

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 OF PROPERTIES THAT ARE THE SUBJECT OF A CITY LAND USE BOARD APPLICATION; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to amend the current requirements in the Land Development Regulations pertaining to notice of land use board applications; 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 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 that is the subject of the application. Additionally, for applications involving a property that contains at least one residential unit, a courtesy notice shall be mailed at least 30 days prior to the public hearing date to existing tenants, as of the date that the mail notice is issued, of residential units on the property that is the subject of the application. 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 the housing impact statement associated with the application. The applicant shall provide a separate set of mailing labels for this courtesy notice, as well as evidence to the planning director that reasonable efforts were used to identify all existing tenants of the residential units. For purposes of this paragraph, courtesy notice shall only be required for tenancies of at least six months and one day. The courtesy notice shall be for informational purposes only and the validity of the subject application or of any approval thereof shall not be affected by any failure to identify all tenants of residential units on the property. 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, in writing, that the Planning Director provide notice 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 have a minimum dimension of 11 inches by 17 inches and shall be 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.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

Sponsored By: Commissioner Alex Fernandez

First Reading: February 3, 2025

Second Reading: April 23, 2025

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney NK Date 4/16/2025