

R5 D ELIMINATE THE 0.5 FAR BONUS FOR HOTELS IN THE CD-2 DISTRICT
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF
MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF
MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS
AND REGULATIONS," ARTICLE 11, "DISTRICT REGULATIONS," SECTION 7.2.11,
"CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION
7.2.11.3, ENTITLED "DEVELOPMENT REGULATIONS (CD-2)," TO ELIMINATE
THE FLOOR AREA RATIO BONUS FOR HOTEL USES IN THE CD-2 DISTRICT
ALONG AL TON ROAD, NORMANDY DRIVE, 71 STREET AND COLLINS AVENUE
NORTH OF 63 STREET; AND PROVIDING FOR CODIFICATION, REPEALER,
SEVERABILITY, AND AN EFFECTIVE DATE.

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Member of the City Council

FROM: Interim City Manager Rickelle Williams

DATE: June 26, 2024 10:25 a.m. First Reading Public Hearing

TITLE: ELIMINATE THE 0.5 FAR BONUS FOR HOTELS IN THE CD-2 DISTRICT
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE 11, "DISTRICT REGULATIONS," SECTION 7.2.11, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION 7.2.11.3, ENTITLED "DEVELOPMENT REGULATIONS (CD-2)," TO ELIMINATE THE FLOOR AREA RATIO BONUS FOR HOTEL USES IN THE CD-2 DISTRICT ALONG AL TON ROAD, NORMANDY DRIVE, 71 STREET AND COLLINS AVENUE NORTH OF 63 STREET; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends the City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for July 24, 2024.

BACKGROUND/HISTORY

On December 13, 2023, at the request of Commissioner Alex Fernandez, the City Commission referred a discussion (item C4 N) pertaining to the 0.5 floor area ratio (FAR) bonus available to hotel uses in the CD-2 zoning district to the Land Use and Sustainability Committee (LUSC). Commissioners Tanya K. Bhatt, Joseph Magazine and David Suarez are the co-sponsors of the item.

On March 5, 2024, the LUSC discussed the item and recommended that the City Commission refer an ordinance amendment to the Planning Board to repeal the 0.5 FAR bonus for hotels in the CD-2 district along Alton Road, as well as in the North Beach CD-2 districts in Normandy Isle and along Collins Avenue. The LUSC continued the discussion pertaining to the 0.5 FAR bonus for hotels located in the CD-2 district along Collins Avenue south of 20th Street and Washington Avenue to the June 10, 2024 meeting.

On April 3, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred an amendment to the Land Development Regulations of the City Code (LDRs) to the Planning Board to eliminate the 0.5 FAR bonus for hotels in in certain CD-2 districts (item C4 B).

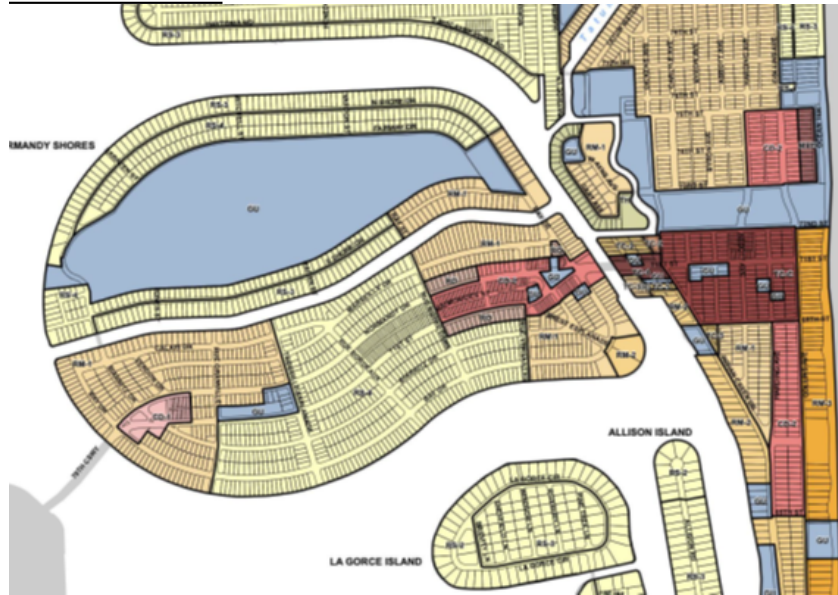
ANALYSIS

Pursuant to Section 7.2.11.3 of the LDRs, the maximum FAR in the CD-2, commercial medium intensity, zoning district, is 1.5. However, "when more than 25 percent (25%) of the total area of a building is used for residential or hotel units," the maximum FAR is 2.0. The attached draft ordinance removes the 0.5 FAR bonus for a site containing a hotel unit, suite hotel unit or hostel in CD-2 districts along Alton Road, Normandy Drive / 71st Street and Collins Avenue in North Beach.

