

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR AN AUGUST 23, 2022 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY CHARTER SECTION 1.03(c) SHOULD BE AMENDED TO REQUIRE VOTER APPROVAL TO AGGREGATE FLOOR AREA OF UNIFIED ABUTTING PARCELS (ADJACENT PROPERTIES TOUCHING/NOT SEPARATED BY A LOT UNDER DIFFERENT OWNERSHIP) ARISING FROM VACATING A STREET OR OTHER SALE/CONVEYANCE OF PUBLIC PROPERTY.

BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, August 23, 2022, for the purpose of submitting to the electorate the question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated.

SECTION 3.

That the said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts as determined by the Miami-Dade County Election Officials.¹

¹ Pursuant to City Code section 38-3(b): "The City Clerk shall further publish, in a newspaper meeting the requirements set forth in Florida Statute § 50.031 and on the City's website, the

SECTION 4.

Notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 5.

The Notice of Election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 23rd DAY OF AUGUST, 2022, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

Charter Section 1.03(c):
Voter Approval to Aggregate Floor Area
When Vacating Streets/Conveying Public Property

Charter Section 1.03(c) requires voter approval before increasing a property's "floor area ratio" (how City regulates building size).

The Charter has been interpreted to not require voter approval to aggregate (combine) the floor area of unified abutting parcels (adjacent properties touching/not separated by a lot under different ownership) arising from vacating a street or other sale/conveyance of public property.

Shall the Charter be amended to require voter approval of such floor area aggregations?

Yes _____

No _____

Said Notice shall further set forth pertinent information regarding eligibility of electors to participate in said elections.

_____ polling places for the election twice, once in the third week and once in the first week prior to the week in which the election is to be held."

SECTION 6.

That the official ballot to be used in the Special Election to be held on August 23, 2022 hereby called, shall be in substantially the following form, to-wit:

"OFFICIAL BALLOT"

Charter Section 1.03(c): Voter Approval to Aggregate Floor Area When Vacating Streets/Conveying Public Property

Charter Section 1.03(c) requires voter approval before increasing a property's "*floor area ratio*" (how City regulates building size).

The Charter has been interpreted to not require voter approval to aggregate (combine) the *floor area* of unified abutting parcels (adjacent properties touching/not separated by a lot under different ownership) arising from vacating a street or other sale/conveyance of public property.

Shall the Charter be amended to require voter approval of such floor area aggregations?

Yes _____
No _____

SECTION 7.

The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

SECTION 8.

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for this Special Election until 5:00 p.m. on July 25, 2022. All persons eligible to vote at this Special Election must be registered before the time and date set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for

properly filling out the registration form and returning it to the Miami-Dade County Elections Department. All questions concerning voter registration should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87th Avenue, Miami, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 9.

That voters participating via a Vote-by-Mail ballot in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to such voting. All questions concerning Vote-by-Mail ballots should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87th Avenue, Miami, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 10.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 11.

That if the Charter Amendment provided for in Sections 5 and 6 above shall be approved by a majority of the qualified electors of the City voting on the subject Charter Amendment, it shall be considered adopted and effective upon the City Commission's acceptance of certification of final election results.

SECTION 12.

Upon the Charter Amendment's approval by a majority of the qualified electors of the City voting on such measure in the election and the City Commission's acceptance of certification of final election returns, the City Clerk is hereby directed to have the subject Charter amendment incorporated into the City Charter, file such Amendment with the Clerk of the Circuit Court and file the revised Charter with the Department of State.

SECTION 13.

If any section, sentence, clause or phrase of this Resolution or of the ballot measure or the Charter Amendment set forth herein is held to be invalid or unconstitutional by any court of

competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said Resolution, ballot measure or Charter Amendment.

SECTION 14.

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this _____ day of _____, 2022.

ATTEST:

DAN GELBER
MAYOR

RAFAEL E. GRANADO
CITY CLERK

(Requested by Commissioner Kristen Rosen Gonzalez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *PAZ* 5-3-22
Date

AUGUST 23, 2022 CITY OF MIAMI BEACH SPECIAL ELECTION:
CITY CHARTER SECTION 1.03(c)--
BALLOT QUESTION AND PROPOSED AMENDED CITY CHARTER TEXT

I. BALLOT QUESTION:

Charter Section 1.03(c):
Voter Approval to Aggregate Floor Area
When Vacating Streets/Conveying Public Property

Charter Section 1.03(c) requires voter approval before increasing a property's "*floor area ratio*" (how City regulates building size).

The Charter has been interpreted to not require voter approval to aggregate (combine) the *floor area* of unified abutting parcels (adjacent properties touching/not separated by a lot under different ownership) arising from vacating a street or other sale/conveyance of public property.

Shall the Charter be amended to require voter approval of such floor area aggregations?

Yes _____
No _____

II. PROPOSED AMENDED CITY CHARTER TEXT:

Sec. 1.03. Powers of City.

- (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 public property, may not be vacated, deeded, or otherwise sold or conveyed, if it has the effect of aggregating the floor area of any unified abutting parcels, unless such aggregation of floor area is first approved by a vote of the electors of the City of Miami Beach. ...

*

*

*