

RESOLUTION NO. 147-16-14702

A Resolution of the City of South Miami, Florida, placing a question on the ballot for Tuesday, November 8, 2016, Presidential Election, to amend the City Charter, Article II, Section 6.D, so four affirmative votes of the City Commission can adopt less restrictive land use and development regulations for an area bounded by: SW 62nd Avenue on the west starting at US1; north to SW 69th Street, east to SW 58th Place, north to SW 68th Street, east to SW 57th Avenue; south to SW 74th 72nd Street, ~~west to SW 61st Avenue~~, west to US1, then back to the beginning.

WHEREAS, it is possible to change voting requirements for the Transit Oriented Development District, the Light Industrial District and Hometown Overlay District and not change the 5 out of 5 voting requirement for all single family residential neighborhoods in the City; and

WHEREAS, businesses located in the Transit Oriented Development District, the Light Industrial District and Hometown Overlay District pay more *ad valorem* taxes than all the single family residents combined; and

WHEREAS, the City Commissioners desire to have a ballot question submitted to the electorate for a Charter amendment that will make it a little less difficult to make land use and development regulations less restrictive for the Transit Oriented Development District, the Light Industrial District and Hometown Overlay District.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA:

Section 1. A question shall be placed on the ballot for the Tuesday, November 8, 2016 election to submit to the qualified electors as set forth below.

Section 2. Notice of such election shall be published in accordance with the election laws.

Section 3. The result of such election shall be determined by a majority of the qualified electors of the City of South Miami voting upon the proposal at the national presidential election on November 8, 2016. All qualified electors of the City of South Miami shall be entitled to vote at said election. The question shall appear on the ballot in substantially the following form:

Title: Amending Charter, Article II, SECTION 6 D reducing voting requirements concerning certain areas.

BALLOT QUESTION:

Shall Article II, Section 6 of the Charter be amended authorizing a minimum of four Commission members to adopt less restrictive land use and development regulations for an area bound by: SW 62nd Avenue, starting at US1; north to SW 69th Street, east to SW

58th Place, north to SW 68th Street, east to SW 57th Avenue; south to SW 72nd Street, west to US1, then back to the beginning.

YES _____
NO _____

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Vote-by-mail ballot may be used by qualified electors of the City of South Miami for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The City Manager or the manager's designee, the Finance Director, and the City Clerk are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution.

Section 9. If the ballot question is answered in the affirmative by the requisite number of voters, Subsection D of SECTION 6. titled "Ordinances" of Article II of the City Charter shall be amended as follows:

D. **Voting Procedure.** Voting shall be by roll call. The "yeas" and "nays" shall be recorded individually in the minutes of each meeting.

No Commission member shall be excused from voting as required by law.

1. Requirements for Adoption. All resolutions or ordinances shall be adopted by no less than three affirmative votes of the City Commission. (Amended 2/8/00).

Except as otherwise provided in this Charter, four affirmative votes of the City Commission shall be required in the following instances:

- To issue bonds or borrow money
- To grant, renew or amend any lease or franchises
- To transfer title to property
- To appropriate or expend non-budgeted funds

To approve an initiatory ordinance pursuant to Article V
To amend land use and development regulations that make them less restrictive for land that is wholly within the area bound by SW 62nd Avenue, starting at US1; north to SW 69th Street, east to SW 58th Place, north to SW 68th Street, east to SW 57th Avenue; south to SW 72nd Street, west to US1, then directly back to the beginning at US1 and SW 62 Avenue

Except as otherwise provided in this charter, five affirmative votes of the eCity eCommission shall be required to approve the actions indicated below:

To amend land use and development regulations in any manner to make them less restrictive unless a lesser vote is allowed as specified above for a specific locale or district.

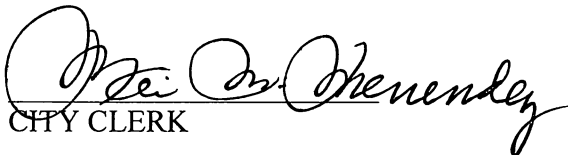
To issue bonds or borrow money in excess of five percent of the eCity's current operating budget.

