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Voter Information:
Everything You Need to Know To Cast Your Ballot

LAST DAY TO REGISTER TO VOTE is today, Monday July 25th; [learn more](#).
LAST DAY TO REQUEST Vote-By-Mail ballot is August 13; [learn more](#).

Click [here](#) for EARLY VOTING DATES, TIMES, LOCATIONS

Click [here](#) for a SAMPLE BALLOT

Click [here](#) for information on VOTING ON ELECTION DAY

Have other election questions? Click [here](#).

Save The Date - August 8, 2022 starting at 6 p.m.: Online forum to discuss the ballot questions

Details to follow

August 2022 Ballot Questions Explained Including Miami Beach United's Positions:

BALLOT QUESTION 1: Naming Park Between Alton Road/West Avenue, From 6th to 8th Street as "Canopy Park"

Ballot Question:

In April 2022, the City took ownership of a 3.0-acre public park generally located between Alton Road and West Avenue, from 6th Street to 8th Street, constructed by TCH 500 Alton, LLC as part of a development agreement, at no cost to the City. The new park includes a botanical garden, dog park, a play and fitness area, and other elements around a central lawn.

Shall the new public park be named "Canopy Park"?

Explanation:

In 2019, the City entered into a Development Agreement with a private developer (now known as TCH 500 Alton, LLC), for a mixed use residential and commercial project along Alton Road and West Avenue, from 5th Street to 7th Street, an area of critical importance to the City, as it lies at the entrance to South Beach, via the MacArthur Causeway.

As part of the Development Agreement, the City Commission vacated the portion of 6th Street located between Alton Road and West Avenue. As a condition of the vacation of 6th Street in favor of the developer, the Mayor and City Commission required the developer to convey to the City 3.0 acres of the development site, for use as a City park. Among other terms, the Mayor and City Commission further required the developer to construct and complete the public park, at the developer's sole expense, and at no cost whatsoever to the City for either the land or the park improvements.

In April of 2022, the City took ownership of the 3.0 acre public park, bringing a new public park to an area of the City that otherwise lacked any significant public greenspace areas. The new public park includes a botanical garden, dog park, a play and fitness area, and other elements around a central lawn.

The City Code generally requires that the naming of City parks must be approved by a majority of the voters voting in a City-wide referendum. On May 25, 2022, the Mayor and City

Commission tentatively approved the naming of the above-referenced public park as “Canopy Park,” subject to voter approval as part of the August 23, 2022 election.

This Ballot Question, if approved, would provide for the naming of the new public park as “Canopy Park.”

Miami Beach United position:

Miami Beach United **DID NOT OPINE** on this item.

BALLOT QUESTION 2: RSA Article I: Board of Adjustment - Changing “Architecture” Membership Category from Permissible to Required Membership

Ballot Question:

City’s Related Special Acts Article I, establishes a Board of Adjustment (“BOA”) appointed by City Commission, composed of two citizens at-large and five persons each representing one of these professions: Law, *architecture*, engineering, real estate development, certified public accounting, financial consultation, general business.

Article I thus permits, but does not require, appointment of architect to BOA.

Shall Article I be amended for limited purpose of requiring appointment of one member from the architecture profession?

Explanation:

The City’s Board of Adjustment (“BOA”) is a City land use board that hears and decides appeals of land use decisions made by the City’s Planning Director, as well as certain requests for variances from the City’s Land Development Regulations.

Article I, Section 2 of the City’s Related Special Acts provides for a seven-member BOA, appointed by the City Commission, consisting of two citizens at-large and five members appointed from one of the following professions (no more than one member per profession): Law, *architecture*, engineering, real estate development, certified public accounting, financial consultation, and general business.

City law thus allows, but does not require, the appointment of an architect to the BOA.

This Ballot Question, if approved, would change City law to **require** the appointment of a person from the architecture profession to the BOA.

Significantly, all of the City’s other land use boards (Planning Board, Historic Preservation Board, and Design Review Board) require the appointment of an architect to those boards, given the relevance of such expertise in each Board’s understanding of architectural design and construction in the context of applicable zoning and building codes. This ballot measure is therefore presented in order to ensure architectural expertise is equally a basis for required membership on the BOA, particularly in light of the BOA’s duties to decide appeals of land use decisions made by the City’s Planning Director, and to rule on certain requests for variances from the City’s Land Development Regulations.

Miami Beach United position:

Miami Beach United **DID NOT OPINE** on this item because it seemed an obvious and long-overdue correction that should be made.

BALLOT QUESTION 3: Charter Section 6.03: Creating Additional Qualification Requirement for City Commission Candidates: Proof of Residency Documents

Ballot Question:

Shall Charter Section 6.03 regarding “qualifying” for City elected office, be amended to create an additional qualifying requirement that candidates submit one (1) or more proof of residency documents upon which candidates rely to evidence their compliance with the Charter’s existing requirement that candidates reside in the City for at least one year prior to qualifying for office?