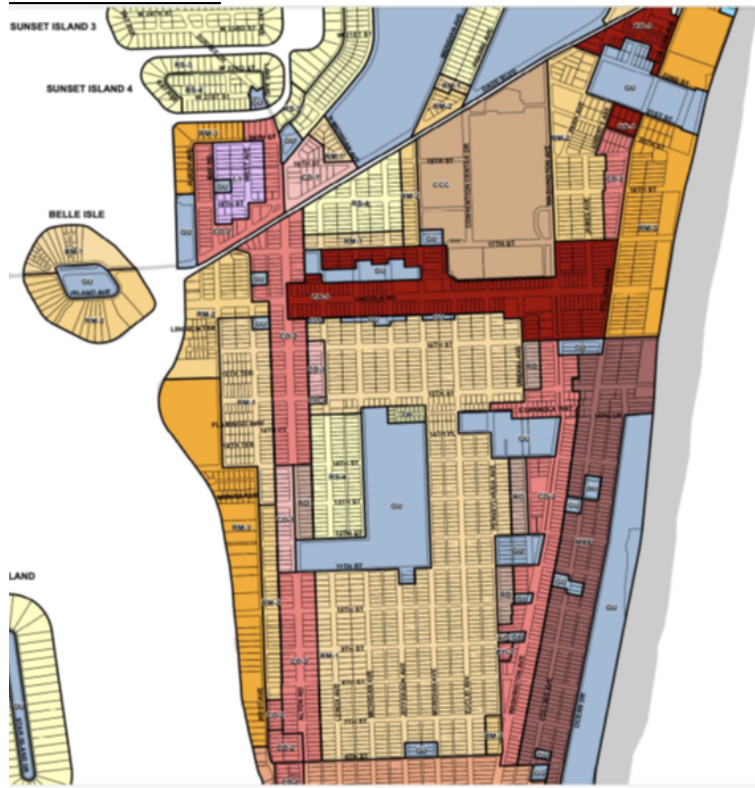
The proposed ordinance excludes the CD-2 districts on Collins Avenue south of 20th Street, as well as on Washington Avenue. The LUSC continued the discussion regarding these areas and will be providing a separate recommendation to the City Commission.

The zoning maps below show the CD-2 districts in North Beach and South Beach.

NORTH BEACH



SOUTH BEACH



The purpose of the proposed ordinance is to incentivize more residential units within the CD-2 districts.

PLANNING BOARD REVIEW

On May 28, 2024, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (6-0). By separate motion (6-0) the Planning Board also recommended that the City Commission further study setting a maximum unit size for future residential development.

BUSINESS IMPACT ESTIMATE

In accordance with Section 166.041(4), Florida Statutes, the City of Miami Beach is required to assess whether a Business Impact Estimate is required for the subject ordinance. A Business Impact Estimate is not required for the subject ordinance as it implements an amendment to the Land Development Regulations.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

Does this Ordinance require a Business Impact Estimate? No
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on . See BIE at:
<https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

CONCLUSION

The Administration recommends the City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for July 24, 2024.

Applicable Area

Citywide

**Is this a "Residents Right to Know" item,
pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond
Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481,
includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

Department

Planning

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Commissioner Tanya K. Bhatt
Commissioner Joseph Magazine
Commissioner David Suarez

Eliminate .5 FAR Bonus for Hotels in CD-2 Districts
ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," SECTION 7.2.11, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION 7.2.11.3, ENTITLED "DEVELOPMENT REGULATIONS (CD-2)," TO ELIMINATE THE FLOOR AREA RATIO BONUS FOR HOTEL USES IN THE CD-2 DISTRICT ALONG ALTON ROAD, NORMANDY DRIVE, 71 STREET AND COLLINS AVENUE NORTH OF 63 STREET; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the CD-2 commercial, medium intensity district provides for commercial activities, services, offices, and related activities which serve the entire City; and

