**RESOLUTION NO. 2026 – 4400**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, CALLING A SPECIAL ELECTION ON NOVEMBER 3, 2026 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI SPRINGS, FLORIDA, A CHARTER AMENDMENT; PROVIDING REQUISITE BALLOT LANGUAGE; PROVIDING FOR BALLOTING AND ELECTION PROCEDURES; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR COPIES; PROVIDING FOR CHARTER AMENDMENT ELECTION PROCEDURES AND RELATED DETAILS; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the current stated purpose of the City of Miami Springs (the "City") Northwest 36th Street District (the "District") is to provide for successful commercial operations; and

**WHEREAS,** properties in the District have become increasingly disinvested and are creating conditions that negatively affect the public health, safety, and general welfare of the City's residents and visitors and which demand the commitment of a disproportionate amount of police resources; and

**WHEREAS,** the City Council commenced a community-driven project known as the "Activate Southeast Miami Springs Project" to evaluate ways to transform the District into a vibrant, connected, and welcoming district; and

**WHEREAS,** as part of the Activate Southeast Miami Springs Project, the City has conducted stakeholder interviews, community workshops, and Council workshops to evaluate existing conditions and potential frameworks to attract investment and encourage revitalization of the District, including the following public engagement activities to date:

- April through May 2024 – Stakeholder interviews;
- June 24, 2024 – Council presentation relating to stakeholder input and exploration of existing conditions;
- May 8, 2025 – Council presentation on the existing conditions and Council input;

- August 18 & 25, 2025 – Council presentation on the framework for potential changes;
- September 2-22, 2025 – Online survey on a framework for potential changes;
- September 24, 2025 – Council Workshop (Part 1) regarding recommended strategies and actions;
- October 6, 2025 – Council Workshop (Part 2) regarding recommended strategies, actions, and priorities; and

**WHEREAS,** as a result of the Activate Southeast Miami Springs Project, the City Council has determined that the successful revitalization of properties in the District will require a mix of uses to support new investments in the District, including residential components within limited areas of the District; and

**WHEREAS,** the City has specifically identified that in order to revitalize and attract investment to the District, the City should permit projects with a mix of commercial and residential components in the area east of East Drive within the District; and

**WHEREAS,** residential uses in the District are effectively prohibited because Section 1.04(6) of the City Charter currently provides that any building that includes more than 2 residential dwelling units shall not exceed 3 stories and a maximum of 40 feet in height, making investments in the District and revitalization of disinvested properties economically unfeasible; and

**WHEREAS,** the City Council has determined that an amendment to the City Charter (the "Charter Amendment") should be presented for consideration by the City's electorate in order to commence the implementation of the Activate Southeast Miami Springs Project by exempting those buildings with residential units in the area east of East Drive in the District from the height and story limitations of Section 1.04(6) of the Charter subject to the height limitations set forth in Section 150-164(E) of the City's Code in effect as of the date of the Charter Amendment's approval and adoption; and

**WHEREAS,** on April 27, 2026, the City Council adopted Resolution No. 2026-4390, calling a special election to occur on August 18, 2026, relating to the Charter Amendment; and

**WHEREAS,** in the interest of transparency and to provide City residents additional time to understand the effects of the Charter Amendment, the City Council desires to rescind Resolution No. 2026-4390 calling for a special election on the Charter Amendment on August 18, 2026, and instead call a special election on November 3, 2026, to present the Charter Amendment for consideration by the City's electorate; and

**WHEREAS**, pursuant to the City's Home Rule powers and Section 6.03 of the Home Rule Charter of Miami-Dade, as applicable, the City is required to submit the Charter Amendments to the electors of the City for approval or rejection.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** That the above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

**Section 2. Rescinding Resolution.** The City Council hereby rescinds Resolution No. 2026-4390, calling a special election on August 18, 2026, for the purpose of submitting to the electorate of the City the Charter Amendment.

**Section 3. Calling Special Election.** That a special election is hereby called to be held on Tuesday, November 3, 2026, to present to the qualified electors of the City of Miami Springs the ballot question provided in Section 5 of this Resolution. The City Council may, by resolution, alter the date of the special election in the event that the City Council finds that unforeseen circumstances require it to do so.

**Section 4. Charter Amendments.** That pursuant to the City's Home Rule powers and Section 6.03 of the Home Rule Charter of Miami-Dade County, the City Charter of the City of Miami Springs, Florida, is hereby amended to read as set forth in Exhibit "A" attached hereto and incorporated herein.

