

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RELATING TO ZONING INCENTIVES FOR NON-TRANSIENT, LONG-TERM RESIDENTIAL DEVELOPMENT; AND 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 SHOULD REQUIRE A 6/7THS 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.

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, several of these incentives have been in the form of voluntary FAR incentives approved by the City's voters or adopted by a 6/7ths vote of the City Commission; and

WHEREAS, 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 6/7ths supermajority vote of the City Commission; and

WHEREAS, the City Commission now desires to adopt a policy that, whenever a covenant restricting transient uses on the property is submitted as a condition of eligibility for residential zoning incentives, that the covenant should require a 6/7ths 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.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, as it relates to zoning incentives for non-transient, long-term residential development, that the City Commission hereby establishes 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 should require a 6/7ths supermajority vote of the entire City Commission in order to release the covenant or amend the covenant in such a manner as to weaken a restriction on the transient use of the property.

PASSED AND ADOPTED this _____ day of _____ 2024.

ATTEST:

Rafael E. Granado, City Clerk

(Sponsored by Vice-Mayor Alex J. Fernandez)

Steven Meiner, Mayor

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney NK Date 10/22/2024