Section 10. Severability: If any section clause, sentence, or phrase of this resolution is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this resolution.

Section 11. Effective Date: This resolution shall become effective immediately upon adoption by vote of the City Commission and, if approved by the electorate, the amendment to the City Charter shall become effective ten (10) days following the date of the election held for its approval.

PASSED AND ADOPTED this 8th day of August, 2016.

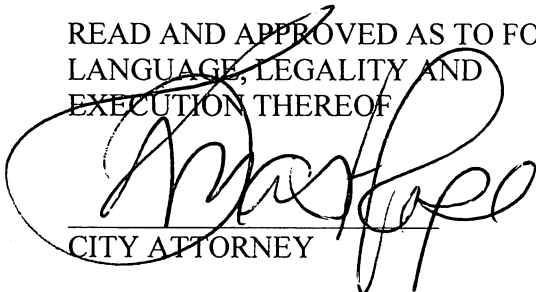
ATTEST:


CITY CLERK

APPROVED:


MAYOR

READ AND APPROVED AS TO FORM:
LANGUAGE, LEGALITY AND
EXECUTION THEREOF


CITY ATTORNEY

COMMISSION VOTE: 3-2
Mayor Stoddard: Yea
Vice Mayor Welsh: Yea
Commissioner Edmond: Nay
Commissioner Liebman: Yea
Commissioner Harris: Nay



CITY OF SOUTH MIAMI COURTESY NOTICE

NOTICE IS HEREBY given that the City Commission of the City of South Miami, Florida will conduct Public Hearing(s) at a Special City Commission meeting scheduled for Monday, August 8, 2016, beginning at 6:30 p.m., in the City Commission Chambers, 6130 Sunset Drive, to consider the following item(s):

A Resolution of the City of South Miami, Florida, placing a question on the ballot for Tuesday, November 8, 2016, Presidential Election, to amend the City Charter, Article II, Section 6.D, so four affirmative votes of the City Commission can adopt less restrictive land use and development regulations for an area bounded by: SW 62nd Avenue on the west starting at US1; north to SW 69th Street, east to SW 58th Place, north to SW 68th Street, east to SW 57th Avenue; south to SW 74th Street, west to SW 61st Avenue, west to US1, then back to the beginning.

A Resolution of the City of South Miami, Florida, placing a question on the ballot for Tuesday, November 8, 2016, Presidential Election, to amend the City Charter, Article II, Section 6.D, to allow three affirmative votes of the City Commission to make land use and development regulations less restrictive for Marshall Williamson/Madison Square Projects and certain properties in the surrounding area if purchased by the City or the Community Redevelopment Agency.

ALL interested parties are invited to attend and will be heard.

For further information, please contact the City Clerk's Office at: 305-663-6340.

Maria M. Menendez, CMC
City Clerk

Pursuant to Florida Statutes 286.0105, the City hereby advises the public that if a person decides to appeal any decision made by this Board, Agency or Commission with respect to any matter considered at its meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, affected person may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

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Sunday: 8am-9pm

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE:**

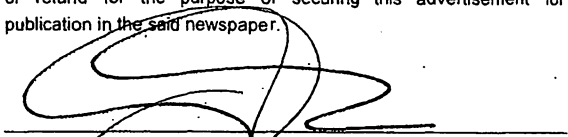
Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

**NOTICE OF PUBLIC HEARING
CITY OF SOUTH MIAMI - AUGUST 8, 2016**

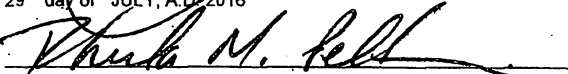
in the XXXX Court,
was published in said newspaper in the issues of

07/29/2016

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed before me this
29 day of JULY, A.D. 2016



(SEAL)
MARIA MESA personally known to me



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NOTICE OF PUBLIC HEARING**

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