**Section 5. Form of Ballot.**

a. That the form of ballot for the Charter Amendments provided for in Section 4 of this Resolution shall be substantially as follows:

1. **Revitalizing the Northwest 36 Street District**

   The Charter provides that buildings that include more than 2 residential dwelling units shall not exceed 3 stories and a maximum of 40 feet in height.

To revitalize and attract investment to the Northwest 36 Street District, it is proposed to exempt buildings with residential units located east of East Drive in the District from the Charter's restriction, subject to current zoning height limitations.

Shall the above-described amendment be adopted?

Yes [ ]

No [ ]

b. That the City Council may revise the ballot form which is set forth above by Resolution; provided, however, that the City Council hereby authorizes the City Manager, in consultation with the City Attorney, to reorder the ballot questions in their discretion without further action of the City Council.

**Section 6. Balloting.** Balloting shall be conducted on Tuesday, November 3, 2026, between the hours of 7:00 A.M. and 7:00 P.M. at the regular polling places provided for City elections. Absentee balloting shall be available as authorized by law. Early voting pursuant to Section 101.657, Florida Statutes shall be provided. All qualified City electors who are timely registered in accordance with law shall be entitled to vote. The City Clerk is authorized to obtain any necessary election administration services from the Miami-Dade County Supervisor of Elections. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until the date at which the registration books shall close in accordance with the provision of the general election laws. The City Clerk, with necessary assistance from the Miami-Dade County Supervisor of Elections, is hereby authorized to take all appropriate actions necessary to carry into effect and accomplish the electoral provisions of this Resolution. This Special Election shall be canvassed by a County Canvassing Board in accordance with any applicable provisions of the general election laws of the State or County. The City Clerk is hereby authorized to take any action which is necessary or expedient to implement this section or to comply with any applicable law.

**Section 7. Notice of Election.** That notice of said election shall be published in accordance with Section 100.342, Fla. Stat., in a newspaper of general circulation within the City at least 30 days prior to said election, the first publication to be in the fifth

week prior to the election (to-wit: during the week commencing Sunday, September 27, 2026), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, October 11, 2026), and shall be in substantially the following form:

**"NOTICE OF SPECIAL ELECTION"**

**NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. 2026-_____ A SPECIAL ELECTION HAS BEEN CALLED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA (THE "CITY") TO BE HELD WITHIN THE CITY ON TUESDAY, NOVEMBER 3, 2026 FROM 7:00 AM UNTIL 7:00 P.M. AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI SPRINGS THE FOLLOWING CHARTER AMENDMENTS FOR APPROVAL OR REJECTION:**

1. **Revitalizing the Northwest 36 Street District**

   The Charter provides that buildings that include more than 2 residential dwelling units shall not exceed 3 stories and a maximum of 40 feet in height.

   To revitalize and attract investment to the Northwest 36 Street District, it is proposed to exempt buildings with residential units located east of East Drive in the District from the Charter's restriction, subject to current zoning height limitations.

   Shall the above-described amendment be adopted?

   Yes [ ]

   No [ ]

**The full text of the proposed City Charter Amendment is available at the office of the City Clerk located at City of Miami Springs, 201 Westward Drive, Second Floor, Miami Springs, FL 33166.**

**/s/ Erika Gonzalez, MMC**
**City Clerk"**

**Section 8. Copies.** That copies of this Resolution proposing the Charter Amendments are on file at the offices of the City Clerk located at City of Miami Springs, City Hall, 201 Westward Drive, Second Floor, Miami Springs, FL 33166, and are available for public inspection during regular business hours.

**Section 9. Effectiveness of Charter Amendments.**

a. That each of the Charter Amendments which are provided for in Sections 4 and 5 above shall become effective only if the majority of the qualified electors voting on the specific Charter Amendment vote for its adoption, and shall be considered adopted and effective upon certification of election results.
b. That the City Attorney is authorized to revise the Charter to the extent necessary to assure that any amendments adopted conform to one another and are properly included in the publication of the revised City Charter. Further, that in the event that some, but not all, of the Charter Amendments are approved by the electors, conforming amendments shall be deemed to be adopted and the City Attorney is authorized to reflect and implement such revisions of the Charter, including the revision of transitional provisions, to the extent necessary to assure that all amendments adopted conform to one another and to all remaining Charter provisions. If conflicting Charter Amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
c. That following the adoption of the Charter Amendments, the City Clerk shall file the adopted Charter Amendments with the Clerk of the Circuit Court of Miami-Dade County, Florida.

