




MIAMI BEACH

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

COMMITTEE MEMORANDUM

TO: Members of the Land Use and Development Committee

FROM: Jorge M. Gonzalez, City Manager 

DATE: September 19, 2011

SUBJECT: **LAND USE AND DEVELOPMENT COMMITTEE MEETING OF SEPTEMBER 19, 2011**

A meeting of the Land Use and Development Committee has been scheduled for September 19, 2011 at 4:00 pm in City Manager's Large Conference Room, 4th Floor, City Hall.

1. **SHORT-TERM RENTAL ORDINANCE ENFORCEMENT
(RETURNING FROM THE MAY 18, 2011 LUDC AGENDA
ORIGINALLY REQUESTED BY COMMISSIONER JORGE R. EXPOSITO,
JANUARY 19, 2011 CITY COMMISSION MEETING ITEM R9F)**

2. **DISCUSSION ON INCLUDING A CLAUSE FOR EXCEPTIONS IN THE SHORT TERM
RENTALS ORDINANCE.
(RETURNING FROM THE JULY 20, 2011 LUDC AGENDA
ORIGINALLY REQUESTED BY COMMISSIONER JORGE R. EXPOSITO,
MAY 11, 2011 CITY COMMISSION MEETING ITEM C4D)**

2011 MEETING SCHEDULE

Wednesday, September 21, 2011
Wednesday, October 26, 2011
Monday, November 21, 2011
Monday, December 19, 2011

**I
T
E
M

O
N
E**



MIAMI BEACH

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

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee
FROM: Jorge M. Gonzalez, City Manager *JMG for JMG*
DATE: September 19, 2011
SUBJECT: Discussion on Short Term Rental Enforcement

Requested By Commissioner Jorge R. Exposito, January 19, 2011
City Commission Meeting Item R9F

Discussions have been held concerning the enforcement of the City's regulations on short term rental. One solution has been to include additional language in the City's lien affidavits placing purchasers of real property in the City on notice of the regulations. Pursuant to efforts by the City Attorney's Office and the Finance Department, the lien affidavit has been modified to include such language. A copy of the affidavit is attached.

JMG/JGG/GH

CITY OF MIAMI BEACH

1700 CONVENTION CENTER DRIVE, MIAMI BEACH FL 33139-1824



Telephone (305) 673-7590

August 26, 2011

Property Address: [REDACTED]

STATEMENT# 359 GD
PLATE # 7284

Folio Number: [REDACTED]

ENTIRE PROPERTY

CASTLE BEACH CLUB CONDO [REDACTED] DIV 0.001541%INT IN COMMON ELEMENTSOFF REC 15285-1869

THIS IS TO CERTIFY THAT THE FOLLOWING MUNICIPAL LIENS OR ASSESSMENTS ARE DUE AND PAYABLE AGAINST:

Charge Type

1) UTILITY BILL:

a) Water, Sewer, Storm Water

2) DEMOLITION & BOARDING-UP LIENS

3) RESORT TAX LIENS **

**Please call (305) 673-7447

4) CITY BILLS

5) SPECIAL MASTER *

*Please call (305) 673-7181

6) SPECIAL ASSESSMENT

7) PERMITS, CERTIFICATE OF USE, LICENSES

8) OTHER

Account Number	Service Period	Due Date	Current Amount Due	Delinquent Amount	Interest Due	County Fees	Total Due
This property has private Waste							
[REDACTED]	07/18/11	08/16/11	\$0.00	\$0.00			\$0.00
[REDACTED]	HOUSING AUTHORITY MIAMI BEACH			\$46,581.81			\$46,581.81
[REDACTED]	CASTLE BEACH CLUB CONDO ASSOC.			\$100.00	\$18.33		\$118.33
[REDACTED]	CASTLE BEACH CLUB CONDO ASSOC.			\$100.00	\$18.33		\$118.33
[REDACTED]	CASTLE BEACH CLUB CONDO ASSOC.			\$50.00	\$1.68		\$51.68
[REDACTED]	CASTLE BEACH %JOSEPH GANGUZZA			\$450.00			\$450.00
[REDACTED]	CASTLE BEACH %JOSEPH GANGUZZA			\$75.00			\$75.00
[REDACTED]	CASTLE BEACH CLUB CONDOMINIUM BK 27316 PG 0586			\$138,157.48			\$138,157.48
[REDACTED]	CASTLE BEACH %JOSEPH GANGUZZA			\$75.00			\$75.00
[REDACTED]	CASTLE BEACH CLUB CONDOMINIUM			\$650.00			\$650.00
[REDACTED]	CASTLE BEACH CLUB CONDOMINIUM BK 27334 PG 4081			\$15,574.53			\$15,574.53
[REDACTED]	CASTLE BEACH CLUB CONDOMINIUM			\$36,263.60			\$36,263.60
[REDACTED]	CASTLE BEACH CLUB CONDO			\$600.00			\$600.00
[REDACTED]	CASTLE BEACH CLUB CONDO			\$600.00			\$600.00
[REDACTED]	CASTLE BEACH CLUB CONDOMINIUM ASSOCIATION			\$250.00			\$250.00
[REDACTED]	CASTLE BEACH CLUB CONDOMINIUM ASSOCIATION			\$250.00			\$250.00
[REDACTED]	CASTLE BEACH CLUB CONDOMINIUM ASSOCIATION			\$10,600.00			\$10,600.00
[REDACTED]	CASTLE BEACH CLUB CONDOMINIUM ASSOCIATION			\$100.00			\$100.00
[REDACTED]				\$0.00			\$0.00
[REDACTED]	NEEDS TO APPLY FOR BTR			\$0.00			\$0.00
[REDACTED]	HOME OWNER ASSOCIATION			\$500.00			\$500.00
[REDACTED]	40 YEAR RECERTIFICATION OF BUILDING			\$800.00			\$800.00

