

RESOLUTION NO. 2020-31351

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A NOVEMBER 3, 2020 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA A BALLOT QUESTION ASKING WHETHER THE CITY COMMISSION SHALL ADOPT AN ORDINANCE AUTHORIZING THE RECONSTRUCTION OF ORIGINAL FLOOR PLATES WITHIN THE INTERIOR OF AN HISTORIC BUILDING, AS PART OF THE RESTORATION OF THE BUILDING.

BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, AS FOLLOWS:

**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 3, 2020, 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 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.<sup>1</sup>

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<sup>1</sup> Pursuant to City Code Section 38-3(b), "[t]he 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 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 3, 2020 AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

**Ordinance authorizing reconstruction of original floor plates within interior of historic buildings**

Floor area ratio ("FAR") is used by City to regulate the overall size of a building.

Currently, new floor area cannot be added to the interior of historic buildings that have no available floor area, unless City's voters approve an FAR increase, under Charter Section 1.03(c).

Shall City adopt Ordinance authorizing reconstruction of original interior floor plates as part of restoration of historic buildings, if such floor plates were removed prior to June 4, 1997?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

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

**SECTION 6.**

That the official ballot to be used in the Special Election to be held on November 3, 2020, hereby called, shall be in substantially the following form, to-wit:

**OFFICIAL BALLOT**

**Ordinance authorizing reconstruction of original floor plates within interior of historic buildings**

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Shall City adopt Ordinance authorizing reconstruction of original interior floor plates as part of restoration of historic buildings, if such floor plates were removed prior to June 4, 1997?

\_\_\_\_\_ 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 Monday, October 5, 2020. All persons eligible to vote at 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 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 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. 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.**


If any section, sentence, clause or phrase of this Resolution or 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 Resolution or ballot measure.


**SECTION 12.**

This Resolution shall be effective immediately upon its passage.


**PASSED and ADOPTED** this 29 day of July, 2020.

**ATTEST:**

 7/29/2020  
Rafael E. Granado, City Clerk

  
Mayor Dan Gelber

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

 07/21/2020  
CITY ATTORNEY NK



City Attorney

Date

**NOVEMBER 3, 2020 CITY OF MIAMI BEACH SPECIAL ELECTION:  
BALLOT QUESTION**

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**BALLOT QUESTION:**

**Ordinance authorizing reconstruction of original floor plates within interior of historic buildings**

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Currently, new floor area cannot be added to the interior of historic buildings that have no available floor area, unless City's voters approve an FAR increase, under Charter Section 1.03(c).

Shall City adopt Ordinance authorizing reconstruction of original interior floor plates as part of restoration of historic buildings, if such floor plates were removed prior to June 4, 1997?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: July 29, 2020

SUBJECT: PROPOSED BALLOT MEASURES PERTAINING TO FLOOR AREA RATIO ("FAR") – NOVEMBER 3, 2020 ELECTION

1. RECONSTRUCTION OF ORIGINAL FLOOR PLATES WITHIN CONTRIBUTING BUILDINGS

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A NOVEMBER 3, 2020 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA A BALLOT QUESTION ASKING WHETHER THE CITY COMMISSION SHALL ADOPT AN ORDINANCE AUTHORIZING THE RECONSTRUCTION OF ORIGINAL FLOOR PLATES WITHIN THE INTERIOR OF AN HISTORIC BUILDING, AS PART OF THE RESTORATION OF THE BUILDING.

2. FAR INCREASE FROM 1.5 TO 3.25 FOR WOLFSONIAN ARTS DISTRICT

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A NOVEMBER 3, 2020 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA A BALLOT QUESTION ASKING WHETHER THE CITY COMMISSION SHALL ADOPT AN ORDINANCE INCREASING FLOOR AREA RATIO (FAR) FROM 1.5 TO A MAXIMUM OF 3.25 FOR PROPERTIES WITHIN THE PROPOSED WOLFSONIAN ARTS DISTRICT, GENERALLY LOCATED AT THE NORTHEAST CORNER OF WASHINGTON AVENUE AND 10TH STREET, AND LOCATED WITHIN THE CO-2 ZONING DISTRICT.

3. EXPAND LIST OF FAR EXCEPTIONS TO ADDRESS CITY, BUILDING, AND LIFE SAFETY CODE REQUIREMENTS

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A NOVEMBER 3, 2020 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA A BALLOT QUESTION ASKING WHETHER THE CITY COMMISSION SHALL ADOPT AN ORDINANCE EXCLUDING CERTAIN SPECIFIED AREAS OF A BUILDING FROM THE CALCULATION OF "FLOOR AREA."



## **RECOMMENDATION**

The Administration recommends that the City Commission adopt the attached Resolutions calling for a Special Election on November 3, 2020 and submit the corresponding ballot questions to the City's voters pertaining to increases in floor area ratio (FAR).

## **BACKGROUND/HISTORY**

City Charter Section 1.03(c) provides 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, . . . 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." Accordingly, the approval of the City's voters is required prior to enacting any amendment to the Land Development Regulations (LDRs) that increases a property's zoned FAR, or has the effect of increasing FAR.

