

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 8, 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 SHALL INCREASE FAR FROM 1.0 TO 2.0 IN 1<sup>ST</sup> STREET OVERLAY LOCATED EAST SIDE OF WASHINGTON AVENUE BETWEEN 1<sup>ST</sup> AND 2<sup>ND</sup> STREETS, WITH FAR INCENTIVE FROM 2.0 TO 2.7 FOR REDEVELOPMENTS THAT INCLUDE RESIDENTIAL OR OFFICE USES, AND PROHIBIT HOTELS AND SHORT-TERM RENTALS.

NOW, THEREFORE, 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, November 8, 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.<sup>1</sup>

**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 8th DAY OF NOVEMBER, 2022, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

**FAR Incentive for Residential and Office Uses  
on Washington Avenue Between 1st and 2nd Street**

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

**FAR in 1<sup>st</sup> Street Overlay (located east side of Washington Avenue between 1<sup>st</sup> and 2<sup>nd</sup> Streets) is 1.0, although previously FAR was 2.0.**

---

<sup>1</sup> 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 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."

**Shall City increase FAR from 1.0 to 2.0 in 1<sup>st</sup> Street Overlay, with FAR incentive from 2.0 to 2.7 for redevelopments that include residential or office uses, and prohibit hotels and short-term rentals?**

Yes \_\_\_\_\_  
No \_\_\_\_\_

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

**SECTION 6.**

That the official ballot to be used in the Special Election to be held on November 8, 2022, hereby called, shall be in substantially the following form, to-wit:

**“OFFICIAL BALLOT”**

**FAR Incentive for Residential and Office Uses  
on Washington Avenue Between 1st and 2nd Street**

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

**FAR in 1<sup>st</sup> Street Overlay (located east side of Washington Avenue between 1<sup>st</sup> and 2<sup>nd</sup> Streets) is 1.0, although previously FAR was 2.0.**

**Shall City increase FAR from 1.0 to 2.0 in 1<sup>st</sup> Street Overlay, with FAR incentive from 2.0 to 2.7 for redevelopments that include residential or office uses, and prohibit hotels and short-term rentals?**

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 and Runoff Elections 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 the Special Election until 5:00 p.m. on Tuesday, October 11, 2022. All persons eligible to vote at the Elections must be registered before the times and dates 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. 87<sup>th</sup> 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. 87<sup>th</sup> 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 proposal 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 proposal, it shall be considered adopted and effective upon the City Commission's acceptance of certification of final election results.

**SECTION 12.**

If any section, sentence, clause or phrase of this Resolution or of the ballot measure or the City Code 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 City Code Amendment.

**SECTION 13.**

This Resolution shall be effective immediately upon its passage.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

\_\_\_\_\_  
RAFAEL E. GRANADO, CITY CLERK

(Sponsored by Commissioner Alex J. Fernandez)

\_\_\_\_\_  
DAN GELBER, MAYOR

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION



\_\_\_\_\_  
City Attorney

7-11-22

\_\_\_\_\_  
Date

**BALLOT QUESTION AND PROPOSED AMENDED CITY CODE TEXT  
NOVEMBER 8, 2022 SPECIAL ELECTION**

---

**I. BALLOT QUESTION:**

**FAR Incentive for Residential and Office Uses  
on Washington Avenue Between 1st and 2nd Street**

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

FAR in 1<sup>st</sup> Street Overlay (located east side of Washington Avenue between 1<sup>st</sup> and 2<sup>nd</sup> Streets) is 1.0, although previously FAR was 2.0.

Shall City increase FAR from 1.0 to 2.0 in 1<sup>st</sup> Street Overlay, with FAR incentive from 2.0 to 2.7 for redevelopments that include residential or office uses, and prohibit hotels and short-term rentals?

Yes \_\_\_\_\_

No \_\_\_\_\_

**II. DRAFT PROPOSED AMENDED CITY CODE TEXT:**

**Final Ordinance is subject to revision as part of the legislative process, including review/approval by the Planning Board and City Commission (following two readings).**

## CREATION OF FIRST STREET OVERLAY REDEVELOPMENT INCENTIVE

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," BY AMENDING BY AMENDING SECTION 142.699.1, ENTITLED "FIRST STREET OVERLAY" TO CREATE A FLOOR AREA RATIO INCREASE LIMITED TO REDEVELOPMENTS THAT INCLUDE AN OFFICE OR RESIDENTIAL USES WITHIN A NEW FIRST STREET OVERLAY; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

**WHEREAS**, since early 2022, the Mayor and City Commission have adopted a variety of legislation to establish incentives for the purpose of diversifying the City's economy; and

**WHEREAS**, the City is experiencing a record demand for Class A office and residential uses throughout the City; and

**WHEREAS**, the City is desirous of creating development incentives that induce the development of Class A office and residential use throughout the City; and

**WHEREAS**, the City is desirous of promoting a live, work, and play in the same neighborhood philosophy throughout the City, while protecting the residential areas to the south of Fourth Street from the potential negative impacts; and

**WHEREAS**, the City is desirous of creating incentives for the removal of potentially noxious transient uses such as entertainment, hotel, and short-term rentals from residential neighborhoods; and

**WHEREAS**, the South of Fifth neighborhood could benefit from the construction of additional Class A office space and residential uses and the removal of transient uses from the neighborhood; and

**WHEREAS**, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety, and general welfare of its citizens.

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



**SECTION 1.**

Chapter 142, "Zoning Districts and Regulations," Article II, "Districts Regulations" is hereby amended as follows:

**CHAPTER 142 - ZONING DISTRICTS AND REGULATIONS**  
**ARTICLE II - DISTRICT REGULATIONS**  
**DIVISION 18 - PS PERFORMANCE STANDARD DISTRICT**

\* \* \*

**Sec. 142.699.1 – First Street Overlay**

- (a) The following regulations shall apply to properties that front Washington Avenue on the east side between 1<sup>st</sup> Street and 2<sup>nd</sup> Street. In the event of a conflict within this division, the criteria below shall apply:
- (1) The purpose of these regulations is to (1) sustain and enhance existing office uses in this overlay, to (2) induce the construction of new office and residential uses in this overlay and (3) provide incentives for the removal of transient uses.
  - (2) The maximum floor area ratio shall be a base of 2.0 for the properties within the overlay with a 0.7 additional floor area ratio available for redevelopments that include an office or residential use. The 0.7 of additional floor area available shall be used exclusively for either office or residential use. In order to be eligible for the base FAR of 2.0 with an additional 0.7 available for office or residential uses, owner agrees to voluntarily prohibit hotel and short-term rentals within the property.

**SECTION 3. REPEALER.**

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

**SECTION 4. 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 5. SEVERABILITY.**

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

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

\_\_\_\_\_  
DAN GELBER, MAYOR

\_\_\_\_\_  
RAFAEL E. GRANADO, CITY CLERK

First Reading:

Second Reading:

(Sponsored by Commissioner Alex Fernandez)

Verified by: \_\_\_\_\_

Thomas R. Mooney, AICP  
Planning Director