

**OPTION 2:
CITY ATTORNEY'S REDRAFT OF OPTION 1**

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A SPECIAL ELECTION ON NOVEMBER 8, 2016, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA A QUESTION ASKING WHETHER SECTION 1.03 OF THE CITY CHARTER SHOULD BE AMENDED TO REQUIRE THAT ANY INCREASE IN ZONED BUILDING HEIGHT, EXCEPT FOR VARIANCES NO GREATER THAN THREE FEET AND HEIGHT REGULATION EXCEPTIONS IN CITY CODE SECTION 142-1161, BE SUBJECT TO 6/7^{THS} APPROVAL BY VOTE OF THE CITY COMMISSION.

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, 2016, 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 Miami Beach 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 as set forth in the attached Exhibit "A".¹

SECTION 4.

Not less 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 ("Notice") 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, 2016, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

City Charter Section 1.03
Establish Requirement of 6/7ths Vote
to Approve Increases in Building Height

Should City Charter Section 1.03 be amended to require that any increase in zoned building height, except for variances no greater than three feet and height regulation exceptions in City Code Section 142-1161, be subject to 6/7ths approval by vote of the City Commission?

¹ As of date, the City of Miami Beach has not received from Miami-Dade County Elections Department the final list of polling places for the City's November 8, 2016 Special Election. Accordingly, attached to this Resolution is a list of polling places from the City's March 2016 Special Election, which upon receipt from the County, will be superseded by the Department of Elections' list of polling places for the City's subject November 8, 2016 Special Election, which list of polling places for the City's November 8, 2016 Special Election will be publicly noticed by the City.

_____ YES
_____ NO

Said Notice shall further set forth the several polling places in the election precincts as established in accordance with Section 3 hereof, and shall further set forth pertinent information regarding eligibility of electors to participate in said election.

SECTION 6.

That the official ballot to be used in the Special Election to be held on November 8, 2016, hereby called, shall be in substantially the following form:

OFFICIAL BALLOT

City Charter Section 1.03 **Establish Requirement of 6/7ths Vote** **to Approve Increases in Building Height**

Should City Charter Section 1.03 be amended to require that any increase in zoned building height, except for variances no greater than three feet and height regulation exceptions in City Code Section 142-1161, be subject to 6/7ths approval by vote of the City Commission?

_____ 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 October 11, 2016. 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 Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 87th Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 9.

That the absentee voters participating 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 absentee 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 said holding shall in no way affect the validity of the remaining portions of said ballot measure.

SECTION 12.

This Resolution shall be effective immediately upon its passage.

PASSED and **ADOPTED** this _____ day of _____, 2016.

ATTEST:

Philip Levine
Mayor

Rafael E. Granado
City Clerk

(Sponsored by City Commissioner Kristen Rosen Gonzalez)

City Charter Section 1.03:
PROPOSED BALLOT QUESTION AND AMENDED CITY CHARTER TEXT
NOVEMBER 8, 2016 SPECIAL ELECTION

I. PROPOSED BALLOT QUESTION:

City Charter Section 1.03
Establish Requirement of 6/7ths Vote
to Approve Increases in Building Height

Should City Charter Section 1.03 be amended to require that any increase in zoned building height, except for variances no greater than three feet and height regulation exceptions in City Code Section 142-1161, be subject to 6/7ths approval by vote of the City Commission?

YES
NO

II. PROPOSED CITY CHARTER TEXT:

City Charter Section 1.03

Sec. 1.03. – Powers of city.

* * *

(f) *Maximum building height.* The maximum building height in any zoning district within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zoned maximum building height as it exists on the date of adoption of this charter amendment, except for variances no greater than three feet, and height regulation exceptions in City Code section 142-1161, unless any such increase in maximum building height is enacted by an affirmative vote of six-sevenths of the members of the city commission. This provision shall be effective on the date of its approval by the electors of the City of Miami Beach.