MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission
City Manager Alina T. Hudak

FROM: Rafael A. Paz, City Attorney

DATE: July 20, 2022

SUBJECT: 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 THE CITY SHALL INCREASE FLOOR AREA RATIO ("FAR") FROM 2.25 TO 3.0 IN THE NORTH BEACH OCEANSIDE RESORT OVERLAY DISTRICT (OCEANFRONT PROPERTIES FROM 6605 – 6757 COLLINS AVENUE), WHERE NOT ALREADY PERMITTED, AND FROM 3.0 TO 4.5 FOR PROJECTS INCLUDING A HOTEL (WITH A MINIMUM OF 150 ROOMS), A MINIMUM LOT SIZE OF 150,000 SQUARE FEET, 50% REDUCTION FROM THE MAXIMUM ZONED DENSITY, WITH OWNER TO PROVIDE A PUBLIC RECREATIONAL FACILITY AND BEACH ACCESS.

Pursuant to the request of Mayor Dan Gelber, the attached Resolution has been prepared calling for a City of Miami Beach Special Election to be held on November 8, 2022 for the purpose of submitting to the City's voters the following question:

North Beach Oceanside Resort Overlay District (the "Overlay")
Floor Area Ratio ("FAR") Increase

Floor area ratio ("FAR") regulates building size. Under the City Charter, FAR increases require voter approval.

Shall City increase FAR in Overlay (oceanfront properties from 6605-6757 Collins Avenue) from 2.25 to 3.0, where not already permitted, and provide FAR incentive from 3.0 to 4.5 for projects meeting following criteria:

- **hotel with minimum 150 rooms,**
- **150,000 square feet minimum lot size,**
- **50% reduction from maximum density,**
- **owner provides public recreational facility and beach access?**

Section 1.03(c) of the City Charter provides in pertinent part that 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] ... 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 North Beach Oceanside Resort Overlay District ("Overlay") has been proposed for oceanfront properties from 6605-6757 Collins Avenue. These properties are located within the RM-3 Residential multifamily, high intensity zoning district. Currently, the maximum zoned floor area ratio ("FAR") in the RM-3 district is 2.25 for properties equal to or less than 45,000 square feet and 3.0 for oceanfront lots greater than 45,000 square feet.

This ballot question asks the City's voters whether the City shall increase the maximum FAR for the Overlay from 2.25 to 3.0, where 3.0 is not already permitted; and provide an FAR incentive from 3.0 to 4.5 for projects meeting the following criteria:

1. A hotel with a minimum of 150 rooms,
2. Minimum lot size of 150,000 square feet,
3. 50% reduction from maximum density, and
4. The owner provides a public recreational facility and beach access.

Because the measure contemplates an increase in zoned FAR, the approval of the City's voters is required pursuant to Sec. 1.03(c) of the City Charter.

Ordinances amending the Land Development Regulations and Comprehensive Plan, respectively, have been placed on the July 20, 2022 City Commission meeting agenda for First Reading. If the ballot question is approved by the voters on November 8, 2022, the Ordinances will be placed on the first available City Commission meeting agenda for Second Reading.

The Miami-Dade County Elections Department has informed the City Clerk that the City's Resolution calling a November 8, 2022 Special Election must be provided to the County Elections Department by July 29, 2022. Accordingly, it should be noted that the proposed measure may be considered by the City Commission either at the July 20, 2022 City Commission meeting or, at the latest, the Special Meeting scheduled for July 25, 2022.

FISCAL IMPACT STATEMENT

The Miami-Dade County Elections Department has provided the City Clerk with an estimate of approximately $28,559.85 (Cost Estimate for One Page Ballot) and $56,217.70 (Cost Estimate in the Scenario Multiple Questions Triggers an Additional Page) to conduct the November 8, 2022 Special Election, which includes the costs associated with 14 days of Early Voting. (See Department of Election Estimates.) Additionally, the City will incur approximately $42,000 in legally mandated advertisements, required by the Florida Statutes and the City Code, to notice this Special Election.

Amount(s)/Account(s):

$28,559.85 - Estimate 1-page ballot (Scenario 1)

$56,217.70 - Estimate 2-page ballot (Scenario 2)

$42,000.00 - Estimate of Legally Mandated Advertisements for Special Election (Charter Amendments/Ballot Questions)

Maximum Estimated Amount: $98,217.70

Account: 011-9322-000312-90-400-592-00-00-00

RAP/ag

ESTIMATE

City of Miami Beach - Piggyback Election - November 8, 2022

Rafael E. Granado, City Clerk
City of Miami Beach
1700 Convention Center Dr., #200
Miami Beach, FL 33139

Estimate N°: MBEACH(2)-PB-11082022
Estimate Date: June 21, 2022

Registered Voters:	50,287	Early Voting Days:
Precincts:	29	Early Voting Sites:
Polling Places:	24	
Permanent Absentee Ballots:	14,792	

Personnel
Salaries & Fringe Benefits, Overtime, Poll Workers
$ -

Polling Places
Security, Polling Place Rentals
-

Supplies and Services
Election Supplies, Communication Charges, Absentee Ballots Set Up
-

Trucks and Vehicles
Truck Rentals, GSA Vehicles
-

Printing and Advertising
Absentee, Early Voting & Precinct Ballots, Temporary Polling Place Change Notices, Newspaper Ads
25,143.50

Postage
Absentee Ballots Sent and Business Reply, Temporary Polling Place Change Notices, Letters
-

Ballot Creation
In-House & Outside Contractual Services, Translations - Based on one question
820.00

Administrative Overhead
Indirect Costs, Logic & Accuracy, Post-Election Audits
2,596.35

*TOTAL $ 28,559.85

* Please note these costs are estimates and are subject to change. This estimate does include the cost of ballot printing; however, if your question(s)/race(s) creates an <u>additional ballot page,</u> the cost will be adjusted accordingly.

For more information, you may contact:

Raimundo Delgado
Manager, Budget and Finance
Miami-Dade Elections Department
2700 NW 87 Avenue
Miami, Florida 33172

Office: 305-499-8424 E-mail: raimundo.delgado@miamidade.gov

ESTIMATE

City of Miami Beach - Piggyback Election - November 8, 2022 w/ additional page

Rafael E. Granado, City Clerk		Estimate N°:	MB-(2)-PB-110822
City of Miami Beach		Estimate Date:	June 17, 2022
1700 Convention Center Dr., #200			
Miami Beach, FL 33139			

Registered Voters:	50,287	**Early Voting Days:**	
Precincts:	29	**Early Voting Sites:**	
Polling Places:	24		
Permanent Absentee Ballots:	14,792		

Personnel *Salaries & Fringe Benefits, Overtime, Poll Workers*	$ -
Polling Places *Security, Polling Place Rentals*	-
Supplies and Services *Election Supplies, Communication Charges, Absentee Ballots Set Up*	-
Trucks and Vehicles *Truck Rentals, GSA Vehicles*	-
Printing and Advertising *Absentee, Early Voting & Precinct Ballots, Temporary Polling Place Change Notices, Newspaper Ads*	50,287.00
Postage *Absentee Ballots Sent and Business Reply, Temporary Polling Place Change Notices, Letters*	-
Ballot Creation *In-House & Outside Contractual Services, Translations - Based on one question*	820.00
Administrative Overhead *Indirect Costs, Logic & Accuracy, Post-Election Audits*	5,110.70
***TOTAL**	$ 56,217.70

* *Please note these costs are estimates and are subject to change. This estimate does include the cost of ballot printing; however, if your question(s)/race(s) creates an additional ballot page, the cost will be adjusted accordingly.*

For more information, you may contact:

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