

R5 X COURTESY NOTICE REQUIREMENTS FOR RESIDENTIAL TENANTS
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.
Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: February 3, 2025 11:20 a.m. First Reading Public Hearing

TITLE: COURTESY NOTICE REQUIREMENTS FOR RESIDENTIAL TENANTS
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.

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 April 23, 2025.

BACKGROUND/HISTORY

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 memorandum.

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 Commissioners Tanya K. Bhatt and Joseph Magazine.

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.

PLANNING BOARD REVIEW

On January 7, 2025, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (7-0).

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

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 that the City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for April 23, 2025.

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)

Commissioner Alex Fernandez

Co-sponsor(s)

Commissioner Tanya K. Bhatt
Commissioner Joseph Magazine

Condensed Title

11:20 a.m. 1st Rdg PH, Courtesy Notice Requirements for Residential Tenants. (AF/TB/JM) 5/7

Previous Action (For City Clerk Use Only)

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**

* * *

ARTICLE II – GENERAL DEVELOPMENT APPLICATION AND HEARING PROCEDURES

* * *

2.2.4 PUBLIC HEARING

* * *

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.
- 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. 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 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 3, 2025
Second Reading: April 23, 2025

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

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

1/7/2025

Date

NK

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