



**COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission

FROM: Commissioner Alex Fernandez

DATE: November 20, 2024

TITLE: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO DISCUSS, AS APPLICABLE TO ZONING INCENTIVES FOR NON-TRANSIENT, LONG-TERM RESIDENTIAL DEVELOPMENT, ESTABLISHING A POLICY THAT, WHENEVER A COVENANT RESTRICTING TRANSIENT USES ON A PROPERTY IS SUBMITTED AS A CONDITION OF ELIGIBILITY FOR RESIDENTIAL ZONING INCENTIVES, THAT THE COVENANT SHALL REQUIRE A 6/7TH SUPERMAJORITY VOTE OF THE ENTIRE CITY COMMISSION BEFORE THE COVENANT MAY BE RELEASED OR AMENDED IN SUCH A MANNER AS TO WEAKEN A RESTRICTION ON THE TRANSIENT USE OF THE PROPERTY.

**RECOMMENDATION**

Please place the above item on the November 20, 2024 City Commission meeting agenda as a referral to the Land Use and Sustainability Committee (LUSC).

In recent years, a number of zoning incentives have been considered and/or adopted by the City Commission to encourage non-transient, long-term residential development. As a condition of eligibility for these incentives, which are voluntary in nature, the property owner is required to record a declaration of restrictive covenants, restricting future transient uses on the property. Several of these incentives have been in the form of voluntary FAR incentives approved by the City's voters or adopted by a 6/7th vote of the City Commission. The main purpose of the incentives is to encourage long-term residential development. Accordingly, any release of a covenant tied to the incentives should require a 6/7th supermajority vote of the City Commission.

I would like the LUSC to discuss adopting a policy that, whenever a covenant restricting transient uses on the property is submitted as a condition of eligibility for residential zoning incentives, the covenant should require a 6/7th supermajority vote of the entire City Commission before the covenant may be released or amended in such a manner as to weaken a restriction on transient use. Following review and a recommendation by LUSC, I intend to sponsor a referral of an LDR amendment to the Planning Board.

**BACKGROUND/HISTORY**

**ANALYSIS**

**FISCAL IMPACT STATEMENT**

n/a

**Does this Ordinance require a Business Impact Estimate?**  
(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-notices/>

**FINANCIAL INFORMATION**

**CONCLUSION**

**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**

Office of Commissioner Alex Fernandez

**Sponsor(s)**

Commissioner Alex Fernandez

**Co-sponsor(s)**

**Condensed Title**

Ref: LUSC - Require 6/7th Vote to Release Transient Use Covenants. (Fernandez)