

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: May 21, 2025 9:45 a.m. Second Reading Public Hearing

TITLE: COMMERCIAL USE OF SINGLE-FAMILY HOMES
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 7 OF THE MIAMI BEACH RESILIENCY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE II, ENTITLED "DISTRICT REGULATIONS," BY AMENDING SECTION 7.2.2, ENTITLED "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS" BY AMENDING SUBSECTION 7.2.2.2, ENTITLED "USES (RS)" TO CLARIFY AND AMEND REGULATIONS ON THE COMMERCIAL USE OF SINGLE-FAMILY HOMES; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) adopt the ordinance.

BACKGROUND/HISTORY

On September 11, 2024, at the request of Commissioner Alex Fernandez, the Mayor and City Commission (City Commission) referred an item regarding the regulation of the use of generators, sound systems, audiovisual equipment and stages at private residences used as party houses (C4 R) to the Land Use and Sustainability Committee (LUSC),

On February 20, 2025, the LUSC recommended that the City Commission refer the proposed ordinance, clarifying the City's prohibition on commercial uses of single-family homes, to the Planning Board. On February 26, 2025, at the request of Commissioner Alex Fernandez, and Commissioners Laura Dominguez and Tanya K. Bhatt, the City Commission referred the proposed ordinance (C4 I) to the Planning Board.

ANALYSIS

Section 7.2.2.2(d) of the Land Development Regulations of the City Code (LDRs) contains regulations specific to prohibited uses in single family (RS) districts. The attached ordinance expands the current prohibitions on the commercial use of single-family homes. The following is a summary (underscore) of the proposed amendments to Section 7.2.2.2(d)(1)1.A.I, pertaining to donations associated with the commercial use of homes in single-family districts:

- All of the goods, property or services offered, or donations that are solicited or accepted, are donated to or for charitable, religious or political organizations or candidates for public office, that have received 501(c)(3) or other tax-exempt status under the U.S. Internal Revenue Code, as amended, or in accordance with applicable election laws; or
- All of the proceeds from any sales or donations are directly payable and paid to charitable, religious or political organizations or candidates for public office, that have received 501(c)(3)

or other tax-exempt status under the U.S. Internal Revenue Code, as amended, or in accordance with applicable election laws. An organization or candidate may reimburse donors for goods or property donated; or

- Any advertising, marketing, or promotion of any party, event, assembly, or gathering in any print, film, social networking platform, or any other media occurs; or
- Any party, event, assembly, or gathering is sponsored, managed, or promoted by any entity other than a charitable, religious or political organization(s) or candidate(s) for public office, that has received 501(c)(3) or other tax-exempt status under the U.S. Internal Revenue Code, as amended, or in accordance with applicable election laws.

PLANNING BOARD REVIEW

On April 8, 2025, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (7-0).

UPDATE

On April 23, 2025 the City Commission approved the subject ordinance at First Reading with no changes. Additionally, the City Commission waived the applicable fees, as well as the annual zoning cycle requirements.

FISCAL IMPACT STATEMENT

No Fiscal Impact

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 5/7/2025
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

Not Applicable

CONCLUSION

The Administration recommends that the City Commission adopt the ordinance.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Planning

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Commissioner Tanya K. Bhatt
Commissioner Laura Dominguez
Commissioner Joseph Magazine

Condensed Title

9:45 a.m. 2nd Rdg, Commercial Use of Single-Family Homes. (AF/TB/LD/JM) PL 5/7

Previous Action (For City Clerk Use Only)

First Reading Public Hearing on 4/23/2025 - R5 S