

**CITY OF MIRAMAR
PROPOSED CITY COMMISSION AGENDA ITEM**

First Reading Date: July 9, 2025

Second Reading Date: September 3, 2025

Presenter's Name and Title: Deyman Rodriguez, Senior Planner, Building, Planning, & Zoning Department

Prepared By: Deyman Rodriguez, Senior Planner, Building, Planning, & Zoning Department

Temp. Ord. Number: 1850

Item Description: **SECOND READING** of Temp. Ord. #O 1850, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF MIRAMAR, PURSUANT TO SECTION 302 OF SAID LAND DEVELOPMENT CODE AND SECTION 166.041(3)(C)(2), FLORIDA STATUTES; MORE SPECIFICALLY BY AMENDING CHAPTER 4, ENTITLED "ZONING," AT SECTION 405.11, ENTITLED "HOTELS, MOTELS, TIMESHARES, BED & BREAKFAST, VACATION RENTALS, SHORT TERM RENTALS, LIVE-WORK, MICRO-UNITS," TO AMEND THE TEXT FOR THE GENERAL LIABILITY INSURANCE COVERAGE REQUIREMENTS FOR VACATION RENTALS; MAKING FINDINGS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (Building, Planning & Zoning Director Senior Planner Deyman Rodriguez)

Consent ☐ Resolution ☐ Ordinance ☒ Quasi-Judicial ☐ Public Hearing ☐

Instructions for the Office of the City Clerk: None

Public Notice – As required by the Sec. _____ of the City Code and/or Sec. _____, Florida Statutes, public notice for this item was provided as follows: on _____ in a _____ ad in the _____; by the posting the property on _____ and/or by sending mailed notice to property owners within _____ feet of the property on _____ (fill in all that apply)

Special Voting Requirement – As required by Sec. _____, of the City Code and/or Sec. _____, Florida Statutes, approval of this item requires a _____ (unanimous, 4/5ths etc.) vote by the City Commission.

Fiscal Impact: Yes ☐ No ☒

Exempt from Business Impact Estimate: Yes ☐ No ☒

REMARKS: NONE

Content:

- Agenda Item Memo from the City Manager to City Commission
- Ordinance TO 1850

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Miramar's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF MIRAMAR, PURSUANT TO SECTION 302 OF SAID LAND DEVELOPMENT CODE AND SECTION 166.041(3)(C)(2), FLORIDA STATUTES; MORE SPECIFICALLY BY AMENDING CHAPTER 4, ENTITLED "ZONING," AT SECTION 405.11, ENTITLED "HOTELS, MOTELS, TIMESHARES, BED & BREAKFAST, VACATION RENTALS, SHORT TERM RENTALS, LIVE-WORK, MICRO-UNITS," TO REMOVE THE GENERAL LIABILITY INSURANCE COVERAGE FOR VACATION RENTALS; MAKING FINDINGS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Miramar is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Miramar is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;

¹ See Section 166.041(4)(c), Florida Statutes.

- b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Miramar hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The proposed ordinance to amend the text for the general liability insurance coverage requirements for vacation rentals is a carefully considered policy that promotes public welfare by fostering fairness, economic accessibility, and responsible governance.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Miramar, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Miramar's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

Amending the general liability insurance requirement lowers the financial barrier for small-scale and individual property owners who wish to participate in the vacation rental market. Excessive insurance mandates can disproportionately impact residents with limited means, effectively excluding them from economic opportunities enjoyed by larger commercial operators. By adjusting the requirement to a reasonable and risk-appropriate level, the ordinance ensures broader access to supplemental income through vacation rentals, thus supporting local economic development and household financial stability.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: 250

4. Additional information the governing body deems useful (if any):

The development of this ordinance to amend the general liability insurance requirements for vacation rentals was guided by feedback from community members.



