

MIAMI BEACH

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, FOR REDEVELOPMENTS ALONG OCEAN DRIVE AND EAST SIDE OF COLLINS AVENUE, BETWEEN 5TH AND 16TH STREETS, CITY SHALL INCREASE FAR FROM 2.0 TO 3.5, WITH MAXIMUM FAR OF 4.5 FOR UNIFIED LOTS EXCEEDING 35,000 SQUARE FEET, ONLY FOR PROPERTY OWNERS THAT PROHIBIT ALCOHOL SALES AFTER MIDNIGHT, OUTDOOR ENTERTAINMENT, SHORT-TERM RENTALS, WITH DESIGN/OPERATIONAL CRITERIA ESTABLISHED BY ORDINANCE.

Pursuant to the request of Commissioner David Richardson, the sponsor of this Resolution, the proposed Resolution with a revised ballot question 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:

**FAR Incentive for Redevelopments
on Collins Avenue and Ocean Drive, between 5th and 16th Streets**

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

For redevelopments along Ocean Drive and east side of Collins Avenue, between 5th and 16th Streets, shall City increase FAR from 2.0 to 3.5, with maximum FAR of 4.5 for unified lots exceeding 35,000 square feet, only for property owners that prohibit:

- alcohol sales after midnight,
- outdoor entertainment,
- short-term rentals,

with design/operational criteria established by Ordinance?

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.”

Currently, the maximum zoned floor area ratio (“FAR”) in the MXE Mixed Use Entertainment district is 2.0. This ballot question asks whether the City shall increase FAR from 2.0 to 3.5 for redevelopments along Ocean Drive and the east side of Collins Avenue, between 5th and 16th Streets, with a maximum of 4.5 for unified lots exceeding 35,000 square feet. In all cases, the additional FAR incentive would only be available to property owners that agree to completely prohibit the following:

- (a) alcohol sales after midnight;
- (b) outdoor entertainment; and
- (c) short-term rentals.

The ballot question provides that additional design and operational criteria may be established by the City Commission by Ordinance.

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. A draft of the proposed Ordinance is attached to this memorandum. The Ordinance includes draft overlay regulations, and proposed incentives through the approval of individual Special Development Plans (SDPs) by the City Commission. Importantly, the approval of an SDP shall not supersede Certificate of Appropriateness review, which is required under Chapter 118, Article X of the Land Development Regulations (i.e. individual development applications will require the review and approval of the Historic Preservation Board). The attached Ordinance is subject to revision and, if the ballot question is approved by the voters, the Ordinance will require the review of the Planning Board and approval, following two readings, by the City Commission.

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	\$	-
<i>Salaries & Fringe Benefits, Overtime, Poll Workers</i>		
Polling Places		-
<i>Security, Polling Place Rentals</i>		
Supplies and Services		-
<i>Election Supplies, Communication Charges, Absentee Ballots Set Up</i>		
Trucks and Vehicles		-
<i>Truck Rentals, GSA Vehicles</i>		
Printing and Advertising		25,143.50
<i>Absentee, Early Voting & Precinct Ballots, Temporary Polling Place Change Notices, Newspaper Ads</i>		
Postage		-
<i>Absentee Ballots Sent and Business Reply, Temporary Polling Place Change Notices, Letters</i>		
Ballot Creation		820.00
<i>In-House & Outside Contractual Services, Translations - Based on one question</i>		
Administrative Overhead		2,596.35
<i>Indirect Costs, Logic & Accuracy, Post-Election Audits</i>		
	*TOTAL	<u>\$ 28,559.85</u>

* 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:

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
City of Miami Beach
1700 Convention Center Dr., #200
Miami Beach, FL 33139

Estimate N°: MB-(2)-PB-110822
Estimate Date: June 17, 2022

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

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

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