the nation can share ideas and information; and

WHEREAS, USCM members speak with a united voice on organizational policies and goals, and mayors contribute to the development of national urban policy by serving on the USCM’s Standing Committees; and

WHEREAS, the USCM has eleven (11) Standing Committees that discuss, debate, and draft the USCM’s positions on pressing issues of the day, including the environment, transportation, tourism, global climate change, energy, education, the workforce, health, and human services; and

WHEREAS, as Vice Chair for Tourism on USCM’s Tourism, Arts, Parks, Entertainment and Sports Standing Committee, Mayor Philip Levine has a prominent role in the development of USCM’s national policies in these areas which are of significant importance to the City of Miami Beach, a world renowned international tourist destination; and

WHEREAS, the USCM hosts a Winter Meeting each January in Washington D.C. and an Annual Meeting each June in a different U.S. city; and

WHEREAS, the 2017 Annual Meeting of the USCM is scheduled to be held in the City of Miami Beach in the month of June; and

WHEREAS, the hosting of the 2017 USCM Annual Meeting in the City of Miami Beach will promote tourism, art, and culture in the City, will provide public benefits and generate revenue for local businesses, and serves a public purpose; and

WHEREAS, the creation of a Host Committee to raise funds for the City's costs in hosting this national meeting serves the aforesated public purpose; and

WHEREAS, in recognition of the public purpose served by the City's hosting of the 2017 United States Conference of Mayors Annual Meeting, the Mayor and City Commission authorize the acceptance of donations in furtherance of this purpose; and

WHEREAS, the Mayor and City Commission further authorize the City Manager, or his designee, to make any and all necessary reimbursements and/or expenditures of the donations in furtherance of and consistent with the City's hosting of the 2017 United States Conference of Mayors Annual Meeting.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, as follows:

1. The City of Miami Beach's hosting of the June 2017 United States Conference of Mayors Annual Meeting in the City of Miami Beach serves a public purpose.
2. An Ad Hoc Host Committee for said 2017 Annual Meeting is hereby created, whose purpose is to raise funds for the City's costs in hosting the 2017 Annual Meeting.
3. The Ad Hoc Host Committee shall be composed of up to ten (10) members to be direct appointees of the Mayor.
4. Ad Hoc Host Committee member terms shall commence on January 14, 2016 for an initial one year term, followed by an additional term through and including June 30, 2017 (subject to earlier or later sunset by the City Commission).
5. The City is hereby authorized to accept donations for this public purpose, and the City Manager, or his designee, is authorized to make such expenditures and/or reimbursements from the donations in furtherance of and consistent with the aforesated public purpose served by the City's hosting of the 2017 United States Conference of Mayors Annual Meeting.

PASSED and ADOPTED this _____ day of _____, 2016.

Philip Levine, Mayor

ATTEST:

Rafael E. Granado, City Clerk

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael E. Granado

City Attorney

1-8-16

Date

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R9V Discussion Regarding Short-Term PM Rush-Hour Gridlock Mitigation.
(Sponsored by Commissioner Michael Grieco)

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