Explanation:

In November 2003, City voters approved an amendment to Section 6.03 of the City Charter, requiring that candidates for the City Commission reside in the City for at least 1 year prior to qualifying for City office. The imposition of this 1 year residency requirement was based upon the City’s governmental interest in ensuring that a candidate seeking to represent the City is a bona fide resident of Miami Beach, and has lived in the City long enough to know the issues confronting the City.

Over the past year, several residents have expressed their concerns that persons seeking to run for election to the City Commission may have not resided in the City for the required 1 year period—in fact, during last year’s City of Miami Beach General Election season, a candidate for the City Commission was disqualified by a Circuit Court Judge for not having met the 1 year residency requirement.

This Ballot Question, if approved, would amend the City Charter Section 6.03 to require that City candidates submit, at the time of qualifying as a candidate for the office of Mayor or City Commissioner, 1 or more documents upon which they rely to evidence their compliance with the existing 1 year residency requirement. This Charter amendment will thus provide the public with additional candidate information, as well as afford candidates the opportunity to have on file their documents upon which they rely to show compliance with the Charter’s residency rule. The proposed Charter amendment does not otherwise change the process for determining a candidate’s eligibility to run for City office. Any challenge to a candidate’s compliance with the 1 year residency requirement will remain subject to judicial review, if contested in a Court of law.

Miami Beach United position:

Miami Beach United **SUPPORTS** the Charter’s strengthening existing requirements for proof that candidates reside in the City for at least one (1) year prior to qualifying for office.

BALLOT QUESTION 4 RPS1 District/ RPS2 District FAR Incentive to Convert Remaining Apartment Hotel Uses to Residential Use

Ballot Question:

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

In certain residential zoning districts south of 5th Street, apartment-hotels are now prohibited, but previously approved properties may continue such uses.

Shall City increase FAR from 1.25 to 1.50 in RPS1 District, and from 1.50 to 1.75 in RPS2 District, to provide bonus FAR incentive only for properties converting apartment hotel uses to residential use?

Explanation:

“Floor Area Ratio” (“FAR”) is the method the City utilizes to regulate the overall size of a building. Within the City of Miami Beach, the amount of allowable FAR varies by zoning district. A higher FAR multiplier would provide for a larger building with greater intensity. For example, in low-scale residential districts, the FAR could range from 1.25 to 1.5. In higher-density commercial zoning districts, the FAR could be 2.0 to up to 3.5.

Since 1997, in order to address citizen concerns regarding large-scale development projects in the City of Miami Beach, the City Charter has required voter approval to increase FAR. Specifically, City Charter Section 1.03(c) provides that “[t]he 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.”

Since 2021, residents in the South of Fifth neighborhood have expressed concerns about a potential proliferation of apartment hotel developments in their districts (the RPS1 District and RPS2 District), which are predominantly residential in nature. In these districts, hotel uses are already prohibited, and as of August 18, 2021, apartment hotel uses are also now prohibited, as the City Commission has unanimously determined that the transient uses associated with apartment hotels are inconsistent with the character of residential neighborhoods. However, although all apartment hotels are now prohibited, existing apartment hotel projects that were approved as of August 18, 2021 are permitted to continue their uses.

This Ballot Question, if approved, would provide additional FAR in the RPS1 District and RPS2 District, in order to incentivize those remaining existing apartment hotel projects to convert their apartment hotel uses to residential uses. The “bonus” FAR would only be available if the property owner voluntarily executes a restrictive covenant to prohibit short-term residential rentals on their property.

Miami Beach United position:

Miami Beach United **SUPPORTS** incentivizing the conversion of apartment hotel uses to residential uses, but we have reservations about setting precedent for additional FAR.

BALLOT QUESTION 5: Alton Road Gateway Area Increase Maximum Floor Area Ratio (FAR) from 2.0 to 2.6

Ballot Question:

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?

Explanation:

“Floor Area Ratio” (“FAR”) is the method the City utilizes to regulate the overall size of a building. Within the City of Miami Beach, the amount of allowable FAR varies by zoning district. A higher FAR multiplier would provide for a larger building with greater intensity. For example, in low-scale residential districts, the FAR could range from 1.25 to 1.5. In higher-density commercial zoning districts, the FAR could be 2.0 to up to 3.5.

Since 1997, in order to address citizen concerns regarding large-scale development projects in the City of Miami Beach, the City Charter has required voter approval to increase FAR. Specifically, City Charter Section 1.03(c) provides that “[t]he 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.”

In 2019, the City entered into a Development Agreement with a private developer, for a mixed use residential and commercial project along Alton Road and West Avenue, from 5th Street to 7th Street (the “Alton Road Gateway”), an area of critical importance to the City, as it lies at the entrance to South Beach, via the MacArthur Causeway.

The developer has now proposed extending the Alton Road Gateway development regulations to 8th Street, to accommodate a new mixed-use building to the north, directly east of the new public park which was recently completed as part of the project, on property that includes 710 Alton Road, the existing location for Miami-Dade County’s Miami Beach Community Health Center.

This Ballot Question No. 5, if approved, would increase FAR from 2.0 to 2.6 in the Alton Road Gateway Area, between 5th Street and 8th Street, from Alton Road to West Avenue, to facilitate the construction of a new Community Health Center facility and public library at a more appropriate and safer location on the east side of Alton Road.

