

# MIAMIBEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

## PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: January 7, 2025

FROM: Thomas R. Mooney, AICP  for TRM  
Planning Director

SUBJECT: **PB24-0732. Courtesy Notice Requirements for Residential Tenants**

#### **RECOMMENDATION**

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

#### **HISTORY/BACKGROUND**

On September 11, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred an item (C4 U) to the Land Use and Sustainability Committee (LUSC) pertaining to notice requirements for tenants of residential buildings. On October 14, 2024, the LUSC discussed the proposal and recommended that the City Commission refer an ordinance amendment to the Planning Board in accordance with the recommendations in the LUSC memo.

On November 20, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred the ordinance (C4 L) to the Planning Board. The item is co-sponsored by Commissioner Tanya K. Bhatt, and Commissioner Joseph Magazine.

#### **REVIEW CRITERIA**

Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), 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 proposed amendment is 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 amendment does not modify district boundaries.

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

**Not applicable** – The proposed Ordinance does not affect the overall scale of development.

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

**Consistent** – The proposed amendment does not increase loads on public facilities or infrastructures.

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

**Not applicable** – The proposed change does not modify existing district boundaries.

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

**Consistent** – The proposed change is necessary in order to inform residential tenants of projects that may impact their living situations.

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

**Consistent** – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

**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 not affect traffic congestion.

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

**Consistent** – The proposed change 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 will 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.**

**Not applicable**

**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.**

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Not Applicable**

- (2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Not Applicable**

- (3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

**Not Applicable**

#### **ANALYSIS**

Currently, the Land Development Regulations of the City Code (LDRs) require a notice for land use board applications be mailed to all property owners within 375 feet of the property that is the subject of the application. However, there is no requirement for a notice to be provided to residential tenants of a building if they are not the unit owner.

The attached draft ordinance amends Chapter 2 of the LDRs to create a courtesy notice requirement, which would apply to all land use boards, for tenants of residential units, including a link to a housing impact statement. The proposed ordinance is largely ministerial, and the additional mailing labels required would be the responsibility of future land use board applicants.

#### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed Ordinance to the City Commission with a favorable recommendation.

## Courtesy Notice Requirements for Residential Tenants

ORDINANCE NO. \_\_\_\_\_

**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 “MIAMI BEACH RESILIENCY CODE,” CHAPTER 2, ENTITLED “ADMINISTRATION AND REVIEW PROCEDURES,” ARTICLE II, ENTITLED “GENERAL DEVELOPMENT APPLICATION AND HEARING PROCEDURES,” SECTION 2.2.4, ENTITLED “PUBLIC HEARING,” SECTION 2.2.4.1, ENTITLED PUBLIC NOTIFICATION,” BY CREATING A COURTESY NOTICE REQUIREMENT SPECIFIC TO RESIDENTIAL TENANTS FOR THE CITY’S LAND USE BOARDS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Mayor and City Commission desire to amend the current requirements in the City Code pertaining to notice requirements for land use board approvals; and

**WHEREAS**, public notice is an important component of the development review process; and

**WHEREAS**, minimum and courtesy notice requirements for the City’s land use boards promote the general health, safety and welfare of the residents of the City; and

**WHEREAS**, the amendments set forth below are 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 2 of the Miami Beach Resiliency Code, entitled “Administration and Review Procedures,” Article II, entitled “General Development Application and Hearing Procedures,” is hereby amended as follows:

### **CHAPTER 2 ADMINISTRATION AND REVIEW PROCEDURES**

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#### **ARTICLE II – GENERAL DEVELOPMENT APPLICATION AND HEARING PROCEDURES**

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#### **2.2.4 PUBLIC HEARING**

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##### **2.2.4.1 Public Notification**

Hearings before a land use board on an application for development approval shall be noticed to the public in accordance with the following provisions, unless otherwise more specifically provided

for in these land development regulations, and the applicant shall pay a fee for such notices pursuant to section 2.2.3.5.

- a. *Advertisement.* At least 30 days prior to the public hearing date, a description of the request, and the date, start time of the meeting and location of the hearing shall be noticed ~~in a newspaper of general circulation~~ on a publicly accessible website hosted by Miami-Dade County, consistent with the requirements of section 50.0311, Florida Statutes.
- b. *Mail notice.* At least 30 days prior to the public hearing date, a description of the request, and the date, start time of the meeting, and location of the hearing shall be given by mail to the owners of record of land lying within 375 feet of the property subject to the application. For applications involving a property containing at least one residential unit, a courtesy mail notice to all existing tenants of residential units in the building(s), as of the date of the hearing, located on the site that is subject to the application shall also be required. This courtesy notice shall include a description of the request, the date, start time and location of the meeting, as well as a link to a housing impact statement. The applicant shall provide a separate set of mailing labels for this courtesy notice, as well as evidence to the planning director that reasonable best efforts were used to identify all existing tenants of residential units. The courtesy notice shall be for informational purposes only and the validity of the application or of any approval shall not be affected by any failure to identify all tenants of residential units. Applicants shall submit all information and certifications necessary to meet this requirement, as determined by the planning department. Additionally, courtesy notice shall also be given to any Florida nonprofit community organization which has requested of the Planning Director in writing to be notified of board hearings.
- c. *Posting.* At least 30 days prior to the public hearing date, a description of the request, and the date, time, and place of such hearing shall be posted on the property. Such posting shall be a minimum dimension of 11 inches by 17 inches and located in a visible location at the front of the property and shall not be posted on a fence or wall that would be obstructed by the operation of a gate.

## **SECTION 2. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

## **SECTION 3. CODIFICATION.**

It is the intention of the City Commission, 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 as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

## **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 sixty (60) days following adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Steven Meiner, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

First Reading: February \_\_\_, 2025

Second Reading: April \_\_\_, 2025

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

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