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM: Dr. Roy L. Virgin, City Manager 

BY: Nixon Lebrun, Director of Building, Planning and Zoning Department

DATE: August 28, 2025

RE: SECOND READING of Temp. Ord. No. 1850 amending Section 405.11, entitled "Hotels, Motels, Timeshares, Bed & Breakfast, Vacation Rentals, Short Term Rentals, Live-work, Micro-units," to remove the commercial general liability insurance coverage for vacation rentals

RECOMMENDATION: The City Manager recommends that, in accordance with Section 166.041(3)(a), Florida Statutes ("F.S."), and the related policies of the City's Comprehensive Plan, and Section 302 of the City of Miramar's (the "City") Land Development Code ("LDC"), the City Commission reviews and, upon due consideration of the Staff Report, the recommendation by the Planning and Zoning Board and public testimony, if any, approves the accompanying ordinance to amend to the text of Chapter 4, entitled "Zoning," at Section 405.11, entitled "Hotels, Motels, Timeshares, Bed & Breakfast, Vacation Rentals, Short Term Rentals, Live-work, Micro-units," to amend the text for the general liability insurance coverage requirements for vacation rentals. The Amendment is consistent with the goals and policies of the City's Comprehensive Plan and satisfies the review standards of Section 302 of the LDC.

ISSUE: Section 166.041(3)(c)(2), F.S., and Section 302 of the City's LDC provide that text amendments to the City's LDC shall be accomplished by ordinance of the City Commission. In reviewing a proposed amendment, the City Commission shall take into account the written staff report summarizing the proposed language including all relevant documents, facts, and analysis, the recommendation of the Planning and Zoning Board, the City's Local Planning Agency, oral and written comments received before or at the public hearings, and the extent to which said amendment is consistent with the Goals, Objectives and Policies ("GOPs") of the City's Comprehensive Plan and complies with the general purpose and standards of the LDC. In accordance with the requirements of Section 302.5 of the City's LDC, this Amendment was reviewed and recommended for denial by the Planning and Zoning Board at its duly advertised public hearing held on July

8, 2025. As required by Section 166.041(3)(c)(2), F.S. and Section 302.6 of the City's LDC, the Amendment is being placed on this meeting agenda so the City Commission can hold the required public hearings to discuss and adopt the ordinance to enact same.

BACKGROUND: Chapter 509 of the Florida Statutes establishes a regulatory framework for lodging establishments, including vacation rentals and transient public lodging establishments. The State of Florida defines vacation rentals as a “transient public lodging establishment”, which consists of any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. Following the national and regional trend of regulating the rise of vacation rentals, the City adopted regulations in October of 2017 via Ordinance No. 18-01 to ensure the safe and orderly growth of vacation rental uses. LDC Subsection 405.11.2 provides the rules and standards to operating bed & breakfast and short-term rentals in the City. In November of 2022, the City amended said regulations via Ordinance 23-01.

Presently, LDC Subsection 405.11.2 states that “units must have commercial general liability insurance coverage.” Furthermore, it states that “coverage shall include, as a minimum: (i) premises operations, (ii) personal injury liability, (iii) property damage, and (iv) expanded definition of property damage. The minimum limits acceptable shall be not less than \$2,000,000 per occurrence for bodily injury or death of one or more persons and not less than \$300,000 per occurrence for property damage in the aggregate.” This ordinance aims to maintain the general liability insurance coverage for vacation rentals while eliminating a minimum dollar amount.

A Planning and Zoning Board hearing was held on July 8, 2025. The Board recommended denial of the LDC text amendment on the basis to not eliminate the minimum dollar amount for the commercial general liability insurance coverage.

DISCUSSION: Amending the general liability insurance requirement lowers the financial barrier for small-scale and individual property owners who wish to participate in the vacation rental market. Excessive insurance mandates can disproportionately impact residents with limited means, effectively excluding them from economic opportunities enjoyed by larger commercial operators. By adjusting the requirement to a reasonable and risk-appropriate level, the ordinance ensures broader access to supplemental income through vacation rentals, thus supporting local economic development and household financial stability.

ANALYSIS: This ordinance reflects a shift from a rigid, one-size-fits-all insurance mandate to a more flexible, risk-based framework. It preserves the requirement that vacation rental operators maintain general liability insurance—ensuring continued protection for guests, neighbors, and the public—while removing the mandated minimum dollar amount of coverage previously required by code.