WHEREAS, the Land Development Regulations incentivize diverse combinations of residential lifestyles and unique commercial services in mixed-use development, in certain neighborhoods; and

WHEREAS, as a general rule, the maximum floor area ratio (FAR) in the CD-2 district is 1.5; and

WHEREAS, as applicable to mixed-use buildings in the CD-2 commercial, medium intensity district, Section 7.2.11.3 of the Resiliency Code provides that when more than 25 percent of the total area of a building is used for residential or hotel units, a bonus of 0.5 FAR may be utilized, for a total FAR of 2.0; and

WHEREAS, the City Commission wishes to encourage more residential development (to address the City's housing needs); and

WHEREAS, the City Commission also wishes to preserve the character of CD-2 neighborhoods by limiting the number of hotels that are built; and

WHEREAS, based on the foregoing, the Mayor and City Commission desire to remove the current FAR bonus for hotel uses (while retaining the FAR bonus for residential development) in certain CD-2 zoning districts.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 7, entitled "Zoning Districts and Regulations, Article II, entitled "District Regulations," at Section 7.2.11, "CD-2 Commercial, Medium Intensity District," is hereby amended as follows:

**CHAPTER 7
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE II. DISTRICT REGULATIONS

* * *

7.2.11. CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

* * *

7.2.11.3 Development Regulations (CD-2).

- a. The development regulations in the CD-2 commercial, medium intensity district are as follows:
- i. The tower setback shall not be less than the pedestal setback.
 - ii. Parking lots and garages: If located on the same lot as the main structure the setbacks below shall apply. If primary use the setbacks are listed in Section 7.5.3.2.n.

DEVELOPMENT REGULATIONS TABLE (CD-2)	
Maximum FAR	1.5 (5)
<u>Maximum FAR for Mixed Use Buildings</u> (When more than 25 percent (25%) of the total area of a building is used for residential, residential office, or hotel units)	2.0 (5) (9)(10)
Maximum Density (Dwelling Units Per Acre)	100 DUA (80% bonus for workforce or affordable units)

* * *

1. Except as provided in Section 7.5.2.
2. An additional 5 feet of height is allowed if the nonresidential first habitable level has a minimum ceiling height of 14 feet above DFE.
3. Except that the building height shall be limited to 25 feet within 50 feet from the rear property line for lots abutting an alley; and within 60 feet from a residential district for blocks with no alley.

4. Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing nonconforming side and rear pedestal setbacks.
5. Notwithstanding the above regulations, the maximum floor area ratio (FAR) for self-storage warehouses shall be 1.5. The floor area ratio provision for mixed use buildings on this table shall not apply to self-storage warehouse development.
6. For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above-described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons. In addition, the minimum hotel unit size for a property formerly zoned HD is 250 square feet, provided that the property does not exceed 25,000 square feet as of March 23, 2019.
7. The number of units may not exceed the maximum density set forth in the comprehensive plan.
8. Developments located in zoning districts that do not prohibit the short-term rental of residential apartment units shall be eligible for an exemption from the average unit size requirements established above, subject to the following conditions:
 - Density. The development shall not be permitted to exceed the maximum residential density established in the Comprehensive Plan or Land Development Regulations.
 - Minimum Unit Size. This incentive shall not be construed to permit any unit that is smaller than the minimum allowable unit size for the type of unit being proposed.
 - Covenant. In order to be eligible for this voluntary average unit size incentive, the property owner, at the owner's sole discretion, shall voluntarily execute a restrictive covenant running with the land, in a form approved by the City Attorney, affirming that in perpetuity no residential units on the property shall be leased or rented for a period of less than six months and one day.
9. Notwithstanding the above regulations, new development or redevelopment of residential office units may only be eligible for the floor area ratio applicable to mixed use buildings in the event that the property owner voluntarily elects, at the owner's sole discretion, to execute a restrictive covenant running with the land, in a form approved by the city attorney affirming that, in perpetuity, none of the residential office units on the property shall be leased or rented for a period of less than six months and one day.
10. The 0.5 floor area ratio (FAR) bonus (for a total FAR of 2.0) for Mixed Use Buildings (as defined in the table) shall only apply to properties located on Washington Avenue and Collins Avenue south of 63rd Street. For all other CD-2 properties, the maximum FAR for a site containing a hotel unit, suite hotel unit or hostel, shall be 1.5 and the FAR provision for a mixed-use building on this table shall not apply to a site containing a hotel unit, suite hotel unit or hostel.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

