

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Alex Fernandez  
DATE: November 20, 2024  
TITLE: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO DISCUSS POTENTIALLY REGULATING OR PROHIBITING FRACTIONAL OWNERSHIP IN MIAMI BEACH RESIDENTIAL AREAS.

### **RECOMMENDATION**

Please place on the November 20, 2024 City Commission agenda a referral to the Land Use and Sustainability Committee (LUSC) to discuss potential restrictions and/or the prohibition of fractional ownership in Miami Beach's residential areas, similar to the recent action taken by the Town of Palm Beach.

Palm Beach has recently taken steps to clarify and strengthen its zoning rules regarding short-term and vacation rentals, as well as timeshares and fractional ownership properties. The Town Attorney, Joanne O'Connor, recently opined that fractional ownership and timeshare properties are inconsistent with Palm Beach's longstanding residential zoning and use definitions, and such properties will not be permitted in residential areas.

I believe it would be beneficial for the City of Miami Beach to explore whether similar restrictions on fractional ownership are warranted here. Fractional ownership schemes can significantly alter the character and nature of residential neighborhoods; and we should assess whether such practices align with the values and long-term goals of Miami Beach's residential communities.

Accordingly, I would request the City Attorney to provide an overview of fractional ownership as it relates to State Law, and options for potentially limiting, regulating or prohibiting fractional ownership in residential areas in Miami Beach.

### **BACKGROUND/HISTORY**

### **ANALYSIS**

### **FISCAL IMPACT STATEMENT**

n/a

### **Does this Ordinance require a Business Impact Estimate?**

(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

**FINANCIAL INFORMATION**

**CONCLUSION**

**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**

Office of Commissioner Alex Fernandez

**Sponsor(s)**

Commissioner Alex Fernandez

**Co-sponsor(s)**

**Condensed Title**

Ref: LUSC - Prohibiting or Regulating Fractional Ownership in Residential Areas. (Fernandez)