

# **SOUTH BEACH ASSOCIATION RECOMMENDATION REGARDING RENTAL PROPERTIES IN THE R4A ZONING DISTRICT**

November 12, 2015

## **BASELINE**

**1, According to the City – A Shared Ownership/HOA/Condo Association can be more stringent than a City Ordinance but cannot supersede or bypass municipal codes *unless* specifically exempted by city ordinance.**

**2. According to State law – As of 6/1/2011, no new city ordinance can be more restrictive than a current ordinance.**

**3. Per Ordinances K114 and K148 – All properties in all zones are currently minimum 6 month – to be less requires Conditional Use – per City Legal Interpretation July 2015.**

## **SBA RECOMMENDATIONS**

- 1. Shared Ownership properties to include HOAs and Condo Associations in R4A be exempted from 6 month minimum and any necessity for Conditional Use as an amendment to K148 Section 3 Section 22-27.1(c)(6).**
- 2. Single Family Homes in R4A (total 121properties?) remain as is with 6-month restriction – less with conditional use. This was the original intent of K148.**
- 3. Non HOA Multifamily properties in R4A (total 129 properties?) While a case can be made for a rental period of less than 6 months this is where the “real” purpose of conditional use can be used. Each “neighborhood” (not the SBA) could decide what they want and each could be different. Currently, there are less being advertised than we would have expected although that doesn’t mean they are not occurring. However we doubt that the City will be flooded with 129 applications for conditional use. We simply recommend that these properties remain the same with a 6-month restriction with conditional use.**

**Note: There is just one recommended change – item 1 above.**