NK

Date

6/17/2024

First Reading: June 26, 2024

Second Reading: July 24, 2024

Verified By: _____

Thomas R. Mooney, AICP
Planning Director

**MIAMI BEACH REDEVELOPMENT AGENCY
AND
CITY OF MIAMI BEACH, FLORIDA**

NOTICE OF PROPOSED INCURRENCE OF AGENCY INDEBTEDNESS

Notice is hereby given in accordance with the provisions of Sections 163.346 and 166.041(3)(a), Florida Statutes, as amended, that the Chairman and Members of the Miami Beach Redevelopment Agency (the "Agency") and Mayor and City Commission of the City of Miami Beach, Florida (the "City") will, as applicable, consider the adoption of the following resolutions providing for the incurrence by the Agency of not to exceed \$95,000,000 principal amount of indebtedness in the form of a grant to finance a funding gap for the construction of the Miami Beach Convention Center Headquarters Hotel to be located in the City Center/Historic Convention Village Redevelopment and Revitalization Area, at a meeting to be held on Wednesday, June 26, 2024 at 10:00 a.m., or as soon thereafter as the matter may be heard. The meeting will be held in the City Commission Chamber, 3rd Floor, 1700 Convention Center Drive, Miami Beach, Florida, and any interested person may appear at the meeting and be heard with respect to the proposed resolutions. Persons who wish to participate or provide comments virtually may join the webinar at: <https://miamibeachfl-gov.zoom.us/j/81392857671> or via telephone at: 1.305.224.1968 (U.S.) or 888.475.4499 (Toll-Free). Webinar ID: 81392857671#. Persons wanting to speak virtually during the meeting must click the "raise hand" icon if using the Zoom app or press *9 on the telephone to raise their hand.

Copies of the proposed resolutions may be inspected by the public at the Office of the City Clerk, 1st Floor, 1700 Convention Center Drive, Miami Beach, Florida during regular working hours, 8:30 a.m. to 5:00 p.m., Monday through Friday. Copies are also available for public inspection at: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda-archive-main-page-2/>.

The titles of the proposed resolutions are as follows:

AGENCY RESOLUTION

10:00 a.m. Public Hearing

A RESOLUTION OF THE CHAIRPERSON AND MEMBERS OF THE BOARD OF THE MIAMI BEACH REDEVELOPMENT AGENCY (AGENCY), APPROVING THE GRANT AGREEMENT BY AND AMONG THE AGENCY, MB MIXED USE INVESTMENT HOLDINGS, LLC AND PUBLIC FINANCE AUTHORITY TO FACILITATE THE EXPEDITIOUS DEVELOPMENT OF THE MIAMI BEACH CONVENTION CENTER HEADQUARTER HOTEL BY INCURRING UP TO \$95,000,000 IN AGENCY INDEBTEDNESS; AND FURTHER, AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY TO EXECUTE THE GRANT AGREEMENT SUBSTANTIALLY IN THE FORM ATTACHED TO THIS RESOLUTION FOLLOWING FORM APPROVAL THEREOF BY THE GENERAL COUNSEL; AND FURTHER, AUTHORIZING THE EXECUTIVE DIRECTOR, SECRETARY AND GENERAL COUNSEL TO TAKE ALL NECESSARY AND APPROPRIATE STEPS, INCLUDING THE EXECUTION AND DELIVERY OF ADDITIONAL ANCILLARY DOCUMENTS, FOR THE IMPLEMENTATION THEREOF.

CITY RESOLUTION

10:00 a.m. Public Hearing

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AUTHORIZING THE INCURRENCE BY THE MIAMI BEACH REDEVELOPMENT AGENCY (AGENCY) OF UP TO \$95,000,000 IN AGENCY INDEBTEDNESS IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 163, PART III, FLORIDA STATUTES, AS AMENDED, IN CONNECTION WITH A GRANT AGREEMENT TO BE ENTERED INTO BETWEEN THE AGENCY, MB MIXED USE INVESTMENT HOLDINGS, LLC AND PUBLIC FINANCE AUTHORITY, TO FACILITATE THE EXPEDITIOUS DEVELOPMENT OF THE MIAMI BEACH CONVENTION CENTER HEADQUARTER HOTEL.

