

RESOLUTION NO. 2017-29961

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A NOVEMBER 7, 2017 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA, A QUESTION ASKING WHETHER THE CITY COMMISSION SHOULD ADOPT AN ORDINANCE INCREASING FAR IN THE TOWN CENTER (TC) ZONING DISTRICTS (COLLINS AND DICKENS AVENUES TO INDIAN CREEK DRIVE BETWEEN 69 AND 72 STREETS) TO 3.5 FAR FROM CURRENT FAR OF 2.25 TO 2.75 FOR THE TC-1 DISTRICT; FROM 2.0 FOR THE TC-2 DISTRICT; AND FROM 1.25 FOR THE TC-3 DISTRICT.

WHEREAS, pursuant to Section 1.03(c) of the City Charter, the Floor Area Ratio (FAR) of any property 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 limitation 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; and

WHEREAS, Dover Kohl & Partners were hired to develop the North Beach Master Plan; and

WHEREAS, after many meetings and public outreach a consensus was reached and the Mayor and City Commission accepted the North Beach Master Plan, which proposed both two historic local districts and conservation districts; and

WHEREAS, five big ideas to revitalize the North Beach community emerged as part of the public process: to make a town center; to provide more mobility options; to protect and enhance neighborhoods; to better utilize public lands; and to build to last; and

WHEREAS, as part of the town center concept, the City has already adopted one portion of the North Beach Master Plan by increasing height to 125 feet within the Town Center district; and

WHEREAS, the North Beach Master Plan recommends changing the restrictions to enable larger buildings in the Town Center; and

WHEREAS, the Plan recommends increasing FAR for TC-1, TC-2 AND TC-3, to combine the three districts into one unified "Town Center" (TC) district; and

WHEREAS, the plan proposes to standardize the FAR limits for all lot sizes, in all three districts; and

WHEREAS, in providing uniform FAR of 3.5, the three districts could be consolidated; and

WHEREAS, the North Beach Steering Committee modified the recommendations contained in the North Beach Master Plan as follows: (1) Between Dickens Avenue and Abbott Avenues to expand the TC-1 zoning district boundaries north to 72nd Street to replace the

existing TC-3(c) district boundaries; (2) between Carlyle Avenue / Indian Creek Drive and Harding Avenue to expand the TC-1 zoning district boundaries south to 69th street to replace the existing TC-3 and TC-3(c) boundaries; and (3) as part of this TC-1 expansion, include a minimum required setback from 69th street of at least 50' for building height in excess of 4 stories / 45'

WHEREAS, the North Beach Steering Committee, also recommended that the maximum FAR for any proposed increase within all the TC districts should be 3.5, with added FAR as a bonus.

WHEREAS, the City desires to adhere to the North Beach Master Plan and recommends the following ballot question; and

WHEREAS, the City would like to schedule a vote of the electorate for Tuesday, November 7, 2017, in order for the residents of Miami Beach to vote on whether the floor area ratio ("FAR"), which regulates the overall size of a building, be increased in the Town Center (TC) zoning districts (Collins and Dickens Avenues to Indian Creek Drive between 69 and 72 Streets) to 3.5 FAR from current FAR of 2.25 to 2.75 for the TC-1 district; from 2.0 for the TC-2 district; and from 1.25 for the TC-3 district; and

WHEREAS, the City desires to place the question on the ballot and call a special election.

BE IT 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 7, 2017, 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 Special Election hereby called, with acceptance of the certification of the results of the 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 voting precincts in the City of this 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

SECTION 4.

Not fewer than thirty days 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 NOVEMBER 7, 2017, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

FAR Increase For TC-1, TC-2 and TC-3 to 3.5 FAR

Floor area ratio (FAR) is the measure the City utilizes to regulate the overall size of a building. Should the City adopt an ordinance increasing FAR in the Town Center (TC) zoning districts (Collins and Dickens Avenues to Indian Creek Drive between 69 and 72 Streets) to 3.5 FAR from current FAR of 2.25 to 2.75 for the TC-1 district; from 2.0 for the TC-2 district; and from 1.25 for the TC-3 district?

_____ YES
_____ NO

The Notice shall further set forth pertinent information regarding eligibility of electors to participate in this Election.

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 Statutes § 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."

SECTION 6.

That the official ballot to be used in the Special Election to be held on November 7, 2017, hereby called, shall be in substantially the following form, to wit:

OFFICIAL BALLOT

FAR Increase For TC-1, TC-2 and TC-3 to 3.5 FAR

Floor area ratio (FAR) is the measure the City utilizes to regulate the overall size of a building. Should the City adopt an ordinance increasing FAR in the Town Center (TC) zoning districts (Collins and Dickens Avenues to Indian Creek Drive between 69 and 72 Streets) to 3.5 FAR from current FAR of 2.25 to 2.75 for the TC-1 district; from 2.0 for the TC-2 district; and from 1.25 for the TC-3 district?

_____ 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 Tuesday, October 10, 2017. All persons eligible to vote in 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 NW 87 Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 9.

That voters participating via a Vote-by-Mail ballot in this 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

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.

If any section, sentence, clause or phrase of the ballot measure set forth above in this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then the holding shall in no way affect the validity of the remaining portions of the ballot measure.