**Section 10. Inclusion in the Charter.** Subject to the requirements of Section 9 above, it is the intention of the City Council and it is hereby provided that the Charter Amendments shall become and be made a part of the Charter of the City of Miami Springs and that the Sections of this Resolution and the proposed Charter Amendments may be renumbered or re-lettered to accomplish such intention.

**Section 11. Severability.** That the provisions of this Resolution are declared to be severable, and if any section, sentence, clause or phrase of this Resolution shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution but they shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

**Section 12. Conflicts.** That in the event that the provisions of this Resolution conflict with any other City Resolution, the provisions of this Resolution shall prevail to the extent of any such conflict.

**Section 13. Effective Date.** That this Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Councilman Dion who moved its adoption. The motion was seconded by Vice Mayor Lamas and upon being put to a vote, the vote was as follows:

| | |
|---|---|
| Vice Mayor Orlando Lamas | YES |
| Councilman Jorge Santin | YES |
| Councilman Joseph Dion | YES |
| Councilman Fabian Perez-Crespo | YES |
| Mayor Dr. Walter Fajet | YES |

PASSED AND ADOPTED this 8th day of June, 2026.

MAYOR DR.WALTER FAJET

ATTEST:

ERIKA GONZALEZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
CITY ATTORNEY

# EXHIBIT A

## PROPOSED REVISIONS AND AMENDMENTS TO CITY CHARTER

**The following document contains proposed revisions and amendments to the City of Miami Springs Charter as proposed by the City Council.**

Additions to the text are shown in highlighted underline and deletions are shown in highlighted ~~strikethrough~~.

# CHARTER

## ARTICLE I. POWERS

* * *

**Sec. 1.04. Limitation of powers.**

The powers of the city, in addition to limitations imposed by law, are further limited as follows:

(1) The city may not otherwise dispose of that part of its real property now, or hereinafter held for parks, playgrounds, or other recreational facilities, except by ordinance passed by ⅘ vote of the City Council, after 2 public hearings.

(2) The Council shall have and exercise all powers of the city not specifically conferred upon other officers and employees. It may delegate any power except the power to fix the rate of taxes, enact ordinances and resolutions, incur indebtedness, adopt a budget and appropriate money.

(3) The Council may, by majority vote after 2 public hearings, change any existing zoning classification within the city, provided that notice of such proposed zoning change shall first be given to the inhabitants of the city in the following manner:

(a) Notice of each public hearing shall be published at least 10 days prior to each hearing in a newspaper of general circulation within the city.

(b) The entire text of the proposed zoning change shall be posted in a prominent place in public buildings for a period of at least 2 weeks prior to the date of the first newspaper publication, as follows:

(1) City hall,

(2) Recreation center gymnasium,

(3) The field house, and

(4) Any other building(s) designated by Council.

(c) Notice of the proposed zoning change shall be mailed to the electors of the city in accordance with the then most current voters registration list, which list shall be maintained as available to the public by the City Manager, and the cost of such mailing shall be borne by the applicant for such zoning change.

(4) The City of Miami Springs shall not issue ad valorem bonds the outstanding total amount of which shall obligate the city in excess of 15 percent of the

assessed valuation of the real property within the City of Miami Springs for the total outstanding amount of said bonds issued by the city.

(5) No portion of the Miami Springs Golf and Country Club Property, which is more particularly described in Official Records Book 17843, Pages 4410—4415, of the Miami-Dade County Public Records, shall be leased for any single period in excess of 5 years, re-zoned, sold, or otherwise conveyed, without first being approved and authorized by a majority of the qualified city electors voting in an election to consider any such actions.

(6) Any building that includes more than 2 residential dwelling units shall not exceed 3 stories and a maximum of 40-feet in height.

(a) The foregoing restriction shall not apply to buildings with residential units located east of East Drive within the Northwest 36th Street District, subject to the height limitations contained in the City's Code of Ordinances for the Northwest 36th Street District as of November 3, 2026.

This exception shall only apply to properties located east of East Drive in the Northwest 36th Street District as the district exists as of November 3, 2026 as illustrated in the map shown in Figure 1 below.

Figure 1.
Map of Properties East of East Drive in the Northwest 36th Street District

