

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: April 30, 2019

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB 19-0290. Water Management Expert for DRB, PB and HPB.**

#### **REQUEST**

**PB 19-0290. WATER MANAGEMENT EXPERTS FOR DRB, PB, AND HPB. AN ORDINANCE OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 118 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE II, ENTITLED "BOARDS," DIVISION 2, ENTITLED "PLANNING BOARD," SECTION 118-53, ENTITLED "COMPOSITION"; DIVISION 3, ENTITLED "DESIGN REVIEW BOARD," SECTION 118-72, ENTITLED "MEMBERSHIP"; AND DIVISION 4, ENTITLED "HISTORIC PRESERVATION BOARD," SECTION 118-103, ENTITLED "MEMBERSHIP," TO AMEND THE COMPOSITION OF THE PLANNING BOARD, DESIGN REVIEW BOARD AND HISTORIC PRESERVATION BOARD TO INCLUDE A CATEGORY FOR A WATER MANAGEMENT EXPERT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

#### **RECOMMENDATION**

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

#### **HISTORY**

On January 16, 2019, pursuant to item C4 AG and at the request of Commissioner John Elizabeth Aleman, the City Commission referred the subject discussion item to both the Land Use and Development Committee (LUDC) and the Sustainability and Resiliency Committee (SRC). On March 6, 2019 the LUDC discussed the item and continued it to April 3, 2019. Direction was given to the administration to further study and evolve the membership categories on the HPB and DRB for a water management expert.

On March 20, 2019, the SRC discussed the proposal and recommended approval. On April 3, 2019 the LUDC discussed the item and recommended that the City Commission refer an ordinance to the Planning Board. The LUDC also requested that the City Attorney explore an alternative membership composition, consisting of a rotating panel of water experts for the applicable city land use boards.

On April 10, 2019, at the City Commission Referred the attached Ordinance to the Planning Board (Item C4 Z).

#### **REVIEW CRITERIA**

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

**Consistent** – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

**Not applicable** – The proposed amendment does not modify district boundaries.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Consistent** – The proposed ordinance amendment is not out of scale with the surrounding neighborhood.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

**Consistent** – The proposed ordinance will not affect the load on public facilities and infrastructure.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Not applicable.** – The proposed amendment does not modify district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – The need to improve the resiliency of development makes passage of the proposed change necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Consistent** – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

**Consistent** – The proposed change should not create or increase traffic congestion beyond what is currently permitted.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Consistent** – The proposed change will not reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

**Consistent** – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

**Consistent** – The proposed change should not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

**Not applicable** –

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

**Not applicable** –

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Partially Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise.

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Consistent** – The proposal will provide for a water management expert on the City's primary land use boards and will improve the resiliency of the City with respect to sea level rise.

- (3) **Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal does not diminish and is compatible with the City's sea level rise mitigation and resiliency efforts.

#### **ANALYSIS**

The ULI Miami Beach advisory services panel report includes a recommendation to add climate or water management experts to the city land use boards: historic preservation board (HPB), design review board (DRB) and planning board (PB). The Board of Adjustment is responsible for variances and appeals of administrative decisions, and therefore, not recommended to be

- changed for this purpose. City staff has had internal discussions regarding potential options for integrating water management and climate change experts into the land use board review process. Current board composition includes:
- 1. The land development regulations (LDR's) should be amended to add a professional with water management expertise within an existing membership category of the design review board (DRB), historic preservation board (HPB) and planning board (PB). The DRB, HPB and PB currently consist of seven (7) members with the following composition:

Design Review Board

- (1) Two architects registered in the United States;*
- (2) An architect registered in the State of Florida or a member of the faculty of a school of architecture, urban planning or urban design in the state, with practical or academic expertise in the field of design, planning, historic preservation or the history of architecture; or a professional practicing in the fields of architectural design or urban planning;*
- (3) One landscape architect registered in the State of Florida;*
- (4) One architect registered in the United States, or a professional practicing in the fields of architectural or urban design, or urban planning; or resident with demonstrated interest or background in design issues; or an attorney in good standing licensed to practice law within the United States; and*
- (5) Two citizens at large.*