\$251,815.76

TOTAL AMOUNT DUE

* If needed call phone # (305) 673-7181

** If needed call phone # (305) 673-7447

ADDITIONAL BILLS MAY BE DUE FROM DATE OF LAST REGULAR READING TO DATE OF FINAL READING. ALL DELINQUENT CHARGES BEAR A PENALTY OF 10%. RECORDED LIENS BEAR INTEREST AT 12% PER ANNUM. UNPAID AND/OR DELINQUENT CHARGES TOGETHER WITH ALL PENALTIES IMPOSED THEREON, SHALL REMAIN AND CONSTITUTE SPECIAL ASSESSMENT LIENS AGAINST THE REAL PROPERTY.

NOTICE- Short term rentals of less than six months and one day are not permitted in single family homes, and in zoning districts that do not permit hotel uses. See Sections 142-905(b) (5) and 142-1111, Miami Beach City Code.

I hereby certify that this Lien Statement is a true and accurate reflection (as of the date of this Lien Statement) of those Liens and/or City Bills (per the files of the City of Miami Beach Finance Department) due and owing the City of Miami Beach regarding the subject property.

PATRICIA D. WALKER, CHIEF FINANCIAL OFFICER

BY

Betty R. Smith
DEPUTY

Short term rental notice

SUBSCRIBED AND SWORN TO before me this 24 day of AUG, 2011

NOTARY PUBLIC-STATE OF FLORIDA
Jessica Hernandez
Commission # DB893152
Expires: JUNE 01, 2013
BONDED THIRD ATLANTIC BONDING CO., INC.

[Signature]
NOTARY PUBLIC, STATE OF FLORIDA
DADE COUNTY

6:30:50 p.m.

R9E Discussion Regarding A Parking Solution.
(Requested by Commissioner Jerry Libbin)

ACTION: Discussion held.

Commissioner Libbin explained that this item is long overdue, and it is an attempt to use modern technology that other cities are using, for residents, tourists and visitors looking for parking space, to be able to identify available parking space. It is pro-business and will make it easier to find parking. He added that the technology is not expensive and the idea in general is to enter an address, click on the send button, and that will generate the spaces available in parking garages in the City in real time as well as the cost of those spots. He suggested referring the issue to the Finance and Citywide Projects Committee. **Patricia Walker to place on the agenda. Saul Frances to handle.**

Jorge Gonzalez, City Manager, stated that this is a great idea, and Administration can start working on an RFP. **Saul Frances to handle.**

11:35:47 a.m.

~~A~~R9F Discussion Regarding An Update On Short Term Rentals.
(Requested by Commissioner Jorge Exposito)

ACTION: Discussion held. **Motion made by Vice-Mayor Góngora to send the short term rental ordinance to the Land Use and Development Committee; seconded by Commissioner Weithorn; Voice vote: 7-0. Richard Lorber to place on the committee agenda and to handle.**

Commissioner Exposito stated that the Flamingo neighborhood would like a status update.

Jorge Gomez, Assistant City Manager, stated that the ordinance is being enforced and they have been meeting with the neighbors. There will be a meeting with Code and the Legal Department as to what is the proper course of action the City needs to take when there is intent to violate the ordinance. They want to make sure that the violation is not overturned by the Special Master and what Code Enforcement does is defensible.