Miami Beach United position:

Miami Beach United **OPPOSES** increasing the maximum FAR for the Alton Road Gateway area, located between 5th and 8th Streets, from Alton Road to West Avenue. Given the horrendous traffic in the Alton Road Gateway area during rush hour, MBU cannot support an increase in density which will make the traffic entering and exiting the Alton Road Gateway area even worse than it already is.

MBU enthusiastically supports the Miami Beach Community Health Center (MBCHC) and the important services it provides to Miami Beach residents, and would like to see the facility upgraded. But over the last five years, there have been many quality projects built on Alton Road between 5th Street and Dade Boulevard in compliance with the existing FAR. Increasing FAR in already gridlocked gateway areas will increase traffic issues and is in violation of the Miami Beach Comprehensive Plan that regulates the City’s growth.

BALLOT QUESTION 6: Charter Section 1.03(c): Voter Approval to Aggregate Floor Area When Vacating Streets/Conveying Public Property

Ballot Question:

Charter Section 1.03(c) requires voter approval before increasing a property’s “floor area ratio” (how City regulates building size).

The Charter has been interpreted to not require voter approval to aggregate (combine) the floor area of unified abutting parcels (adjacent properties touching/not separated by a lot under different ownership) arising from vacating a street or other sale/conveyance of public property.

Shall the Charter be amended to require voter approval of such floor area aggregations?

Explanation:

“Floor Area Ratio” (“FAR”) is the method the City utilizes to regulate the overall size of a building. Within the City of Miami Beach, the amount of allowable FAR varies by zoning district. A higher FAR multiplier would provide for a larger building with greater intensity. For example, in low-scale residential districts, the FAR could range from 1.25 to 1.5. In higher-density commercial zoning districts, the FAR could be 2.0 to up to 3.5.

Since 1997, in order to address citizen concerns regarding large-scale development projects in the City of Miami Beach, the City Charter has required voter approval to increase FAR. Specifically, City Charter Section 1.03(c) provides that “[t]he 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.”

Under the City Charter, however, voter approval is currently *not* required to aggregate (combine) the *floor area* of “unified abutting parcels,” which are defined as adjacent properties that are touching and not separated by a lot under different ownership. For example, if two adjacent, abutting properties come under the same ownership in the CD-2 District (where the FAR is 2.0), those two abutting properties may be unified, and treated as one lot, for purposes of developing a single project. This will generally result in a larger project, because the floor area of the abutting parcels may be combined and there is more square footage available as part of the overall development site. Under the Charter, voter approval would not be required in such instances, because the Charter allows the aggregation of floor area on unified abutting parcels, and the FAR of 2.0 in the above example remains the same.

In the last decade, the City Commission has on occasion, on a supermajority 6/7ths vote, approved a developer’s request to vacate a City street or a right of way area. As a result, the street or right of way area that is vacated is deeded to the developer and becomes private property, and the floor area of the street or right of way may therefore be aggregated with other abutting parcels as part of a single project.

Recently, citizen concern has been expressed that the aggregation of floor area arising from vacating a street or other City right of way areas, for purposes of joining the street or right of way as part of a unified development site, may be inconsistent with the spirit of the protections in the Miami Beach Charter.

This Ballot Question No. 6, if approved, would address the above concerns, by amending Charter section 1.03(c) to require voter approval of any aggregation of floor area, arising from vacating a street, right of way, or other conveyance of public property. Accordingly, instead of the City Commission approving the vacation of a street or right of way on a supermajority 6/7ths vote of the City Commission, the aggregation of floor area arising from a street vacation or other conveyance of public property would require approval by a majority of the voters voting in a City-wide referendum.

Miami Beach United position:

Miami Beach United **SUPPORTS** this long-overdue Charter Amendment. We have consistently advocated for clarity in order to close what we believe is a loophole which gives powers to the Commission which otherwise should be reserved for the electorate.

The City charter already clearly provides that increases in the allowable density (FAR) of a development must be approved by voters, but developers have found a way for the City to circumvent the intent of this basic principle. The City “vacates” a street or other public right of way, deeds it to a developer who owns the property adjacent to it, and then the developer gives it back to the public as an easement. This questionable transaction is done for the sole purpose of increasing the allowable density of a development without obtaining voter approval, and has been used with increased frequency and impunity in recent years.

The proposed charter amendment makes clear that increases in allowable density of a development must still be approved by the voters where the increase in allowable density is achieved by the City vacating or selling all or a portion of a street, alley, right-of-way, or any City owned property to the developer who owns the adjacent property.



Our Mission Dedicated to improving the quality of life for Miami Beach residents, managed and measured growth of our city, and ethical leadership of government – for a vibrant city rooted in history, its people, resources and neighborhoods, with focus on the future – by providing educational and analytical focus on the organization, structure, policies and performance of Miami Beach government. We share our newsletters with almost 20,000 subscribers, the majority of whom are registered Miami Beach voters.

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