

R5 O 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.

Applicable Area:

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-notices/>

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)

Voting Requirements for the Release of Covenants Restricting Transient Uses

ORDINANCE NO. _____

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.

WHEREAS, the proliferation of transient uses, including the transient use of residential property, may exacerbate housing affordability issues by reducing the availability of traditional rental housing options for families and individuals, including the City's workforce; and

WHEREAS, new development incentives for non-transient residential development in the City of Miami Beach are intended to promote housing development and implement more equitable and comprehensive housing policies; and

WHEREAS, these policies prioritize the well-being and economic stability of all residents; and

WHEREAS, the City Commission has adopted incentives for non-transient, residential development that are conditioned on a property owner's voluntary proffer to abandon existing transient uses and prohibit future transient uses on a property; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 7, entitled "Zoning District Regulations," Article I, entitled "General to All Zoning Districts," is hereby amended as follows:

CHAPTER 7

ZONING DISTRICTS AND REGULATIONS

ARTICLE I. GENERAL TO ALL ZONING DISTRICTS

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7.1.12 Amendment or release of covenants restricting transient uses submitted by property owners.

- a. Legislative intent. The City Commission has adopted and may, from time to time, adopt future voluntary zoning incentives to encourage non-transient residential development, subject to a property owner's agreement to strictly comply with certain conditions. These conditions may include, without limitation, the recording of a declaration of restrictive covenants, in a form approved by the City Attorney, requiring the abandonment of existing transient uses on the property, as well as a prohibition of future transient uses on the property. At a minimum, these declarations provide that throughout the property and at all times, no residential units on the property shall be leased or rented for a period of less than six months and one day, and that no transient uses including, but not limited to, bed & breakfast inn, hostel, hotel, apartment hotel, suite hotel, or rooming house shall be permitted on the property. For purposes of this section, each such covenant shall be referred to as a "non-transient use covenant." This section is intended to implement additional safeguards to ensure the use of the property remains consistent with the purpose of the zoning incentives.
- b. Amendment or release of restrictive covenants. In all instances where a property owner(s), as a condition of eligibility for an applicable non-transient residential zoning incentive, is required to record a non-transient use 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.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2025.

ATTEST:

Rafael E. Granado, City Clerk

Steven Meiner, Mayor

First Reading: May 21, 2025
Second Reading: July 23, 2025

APPROVED AS TO
FORM AND LANGUAGE
AND FOR EXECUTION

Verified by: _____
Thomas R. Mooney, AICP
Planning Director



City Attorney NK

5/8/2025
Date