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF MIRAMAR, PURSUANT TO SECTION 302 OF SAID LAND DEVELOPMENT CODE AND SECTION 166.041(3)(C)(2), FLORIDA STATUTES, MORE SPECIFICALLY, BY AMENDING CHAPTER 4, ENTITLED “ZONING,” AT SECTION 405.11, ENTITLED “HOTELS, MOTELS, TIMESHARES, BED & BREAKFAST, VACATION RENTALS, SHORT TERM RENTALS, LIVE-WORK, MICRO-UNITS,” TO REMOVE THE MINIMUM GENERAL LIABILITY INSURANCE COVERAGE FOR VACATION RENTALS; MAKING FINDINGS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTION OF SCRIVENER’S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in compliance with state law, the City Commission of the City of Miramar (“City Commission”) adopted in 1989 its Comprehensive Plan, as amended, in order to guide and manage future development within the City of Miramar (“City”); and

WHEREAS, in order to implement the Comprehensive Plan, the City Commission adopted in 1996 a set of land development regulations, which are codified in the City’s Land Development Code (“LDC”); and

WHEREAS, Chapter 509, Florida Statutes (“F.S”), establishes a regulatory framework for lodging establishments, including vacation rentals and transient public lodging establishments; and

WHEREAS, Chapter 509, F.S, defines vacation rentals as a “transient public lodging establishment”, which consists of any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more

than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests; and

WHEREAS, the City has a need to revise LDC Chapter 4, Subsection 405.11.2, Bed & Breakfast, Short Term Rentals, to remove the minimum general liability insurance coverage for vacation rentals; and

WHEREAS, amending the current text for the general liability insurance requirement lowers the financial barrier for small-scale and individual property owners who wish to participate in the vacation rental market; and

WHEREAS, the Building, Planning & Zoning Department (“the Department”) found the Amendment to satisfy the general purpose and standards of Section 302 of the LDC concerning the review of text amendments to the LDC and to be consistent with, and to further the goals, objectives, and policies of the City’s Comprehensive Plan; and

WHEREAS, Section 107 of the City’s LDC provides that the Planning and Zoning Board (“Board”), shall have the powers and duties to review and make recommendations to the City Commission regarding text amendments to the City’s LDC; and

WHEREAS, Section 302 of the City’s LDC provides that the Board shall hold one (1) properly noticed public hearing to evaluate the Amendment with respect to the review standards set forth in Subsection 302.7 of the City’s LDC, consider the Department’s findings of fact as summarized in the City Manager’s memo, and any oral or written public comments, and, upon a finding that the Amendment satisfies these review standards and is consistent with the City’s Comprehensive Plan, forward a recommendation to the City Commission; and

WHEREAS, The Board held a duly noticed public hearing on the Amendment on July 8, 2025, and after due consideration of all matters, voted to recommend denial of the Amendment by the City Commission; and

WHEREAS, Pursuant to 166.41(3)(c)(2), F.S., and Section 302 of the City's LDC, notification of the Amendment was published in the *Sun Sentinel* to advise that interested parties may appear at the meetings and be heard with respect to the Amendment or submit written comments to the Department prior to the public hearings, which written comments will be included in the record of the public hearings; and

WHEREAS, The City Manager concurred with the Department's findings of fact and recommended adoption of the Amendment; and

WHEREAS, Section 302 of the City's LDC provides that the City Commission shall hold two (2) properly noticed public hearings, pursuant to the notification procedures of Section 166.41(3)(c)(2), to evaluate the Amendment with respect to the review standards set forth in Subsection 302.7 of the City's LDC, consider the Department's findings of fact as contained in the City Manager's memo, the Board's recommendation, and any oral or written public comments, and, upon a finding that the Amendment satisfies these review standards and is consistent with the City's Comprehensive Plan, vote to adopt the ordinance enacting the Amendment; and

