

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Kristen Rosen Gonzalez
DATE: January 20, 2022

SUBJECT: REFERRAL TO THE NEIGHBORHOOD AND QUALITY OF LIFE COMMITTEE TO DISCUSS A CHARTER AMENDED RELATING TO CHARTER SECTION 1.03(C) TO CLOSE A "LOOPHOLE" IN THE LAW THAT ALLOWS THE TRANSFER OF FLOOR AREA RATIO (FAR) TO DEVELOPMENT PROJECTS WITHOUT THE APPROVAL OF THE ELECTORATE.

ANALYSIS

Referral to the Neighborhood and Quality of Life Committee to discuss a Charter amended relating to Charter Section 1.03(c) to close a "loophole" in the law that allows the transfer of Floor Area Ratio (FAR) to development projects without the approval of the electorate.

Over the past several years, City streets, alleys, and properties have been used as a mechanism to transfer Floor Area Ratio (FAR) density to different development projects across the City, without first being approved by the Miami Beach electorate. The underlined language below would close a "loophole" in the law and ensure that all projects comply with density protections already existing in the Miami Beach Charter. This change could be placed on the ballot as early as August or November of 2022.

Miami Beach Charter Section 1.03(c)

The floor area ratio of any property or street end within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zoned floor area ratio as it exists on the date of adoption of this Charter Amendment [November 7, 2001], including any limitations on floor area ratios which are in effect by virtue of development agreements through the full term of such agreements, unless any such increase in zoned floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach. The provision shall not preclude or otherwise affect the division of lots, or the aggregation of development rights on unified abutting parcels, as may be permitted by ordinance, except that all or a portion of any street, alley, right-of-way, or any publicly owned property, may not be vacated, deeded, or otherwise conveyed, if it has the effect of adding floor area to any abutting property, unless first approved by a vote of the electors of the City of Miami Beach. In addition, this provision shall not apply to settlements of any claims the City has notice of as of December 10, 2003. This Charter Amendment shall become effective on the day after its approval by the voters of the City of Miami Beach. No rights in derogation of the provisions of this Amendment under any ordinance or any other action of the Miami Beach City Commission between the time this measure is approved by the Miami Beach City Commission for placement on a ballot and the adoption of this Amendment shall be enforced against the City of Miami Beach.

SUPPORTING SURVEY DATA

N/A

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Commissioner Kristen Rosen Gonzalez