

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: April 23, 2025 10:35 a.m. First 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) approve the subject ordinance at First Reading and schedule a Second Reading public hearing for May 21, 2025.

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).

APPLICATION FEE WAIVER

The subject amendment is proposed on a comprehensive, citywide basis, and not on behalf of a private applicant or third party. Pursuant to section 2.4.1.c of the Land Development Regulations of the City Code, amendments to the City Code require the payment of the applicable fees in section 2.2.3.5, 2.2.3.6, and appendix A to the City Code. These fees may be waived by a five-sevenths (5/7ths) vote of the City Commission, based upon one or more of the following circumstances:

1. The City Commission determines that the proposed amendment is necessary due to a change in federal or state law, or to implement best practices in urban planning, or based on circumstances unique to the proposed amendment.
2. Upon the written recommendation of the City Manager acknowledging a documented financial hardship of a property owner(s) or developer(s).
3. If requested, in writing, by a non-profit organization, neighborhood association, or homeowner's association for property owned by any such organization or association, so long as the request demonstrates that a public purpose is achieved by enacting the applicable amendment.

The Administration recommends that the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

SUMMARY

The proposed ordinance prohibits sponsorship of events in a single-family home by a for-profit entity and prohibits the promotion of any party event via social media platforms. Also, the sponsor has requested that the City Commission waive the annual zoning cycle restriction for the subject amendment, pursuant to Section 2.3.2 of the LDRs, and schedule a Second Reading public hearing for May 21, 2025.

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:

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

FINANCIAL INFORMATION

Not Applicable

CONCLUSION

The Administration recommends the following:

1. The City Commission approve the subject ordinance at First Reading.
2. Pursuant to Section 2.3.2 of the LDRs, the City Commission waive the annual zoning cycle restriction for the subject amendment and schedule a Second Reading public hearing for May 21, 2025.
3. In accordance with section 2.4.1.c.1 of the Land Development Regulations of the City Code, the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

Applicable Area

Citywide

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

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

Yes

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

Condensed Title

10:35 a.m. 1st Rdg PH, Commercial Use of Single-Family Homes. (AF/TB/LD) PL

Previous Action (For City Clerk Use Only)