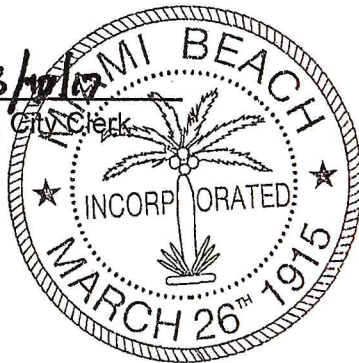
SECTION 12.

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this 26 day of July, 2017.

ATTEST:

781 8/1/17
Rafael E. Granado, City Clerk
8/1/17



[Signature]
Philip Levine, Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Signature]
City Attorney
[Signature]

7/18/17
Date

**BALLOT QUESTION
NOVEMBER 7, 2017 SPECIAL ELECTION**

I. BALLOT QUESTION:

FAR Increase For TC-1, TC-2 and TC-3 to 3.5 FAR

Floor area ratio (FAR) is the measure the City utilizes to regulate the overall size of a building. Should the City adopt an ordinance increasing FAR in the Town Center (TC) zoning districts (Collins and Dickens Avenues to Indian Creek Drive between 69 and 72 Streets) to 3.5 FAR from current FAR of 2.25 to 2.75 for the TC-1 district; from 2.0 for the TC-2 district; and from 1.25 for the TC-3 district?

_____ YES

_____ NO

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Raul J. Aguilá, City Attorney
DATE: July 26, 2017

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A NOVEMBER 7, 2017 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA, A QUESTION ASKING WHETHER THE CITY COMMISSION SHOULD ADOPT AN ORDINANCE INCREASING FAR IN THE TOWN CENTER (TC) ZONING DISTRICTS (COLLINS AND DICKENS AVENUES TO INDIAN CREEK DRIVE BETWEEN 69 AND 72 STREETS) TO 3.5 FAR FROM CURRENT FAR OF 2.25 TO 2.75 FOR THE TC-1 DISTRICT; FROM 2.0 FOR THE TC-2 DISTRICT; AND FROM 1.25 FOR THE TC-3 DISTRICT.

RECOMMENDATION

Please see the attached Resolution and Memorandum.

Legislative Tracking

Office of the City Attorney

Sponsor

Vice-Mayor Ricky Arriola

ATTACHMENTS:

Description

- ☐ Memo
- ☐ Resolution



MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
RAUL J. AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: MAYOR PHILIP LEVINE
MEMBERS OF THE CITY COMMISSION
CITY MANAGER JIMMY MORALES

FROM: RAUL J. AGUILA
CITY ATTORNEY

DATE: July 26, 2017

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A NOVEMBER 7, 2017 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA, A QUESTION ASKING WHETHER THE CITY COMMISSION SHOULD ADOPT AN ORDINANCE INCREASING FAR IN THE TOWN CENTER (TC) ZONING DISTRICTS [COLLINS AND DICKENS AVENUES TO INDIAN CREEK DRIVE BETWEEN 69 AND 72 STREETS] TO 3.5 FAR FROM CURRENT FAR OF 2.25 TO 2.75 FOR THE TC-1 DISTRICT; FROM 2.0 FOR THE TC-2 DISTRICT; AND FROM 1.25 FOR THE TC-3 DISTRICT.

Pursuant to the request of City Commissioner Ricky Arriola, the attached Resolution has been prepared calling for a City of Miami Beach Special Election to be held on November 7, 2017 for the purpose of submitting to the City's voters the following question:

FAR Increase For TC-1, TC-2 and TC-3 to 3.5 FAR

Floor area ratio (FAR) is the measure the City utilizes to regulate the overall size of a building. Should the City adopt an ordinance increasing FAR in the Town Center (TC) zoning districts [Collins and Dickens Avenues to Indian Creek Drive between 69 and 72 Streets] to 3.5 FAR from current FAR of 2.25 to 2.75 for the TC-1 district; from 2.0 for the TC-2 district; and from 1.25 for the TC-3 district?

_____ YES
_____ NO

Memorandum on Ballot Question
FAR Increase for TC Districts
July 26, 2017
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Pursuant to the City Charter Section 1.03(c), the City is required to hold an election and obtain a majority vote of the electorate in order to authorize any increase in the Floor Area Ratio (FAR) of any property.

Based on the foregoing, the City would like to schedule a vote of the electorate for Tuesday, November 7, 2017, in order for the residents of Miami Beach to vote on, in compliance with City Charter Section 1.03(c), whether the City Commission should adopt an ordinance increasing floor area ratio (FAR), which is the measure the city utilizes to regulate the overall size of a building, be increased for the Town Center (TC) zoning districts [Collins and Dickens Avenues to Indian Creek Drive between 69 and 72 Streets] to 3.5 FAR from current FAR of 2.25 to 2.75 for the TC-1 district; from 2.0 for the TC-2 district; and from 1.25 for the TC-3 district?

Finally, pursuant to directive of the Miami-Dade County Elections Department, the final date by which the City may adopt its Resolution placing a ballot measure on the November 7, 2017 ballot is September 7, 2017. Accordingly, this matter is timely presented to the City Commission and adoption of the attached Resolution may take place at today's meeting.

Recommendation: Approve the attached resolution scheduling a special election and placing the question on the ballot.