

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: May 21, 2025 10:20 a.m. First Reading Public Hearing

TITLE: VOTING REQUIREMENTS FOR THE RELEASE OF COVENANTS REQUIRING NON-TRANSIENT USES  
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE I, ENTITLED "GENERAL TO ALL ZONING DISTRICTS," BY CREATING SECTION 7.1.12 THEREOF, ENTITLED "AMENDMENT OR RELEASE OF COVENANTS RESTRICTING TRANSIENT USES SUBMITTED BY PROPERTY OWNERS," TO ESTABLISH A MINIMUM VOTING THRESHOLD FOR THE RELEASE OF A COVENANT RESTRICTING TRANSIENT USES; 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 July 23, 2025.

### **BACKGROUND/HISTORY**

On November 20, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred a discussion pertaining to voting requirements for the release of future covenants regulating non-transient residential uses (C4 R) to the Land Use and Sustainability Committee (LUSC). On January 16, 2025, the LUSC recommended that the City Commission refer an amendment to the Land Development Regulations of the City Code (LDRs) to the Planning Board.

On February 26, 2025, at the request of Commissioner Alex Fernandez, the City Commission referred the proposed ordinance to the Planning Board (C4 F). Commissioner Joseph Magazine is a co-sponsor.

### **ANALYSIS**

On November 20, 2024, the City Commission adopted a residential use incentive ordinance, which amended Chapter 7, Article I of the LDRs. Specifically, Section 7.1.11, which is applicable to all zoning districts in the city where non-transient residential uses may be incentivized, was created, inclusive of the following regarding a future release of the covenant:

*The covenant shall expressly provide that an affirmative vote of six-sevenths of all members of the city commission shall be required in order to release the covenant or to modify the covenant in such a manner as to impose a less stringent restriction after it is executed.*

To apply this provision to all future covenants that require non-transient residential uses, the attached draft ordinance includes a separate, new section under Chapter 7, Article I. This new

section provides that in all instances where a restrictive covenant governing transient uses is recorded, an affirmative vote of six-sevenths of all members of the city commission shall be required to release or modify the covenant after it is executed.

### **PLANNING BOARD REVIEW**

On April 8, 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

**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 July 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 Joseph Magazine

Commissioner David Suarez

**Condensed Title**

10:20 a.m. 1st Rdg PH, Voting Requirements for Release of Covenants Require Non-Transient Uses. (AF/JM/DS) PL 5/7

**Previous Action (For City Clerk Use Only)**