The following three LDR amendments, which increase FAR or have the effect of increasing FAR, have been placed on the July 29, 2020 City Commission agenda for First Reading. The Second Reading and adoption of each amendment would be subject to, and conditioned upon, the approval of the City's voters on November 3, 2020:

1. The reconstruction of original floor plates with contributing buildings that are legal non-conforming as to FAR. This item, which was sponsored by Mayor Dan Gelber, was referred to the Planning Board on June 24, 2020. The Planning Board is scheduled to review and transmit the item to the City Commission on July 27, 2020.
2. The Wolfsonian-FIU Expansion, including an increase in the maximum FAR from 1.5 to 3.25. This item, which was sponsored by Commissioner David Richardson, was referred to the Planning Board on May 13, 2020. On June 23, 2020, the Planning Board transmitted the proposed Ordinance to the City Commission with a favorable recommendation.
3. Expanding the list of FAR Exceptions under Sec. 114-1 of the LDRs to address evolving city, building and life safety codes. This item, which was sponsored by Mayor Dan Gelber, was referred to the Planning Board on May 13, 2020. On June 23, 2020, the Planning Board transmitted the proposed Ordinance to the City Commission with a favorable recommendation.

## **ANALYSIS**

Each of the attached Resolutions calls for a Special Election to approve a ballot question pertaining to FAR. As a companion item to each ballot question, a corresponding Ordinance has been placed on the July 29, 2020 City Commission meeting agenda for First Reading. The Resolutions calling for a Special Election are scheduled to be heard on July 29th, prior to First Reading of the corresponding Ordinances. Second Reading and adoption of each Ordinance would be scheduled after November 3, 2020, pending the election results.

The following is a general summary of each of the ballot questions.

### **1. Reconstruction of original floor plates within interior of contributing buildings that are legal non-conforming as to FAR.**

The proposal would amend Chapter 118, Article IX of the LDRs, in order to allow the Historic Preservation Board to approve the reconstruction of original, interior floor plates, as part of the

restoration of a contributing building. For example, if a contributing building that is legal non-conforming as to FAR sought to reconstruct original interior floors that were previously removed, the HPB could allow for the reconstruction of those floors, as part of a restoration project. This is not possible under the current regulations in the Code.

The draft regulations would only apply to existing structures that are classified as 'contributing' in the City's historic properties database, and which are located within a locally designated historic district. Additionally, the reconstruction of the original floor plates would be subject to the review and approval of the HPB and would only be allowable for interior floor plates removed prior to June 4, 1997. The reason for establishing this date is so the applicability of the provision would be limited to those floor plates removed prior to the date of approval of the first City Charter amendment requiring voter approval of increases in FAR.

(NOTE: The Planning Board is scheduled to review and transmit this item to the City Commission on July 27, 2020; the Administration will update the Commission on the action of the Planning Board on the floor.)

## **2. The Wolfsonian-FIU Expansion, including an increase in the maximum FAR from 1.5 to 3.25.**

In November 2004, as part of the Building Better Communities General Obligation Bonds (BBC-GOB), Miami-Dade County voters approved 10 million dollars for The Wolfsonian-FIU to add 25,000 square feet of new publicly accessible space. As a result, the Wolfsonian-FIU is proposing a renovation and expansion of its existing Museum at 1001 Washington Avenue. Due to the amount of floor area used for the main structure in the early 1990's, coupled with the citywide downzoning in the late 1990's, the site of the Wolfsonian-FIU is legal non-conforming in terms of allowable FAR. In order to accommodate the proposed expansion, an LDR amendment has been drafted, establishing the Wolfsonian Arts District and increasing the maximum FAR to 3.25. A companion Comprehensive Plan amendment to establish the Wolfsonian Arts District on the future land use map and increase the FAR within the district is also proposed.

## **3. Expanding the list of FAR Exceptions under Sec. 114-1 of the LDRs.**

The following are the proposed new exclusions from the calculation of floor area to address evolving City Code, Florida Building Code, and Life Safety Code requirements:

a. Bicycle Parking. Currently, required automotive parking is exempt from inclusion as floor area, and up to two vehicular parking spaces may be provided per apartment unit, without counting as floor area. Further, in most districts where the City has reduced the vehicular parking requirements, parking may still be provided in most cases in accordance with the regulations for Parking District No. 1, which generally has the highest parking requirements. A typical parking space, including half of the abutting drive occupies an area of approximately 250 square feet, whereas the same area could easily accommodate more than 10 bicycles.

b. Stairwells and elevators above main roof decks. The area of two typical stairwells and a typical elevator at one level is approximately 500 square feet. While such area is minimal, its exception the calculation of floor area would be especially beneficial to existing buildings that are currently non-conforming as to FAR. Additionally, many older buildings may have only one



stair to the roof. In order to add a rooftop deck or pool, Building and Life-Safety Code requirements must be satisfied, which usually requires two stairs as well as an accessible means of vertical access (an elevator). Such an exception would allow these non-conforming buildings to add desirable roof-top amenities.

c. FPL electrical transformer vaults. These vault rooms, when required, have become increasingly larger, and often include additional infrastructure required by FPL to serve neighboring properties. Their location within an enclosed building is preferable to an exterior pad-mounted option. The typical area needed for a vault is 300-500 square feet depending on the size of the project. This FAR exception would be most beneficial for existing buildings undergoing renovations, which may otherwise need to remove a hotel room or other space to accommodate for the required area for the FPL vault.

d. Fire control rooms and related public safety spaces, not accessible to the general public. Such control rooms are important life-safety requirements for larger projects and were not standard requirements decades ago. The typical area occupied by these rooms is 300-500 square feet.

## **CONCLUSION**

The Administration recommends that the City Commission adopt the attached Resolutions calling for a Special Election on November 3, 2020 and submit the corresponding ballot questions to the City's voters pertaining to increases in floor area ratio (FAR).

### **Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

### **Legislative Tracking**

Planning/Office of the City Attorney

## **ATTACHMENTS:**

### **Description**

- ▢ Resolution 1 - Historic Floorplates
- ▢ Resolution 2 - Wolfsonian Arts District
- ▢ Resolution 3 - FAR Exceptions