

RESOLUTION NO.

2022-32173

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR AN AUGUST 23, 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 THE MAXIMUM FLOOR AREA RATIO (FAR) FROM 2.0 TO 2.6 IN THE ALTON ROAD GATEWAY AREA, WHICH IS BOUNDED BY 8TH STREET ON THE NORTH, ALTON ROAD ON THE EAST, 5TH STREET/MACARTHUR CAUSEWAY ON THE SOUTH, AND WEST AVENUE ON THE WEST.

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, August 23, 2022, 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 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.¹

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 Statute § 50.031 and on the City's website, the

SECTION 4.

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 THE 23rd DAY OF AUGUST, 2022, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

Alton Road Gateway Area
Increase Maximum Floor Area Ratio (FAR) from 2.0 to 2.6

City Charter requires voter approval before increasing a property's floor area ratio ("FAR") (City's method of regulating building size).

The Alton Road Gateway Area, located between 5th and 8th Streets, from Alton Road to West Avenue, has maximum FAR of 2.0.

Shall City increase maximum FAR in above area from 2.0 to 2.6, only if existing community health center at 710 Alton Road is relocated to another site, with new health facilities and public library?

Yes _____
No _____

Said Notice shall further set forth pertinent information regarding eligibility of electors to participate in said elections.

_____ 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 August 23, 2022 hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

Alton Road Gateway Area
Increase Maximum Floor Area Ratio (FAR) from 2.0 to 2.6

City Charter requires voter approval before increasing a property's floor area ratio ("FAR") (City's method of regulating building size).

The Alton Road Gateway Area, located between 5th and 8th Streets, from Alton Road to West Avenue, has maximum FAR of 2.0.

Shall City increase maximum FAR in above area from 2.0 to 2.6, only if existing community health center at 710 Alton Road is relocated to another site, with new health facilities and public library?

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 July 25, 2022. 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. 87th Avenue, Miami, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 9.

That voters participating via a Vote-by-Mail ballot 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 such voting. All questions concerning Vote-by-Mail ballots should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87th 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.

That if the Charter Amendment provided for in Sections 5 and 6 above shall be approved by a majority of the qualified electors of the City voting on the subject Charter Amendment, it shall be considered adopted and effective upon the City Commission's acceptance of certification of final election results.

SECTION 12.

Upon the Charter Amendment's approval by a majority of the qualified electors of the City voting on such measure in the election and the City Commission's acceptance of certification of final election returns, the City Clerk is hereby directed to have the subject Charter amendment incorporated into the City Charter, file such Amendment with the Clerk of the Circuit Court and file the revised Charter with the Department of State.

SECTION 13.

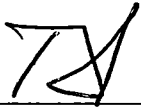
If any section, sentence, clause or phrase of this Resolution or of the ballot measure or the Charter Amendment set forth herein is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said Resolution,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

SECTION 14.

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this 25 day of may, 2022.

ATTEST:



MAY 25 2022

Rafael E. Granado
City Clerk



Dan Gelber
Mayor



(Sponsored by Commissioner Ricky Arriola)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

5-23-22

Date

NK

**AUGUST 23, 2022 CITY OF MIAMI BEACH SPECIAL ELECTION:
BALLOT QUESTION**

I. BALLOT QUESTION:

**Alton Road Gateway Area
Increase Maximum Floor Area Ratio (FAR) from 2.0 to 2.6**

City Charter requires voter approval before increasing a property's floor area ratio ("FAR") (City's method of regulating building size).

The Alton Road Gateway Area, located between 5th and 8th Streets, from Alton Road to West Avenue, has maximum FAR of 2.0.

Shall City increase maximum FAR in above area from 2.0 to 2.6, only if existing community health center at 710 Alton Road is relocated to another site, with new health facilities and public library?

Yes _____
No _____

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: May 25, 2022

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR AN AUGUST 23, 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 THE MAXIMUM FLOOR AREA RATIO (FAR) FROM 2.0 TO 2.6 IN THE ALTON ROAD GATEWAY AREA, WHICH IS BOUNDED BY 8TH STREET ON THE NORTH, ALTON ROAD ON THE EAST, 5TH STREET/MACARTHUR CAUSEWAY ON THE SOUTH, AND WEST AVENUE ON THE WEST.

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 August 23, 2022 for the purpose of submitting to the City's voters the following question:

Alton Road Gateway Area
Increase Maximum Floor Area Ratio (FAR) from 2.0 to 2.6

City Charter requires voter approval before increasing a property's floor area ratio ("FAR") (City's method of regulating building size).

The Alton Road Gateway Area, located between 5th and 8th Streets, from Alton Road to West Avenue, has maximum FAR of 2.0.

Shall City increase maximum FAR in above area from 2.0 to 2.6, only if existing community health center at 710 Alton Road is relocated to another site, with new health facilities and public library?

This Resolution is related to Agenda Items R5A and R5B on the May 25, 2022 Presentation and Awards meeting agenda, which pertain to the Alton Road Gateway Area.

The approval of the City's voters is required pursuant to Section 1.03(c) of the City Charter, which 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 County’s deadline for City Commission adoption of a Resolution placing a matter on the August 23, 2022 CMB Special Election ballot is May 27, 2022. Accordingly, it should be noted that the Commission’s May 25, 2022 Presentation and Awards meeting is the last meeting of the City Commission at which a Resolution may be adopted placing a ballot question on the City’s August 23, 2022 Special Election ballot.

FISCAL IMPACT STATEMENT

The Miami-Dade County Elections Department has provided the City Clerk with an estimate of approximately \$28,499.90 (Cost Estimate for One Page Ballot) and \$56,449.80 (Cost Estimate in the Scenario Multiple Questions Triggers an Additional Page) to conduct the August 23, 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):

\$28,499.90 – Estimate 1-page ballot (Scenario 1)

\$56,449.80 – Estimate 2-page ballot (Scenario 2)

\$42,000.00 – Legally Mandated Advertisements

Maximum Estimated Amount: \$98,449.80

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

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Rafael A. Paz, City Attorney
DATE: May 25, 2022

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR AN AUGUST 23, 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 THE MAXIMUM FLOOR AREA RATIO (FAR) FROM 2.0 TO 2.6 IN THE ALTON ROAD GATEWAY AREA, WHICH IS BOUNDED BY 8TH STREET ON THE NORTH, ALTON ROAD ON THE EAST, 5TH STREET/MACARTHUR CAUSEWAY ON THE SOUTH, AND WEST AVENUE ON THE WEST.

ANALYSIS

Memorandum and Resolution to be submitted via Supplemental Agenda.

SUPPORTING SURVEY DATA

n/a

FINANCIAL INFORMATION

n/a

Applicable Area

South Beach

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

Strategic Connection

Non-Applicable

Legislative Tracking

Office of the City Attorney

Sponsor

