

# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: October 10, 2024

TITLE: DISCUSSION ON AMENDING NOTICE REQUIREMENTS IN THE MIAMI BEACH RESILIENCY CODE TO REQUIRE COURTESY NOTICE TO RESIDENTIAL TENANTS OF A PROPERTY SUBJECT TO A LAND USE BOARD APPLICATION, WHERE APPLICABLE.

### **RECOMMENDATION**

The Administration recommends that the Land Use and Sustainability Committee (LUSC) endorse the proposed amendment to the Land Development Regulations of the City Code (LDRs) and recommend that the Mayor and City Commission (City Commission) refer a draft ordinance to the Planning Board.

### **BACKGROUND/HISTORY**

On September 11, 2024, at the request of Vice-Mayor Alex Fernandez, the City Commission referred the attached item (C4 U) to the LUSC.

### **ANALYSIS**

As indicated in the attached referral memorandum, the item sponsor has requested the LUSC discuss and consider recommending that the applicable sections of the LDRs be amended to require an additional courtesy notice to existing residential tenants of a property that is the subject of a development application. The item sponsor has also proposed that the courtesy notice inform residential tenants of the potential housing impact of the proposed development.

Currently, the 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. The following is draft text for an amendment to 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:

#### **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.*

\* \* \*

- 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) 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.

The proposal herein is largely ministerial, and the additional mailing labels required would be the responsibility of future land use board applicants. If there is consensus on this proposal, a separate referral by the City Commission to the Planning Board would be required.

### **FISCAL IMPACT STATEMENT**

No Fiscal Impact Expected

**Does this Ordinance require a Business Impact Estimate?** No  
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .

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

### **FINANCIAL INFORMATION**

Not Applicable

### **CONCLUSION**

The Administration recommends that the LUSC endorse the proposed LDR amendment and recommend that the City Commission refer a draft ordinance to the Planning Board.

### **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)**

Vice-Mayor Alex Fernandez

**Co-sponsor(s)**

**Condensed Title**

Discussion on Amending Notice Requirements In The Miami Beach Resiliency Code To Require Courtesy Notice To Residential Tenants Of A Property Subject To A Land Use Board Application, Where Applicable.