WHEREAS, The City Commission held two duly noticed public hearings on July 9, 2025, and on September 3, 2025, and, after due consideration of all matters, found the Amendment to comply with the pertinent review criteria of the City's LDC and to be consistent with the City's Comprehensive Plan; and

WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to amend LDC Section 405.11 to add the following provisions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

Section 1: Recitals. That the foregoing “**WHEREAS**” clauses are hereby adopted as legislative findings of the City of Miramar Commission and are hereby ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2: Findings: That the City Commission of the City of Miramar, Florida, hereby finds the proposed Amendment to the Land Development Code of the City’s Land Development Code at Section 405.11, entitled “Hotels, Motels, Timeshares, Bed & Breakfast, Vacation Rentals, Short Term Rentals, Live-work, Micro-units,” for the amendment of the text for the general liability insurance coverage requirements for vacation rentals, to comply with the applicable standards of the City’s Land Development Code for the review of text amendments, and to be consistent with the City’s Comprehensive Plan.

Section 3: Adoption: That the City Commission of the City of Miramar, Florida, hereby passes and adopts the Ordinance enacting the proposed Amendment to the City’s Land Development Code, as incorporated herein.

Section 4: That Section 405.11 entitled, “Hotels, Motels, Timeshares, Bed & Breakfast, Vacation Rentals, Short Term Rentals, Live-work, Micro-units,” of Chapter 4, entitled, “Zoning,” of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

* * *

405.11.2 Bed & Breakfast Short-Term Rentals.

Vacation Rentals, shall be subject to the following rules and standards:

- e. Units must have commercial general liability insurance coverage. Coverage shall include, as a minimum: (i) premises operations, (ii) personal injury liability, (iii) property damage, and (iv) expanded definition of property damage. ~~The minimum limits acceptable shall be not less than \$2,000,000 per occurrence for bodily injury or death of one or more persons and not less than \$300,000 per occurrence for property damage in the aggregate. The use of an excess/umbrella liability policy to achieve the limits required by this paragraph will be acceptable as long as the terms and conditions of the excess/umbrella policy are no less restrictive than the underlying commercial general liability policy. No primary policy shall have a deductible of more than \$25,000, and the excess/umbrella policy shall provide insurance for any loss or damage over the maximum limits of the primary policy. Insurance shall not be claims made insurance. Insurance shall be rated as A or better with a financial quality rating of at least VI or better according to Best's Rating Guide.~~ All insurance policies shall be issued by insurance companies licensed to do business by the Florida Insurance Commissioner. Copies of the policies must be presented upon demand to the city to assure compliance with this section;

* * *

Section 5: Repeal. That all sections or parts of sections of the LDC of the City, all Ordinances and part of Ordinances, all Resolutions or parts of Resolutions determined by a court of law to be inconsistent or in conflict with this Ordinance are hereby repealed.

Section 6: Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. In the event of a subsequent change in applicable law, so the provision which had been held invalid is no longer invalid, the provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding under this Ordinance.

Section 7: Interpretation. That it is the intention of the City Commission, and it is hereby ordained, that the provisions and revisions of this Ordinance shall become and

be made a part of the Code of the City of Miramar; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word. That in interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Amendments made to the Ordinance on second reading are double underlined. Asterisks (* * *) indicate a deletion from the Ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and do not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

Section 8: Scrivener's Error. The City Attorney is hereby authorized to correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk.

Section 9: Codification. That it is the intention of the City Commission of the City of Miramar that that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miramar, Florida. The sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Article," "Division," or "Section," or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Temp. Ord. No. 1850

7/1/25

7/3/25

PASSED FIRST READING: July 9, 2025

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Wayne M. Messam

Vice Mayor, Yvette Colbourne

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this ORDINANCE as to form:

City Attorney
Austin Pamies Norris Weeks Powell, PLLC

Requested by Administration

Commissioner Maxwell B. Chambers

Commissioner Avril Cherasard

Vice Mayor Yvette Colbourne

Commissioner Carson Edwards

Mayor Wayne M. Messam

Voted
