ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 5, OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "BUILDING STANDARDS AND REGULATIONS", BY AMENDING ARTICLE IV, ENTITLED "MINIMUM HOUSING STANDARDS", SPECIFICALLY AT SECTION 5-30, ENTITLED "OCCUPANCY STANDARDS" TO PROHIBIT THE ADVERTISEMENT OF RENTALS OF SINGLE FAMILY HOMES FOR PERIODS OF LESS THAN THREE MONTHS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the rental of private homes in residential zoning districts has been identified as a community concern due to the potential for increased traffic, noise and density in single family residential neighborhoods if these uses are not properly regulated; and

WHEREAS, the residents of such neighborhoods have a reasonable expectation of quiet, cleanliness, and order; and

WHEREAS, it appears that there are widespread problems associated with the over-occupancy of rental housing, especially rental housing consisting of single-family houses converted to rental housing and this over-occupancy adversely impacts the City of North Miami ("City")'s residential neighborhoods through overcrowding, excessive traffic, demand for too much parking, noise, various nuisances and the diminution of the public welfare of the City's residential neighborhoods; and

WHEREAS, the strain on infrastructure and reduced neighborhood cohesion that results from commercial use of low density residential neighborhoods has a detrimental impact on all members of the community; and

WHEREAS, the City has a substantial interest in maintaining the aesthetics, character and tranquility of its residential neighborhoods, as wells as in regulating traffic flow; this ordinance directly advances these interests and is narrowly tailored to serve those interests; and

WHEREAS, on October 27, 2009 the City implemented legislation prohibiting short-term rentals in residential districts as specified in section 5-1610 of the City's Land Development Regulations; and

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WHEREAS, this ordinance does not seek to further regulate the duration or frequency of rental properties in violation of Section 509.32(7)(b) of the Florida Statutes; and

WHEREAS, the Mayor and City Council desire to amend the Code of Ordinances to clearly establish guidelines for advertisement of rental properties located in residential zoning districts.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Amendments to Chapter 5 Code of Ordinances. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 5, of the City of North Miami Code of Ordinances entitled "Building Standards and Regulations", by amending Article IV, entitled "Minimum Housing Standards" at Section 5-30, entitled "Occupancy Standards" as follows:

CHAPTER 5. BUILDING STANDARDS AND REGULATIONS

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ARTICLE IV. MINIMUM HOUSING STANDARDS

Sec. 5-30. Occupancy standards.

(a) *Minimum floor area.* The minimum floor area of a dwelling unit shall be subject to the Land Development Regulations. ~~Every~~ Occupancy of dwelling units shall be regulated by the Miami-Dade County Minimum Housing Standards for overcrowding as defined by Chapter 17, Article II of the Miami- Dade County Code.

(b) *Proper use of rooms.* No room other than a habitable room, as defined in this chapter, shall be used for living, sleeping or the preparation or eating of meals. This shall not preclude the lawful use of patio for household barbecue purposes, however balconies shall not be used for cooking or storage.

(c) *Subdivision of habitable rooms.* No habitable room shall be divided in any manner into space intended for living, sleeping, eating or cooking purposes by an installed partition or divider of any type.

(d) *Prohibited Advertisements.* Any advertisement that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings or the rental of a single family residential property for a period of less than three (3) months, as prohibited by section 5-1610 of the City's Land Development Regulations, is prohibited and shall be violation of this chapter.

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Section 2. **Repeal.** All ordinances or parts of ordinances in conflict herewith are repealed.

Section 3. **Conflicts.** In the event that the provisions of this Ordinance are in conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Codification.** It is the intention of the City Council of the City of North Miami and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

Section 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 23 day of ~~May~~ June, 2015.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of May, 2015.

_____
DR. SMITH JOSEPH
MAYOR

ATTEST:

_____
MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

_____

ROLAND C. GALDOS, ESQ.
INTERIM CITY ATTORNEY

SPONSORED BY: VICE MAYOR CAROL KEYS, ESQ. AND COUNCILMAN SCOTT GALVIN

Moved by: _____

Seconded by: _____

Vote:

Mayor Smith Joseph, D.O., Pharm. D.	_____ (Yes)_____ (No)
Vice Mayor Carol Keys, Esq.	_____ (Yes)_____ (No)
Councilman Scott Galvin	_____ (Yes)_____ (No)
Councilman Philippe Bien-Aime	_____ (Yes)_____ (No)
Councilman Alix Desulme	_____ (Yes)_____ (No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.