Discussion continued.

Commissioner Weithorn stated that is important that the citizens call in complaints when they are observed. The word needs to go out via the Neighborhood Associations to let everyone know. **Hilda Fernandez to handle.**

Jorge Gonzalez, City Manager, stated that complaints can be entered via the Internet.

Discussion continued.

Motion made by Vice-Mayor Góngora to send the short term rental ordinance to the Land Use and Development Committee; seconded by Commissioner Weithorn; Voice vote: 7-0. Richard Lorber to place on the agenda and to handle.

Commissioner Weithorn stated that neighborhoods need to be informed of the meeting so they can express their concerns. **Robert Santos-Alborna to handle.**



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager
FROM: Jorge R. Exposito, Commissioner *JRE*
DATE: December 30, 2010
SUBJECT: Discussion Item: Short Term Rentals

Please place a discussion item on the January 19, 2011 Commission meeting agenda an update on short term rentals from administration.

We trust that you will find all in good order. Should you have any questions, please feel free to contact my aide, Barbie Paredes at 6457.

Best regards,

JRE/bp

cc: Robert Parcher, City Clerk

We are committed to providing excellent public service and safety to all who live, work, and play in our

Agenda Item R9F
Date 1-19-11

**I
T
E
M

T
W
O**



MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jorge M. Gonzalez, City Manager *JMG*

DATE: September 19, 2011

SUBJECT: Discussion on Including a Clause for Exceptions in the Short Term Rentals Ordinance

Requested By Commissioner Exposito, May 11, 2011
City Commission Meeting Item C4D

BACKGROUND

The recently enacted Flamingo Park Short-Term Rental Ordinance contains provisions and regulations governing those properties to be legalized for short term rental. The time periods specified in the ordinance are as follows:

Time periods to apply for short-term rental approvals.

(1) Owners demonstrating compliance with subsections (b)(1) or (2) above, shall apply for a certificate of use permitting short-term rental as detailed in subsection 142-1111(d) within a time period of six months from the effective date of this section (June 19, 2010), or be deemed ineligible to proceed through the process specified herein for legalization of short-term rentals.

(2) Within three months of the effective date of the ordinance enacting this section (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.

(3) 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.

The deadline for applications to legalize short-term rentals has now passed. Eligibility for this provision was determined by a specific set of criteria; for apartment buildings of four or more units, or for four or more apartment units in one or more buildings under the same resort tax account, the criteria are as follows:

In order to demonstrate current, consistent and predominant short-term renting, the property must comply with all of the following:

- a. Have been registered with the city for the payment of resort tax and made resort tax payments as of March 10, 2010; and
- b. Have had City of Miami Beach 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
- c. 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.

ANALYSIS

After these criteria were developed, staff identified all those properties that would qualify under these provisions, and developed a list of these properties for review by the Commission during the process of adoption. After the ordinance was adopted, a letter was sent to those properties on the list informing them of the passage of the ordinance and the requirements and deadlines associated with the new provisions.

Recently, an attorney for the apartment building at 751 Meridian Avenue made inquiries at the Planning Department regarding the short-term rental ordinance, after the property was cited by Code Compliance for short-term rentals without a license. Mr. Simon Ferro has determined that the property would have met all the criteria of the ordinance, but for the fact that the State of Florida mistakenly issued them a license for non-transient apartments, even though they had applied previously for transient apartments.

The deadlines of the ordinance cannot be waived by City staff; any exemption would require additional legislation to reference such a case.

UPDATE

At the July LUDC meeting, the Committee requested the City Attorney's Office to review the state legislation and the effect of amending the City's ordinance under the new state statute. Both the City Attorney's Office and Mr. Ferro have been researching the matter, and will provide a report on this research at the meeting.

CONCLUSION

The Administration requests that the Committee provide direction to staff on this issue.

JMG/JGG/GH

M:\\$CMB\CCUPDATES\Land Use and Development Committee\September 19, 2011\DISCUSSION ON INCLUDING A CLAUSE FOR EXCEPTIONS IN THE SHORT TERM RENTALS ORDINANCE rev 9-8-11.doc



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager
Robert Parcher, City Clerk

FROM: Jorge R. Exposito, Commissioner

DATE: May 6, 2011

SUBJECT: Referral to Land Use and Development Committee

I would like to refer a discussion item to the Land Use and Development Committee regarding the Short Term Rentals Ordinance to discuss whether it would be advisable to include a clause for exceptions.

We trust that you will find all in good order. Should you have any questions, please feel free to get in touch with my aide, Barbie Paredes at extension 6457.

Best regards,

JRE/bp