Pursuant to Section 286.0105, Florida Statutes, the Agency and the City hereby advise the public that: if a person decides to appeal any decision made by any board, agency, or commission with respect to any matter considered at its meeting or its hearing, such person must insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Agency or the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in an alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2ADA (2232) and select 1 for English or 2 for Spanish; TTY users may call via 711 (Florida Relay Service).

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation to participate in this proceeding, or to request information on access for persons with disabilities, or to request this publication in an accessible format, or to request sign language interpreters, should call 305.604.2ADA (2232) and select 1 for English or 2 for Spanish; TTY users may call via 711 (Florida Relay Service).

The meeting will be broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, as well as on BreezeLine Cable channel 660, AT&T U-verse channel 99, Hotwire Communications channel 395, and Roku device on PEG-TV channel, and on social media at <https://www.facebook.com/cityofmiamibeach>.

Parking

Meeting attendees can park at the City Hall Garage, 1755 Meridian Avenue, Miami Beach, Florida 33139.

MIAMIBEACH

Rafael E. Granado, City Clerk
Miami Beach Redevelopment Agency
and
City of Miami Beach, Florida
CityClerk@miamibeachfl.gov
305.673.7411

June 9, 2024

AD: 06262024-04

**CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING**

**ELIMINATE THE .5 FAR BONUS FOR
HOTELS IN THE CD-2 DISTRICT**

**AN ORDINANCE AMENDING THE
RESILIENCY CODE TO ELIMINATE THE
FLOOR AREA RATIO (FAR) BONUS FOR
HOTEL USES IN THE CD-2 DISTRICT
ALONG ALTON ROAD, NORMANDY DRIVE,
71 STREET AND COLLINS AVENUE
NORTH OF 63 STREET**

**JUNE 26, 2024
CITY COMMISSION MEETING**

NOTICE IS HEREBY GIVEN that on June 26, 2024, at 10:25 a.m., or as soon thereafter as the matter can be heard, the Mayor and City Commissioners of the City of Miami Beach will hold a First Reading/Public Hearing on the proposed Ordinance.

ELIMINATE THE .5 FAR BONUS FOR HOTELS IN THE CD-2 DISTRICT

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," SECTION 7.2.11, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION 7.2.11.3, ENTITLED "DEVELOPMENT REGULATIONS (CD-2)," TO ELIMINATE THE FLOOR AREA RATIO BONUS FOR HOTEL USES IN THE CD-2 DISTRICT ALONG ALTON ROAD, NORMANDY DRIVE, 71 STREET AND COLLINS AVENUE NORTH OF 63 STREET; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE. This Ordinance is being heard pursuant to Chapter 2, Article IV of the Resiliency Code. Inquiries may be directed to the Planning Department at 305.673.7550.

During the June 26, 2024, Commission Meeting, the City of Miami Beach will host a Hybrid Commission Meeting. During the Hybrid Commission Meeting, the City Commission will be physically present in the Commission Chamber, located at 1700 Convention Center Drive, 3rd Floor, Miami Beach, Florida 33139.

Members of the public who wish to attend this Commission Meeting or provide public comment in person may appear at the Commission Chamber. Applicants and members of the public who wish to participate or provide comment virtually during the Commission Meeting may join the webinar at: <https://miamibeachfl-gov.zoom.us/j/81392857671> or via telephone at: 1.305.224.1968 (U.S.) or 888.475.4499 (Toll-Free). Webinar ID: 81392857671#. Members of the public wanting to speak virtually on an item during the meeting must click the "raise hand" icon if using the Zoom app or press *9 on the telephone to raise their hand.

INTERESTED PARTIES are invited to take part in this meeting or be represented by an agent. The public may submit written comments by emailing CityClerk@miamibeachfl.gov by 5:00 p.m. the day before the City Commission Meeting. Please identify the Agenda Item Number in the email subject line. Emails received will be forwarded to the Mayor and Commissioners and will be included as a part of the meeting record.

Copies of Agenda Items are available for public inspection at: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda-archive-main-page-2/>. This meeting, or any items therein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission concerning any matter considered at its meeting or its hearing, such person must 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. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

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The City Commission Meeting will be broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, as well as on BreezeLine Cable channel 660, AT&T U-verse channel 99, Hotwire Communications channel 395, and Roku device on PEG-TV channel, and on social media at <https://www.facebook.com/cityofmiamibeach>.

To review the Business Impact Estimates for the above proposed Ordinance, please visit <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>.

Parking

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MIAMIBEACH

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305.673.7411

AD: 06262024-03