Historic Preservation Board

- (1) A representative from the Miami Design Preservation League (MDPL), selected from three names nominated by such organization.*
- (2) A representative from Dade Heritage Trust (DHT), selected from three names nominated by such organization.*
- (3) Two at large members, who have resided in one of the city's historic districts for at least one year, and who have demonstrated interest and knowledge in architectural or urban design and the preservation of historic buildings.*
- (4) An architect registered in the State of Florida with practical experience in the rehabilitation of historic structures.*
- (5) An architect registered in the United States, a landscape architect registered in the State of Florida, a professional practicing in the field of architectural or urban design or urban planning, each of the foregoing with practical experience in the rehabilitation of historic structures; or an attorney at law licensed (to practice) in the United States, or an engineer licensed in the State of Florida, each of the foregoing with professional experience and demonstrated interest in historic preservation.*
- (6) A member of the faculty of a school of architecture in the State of Florida, with academic expertise in the field of design and historic preservation or the history of architecture, with a preference for an individual with practical experience in architecture and the preservation of historic structures.*

Planning Board

*All regular voting members of the board shall have considerable experience in general business, land development, land development practices or land use issues; however, the board shall at a minimum be comprised of:*

- (1) One architect registered in the State of Florida; or a member of the faculty of a school of architecture in the state, with practical or academic expertise in the field of design, planning, historic preservation or the history of architecture; or a landscape architect registered in the*

- State of Florida; or a professional practicing in the fields of architectural or urban design, or urban planning;*
- (2) One developer who has experience in developing real property; or an attorney in good standing licensed to practice law within the United States;*
- (3) One attorney licensed to practice law in the State of Florida who has considerable experience in land use and zoning issues;*
- (4) One person who has education and/or experience in historic preservation issues. For purposes of this section, the term "education and/or experience in historic preservation issues" shall be a person who meets one or more of the following criteria:*
  - a. Has earned a college degree in historic preservation;*
  - b. Is responsible for the preservation, revitalization or adaptive reuse of historic buildings; or*
  - c. Is recognized by the city commission for contributions to historic preservation, education or planning; and*
- (5) Three persons who are citizens at large or engaged in general business in the city.*

The administration recommends that the relevant code sections for each board be revised, so that a water management expert can be included by amending the at large category.

2. Additionally, the administration is creating an internal development review committee (DRC). In an effort to identify appropriate solutions for water management challenges earlier on in the planning and development process, the City Manager's READY team also recommended the creation of an internal development review committee (DRC). Based on the complexity of a proposed project, the DRC would review anything from a basic site plan and civil drawings prior to fully developed plans, prior to the application being considered by a land use board. Members of the DRC would include key city staff with knowledge of citywide water management goals, including staff from public works, CIP, environment and sustainability, and the new water management DCP (Jacobs Engineering).

The committee would be able to focus on water management and resiliency strategies and would include representation from other key disciplines, including planning, building, fire, parking and parks would ensure a holistic approach to the internal review process.

Pursuant to the direction of the LUDC on March 6, 2019, the administration drafted a category for a water management expert that is separate, with full voting rights. Currently, both the DRB and HPB have two categories each, for at large members, and the planning board has a category for three at large seats. The attached ordinance would replace one of the at large membership categories on each board with a water management specialist, as follows:

#### **Historic Preservation Board**

- ~~(3) Two~~ One at large members, who have resided in one of the city's historic districts for at least one year, and who have demonstrated interest and knowledge in architectural or urban design and the preservation of historic buildings.
- (4) A licensed professional engineer, licensed professional architect or licensed professional landscape architect, with expertise in water resources, or a person licensed by the State of Florida in hydrology, water or wastewater treatment, or a person with a degree from an accredited college or university in any water resources discipline.

#### **Design Review Board**

- ~~(5) Two~~ One citizens at large.
- (6) A licensed professional engineer, licensed professional architect or licensed professional

landscape architect, with expertise in water resources, or a person licensed by the State of Florida in hydrology, water or wastewater treatment, or a person with a degree from an accredited college or university in any water resources discipline.

**Planning Board**

(5) ~~Three~~ Two persons who are citizens at large or engaged in general business in the city.

(6) A licensed professional engineer, licensed professional architect or licensed professional landscape architect, with expertise in water resources, or a person licensed by the State of Florida in hydrology, water or wastewater treatment, or a person with a degree from an accredited college or university in any water resources discipline.

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

**Water Management Expert for DRB, PB and HPB**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 118 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE II, ENTITLED "BOARDS," DIVISION 2, ENTITLED "PLANNING BOARD," SECTION 118-53, ENTITLED "COMPOSITION"; DIVISION 3, ENTITLED "DESIGN REVIEW BOARD," SECTION 118-72, ENTITLED "MEMBERSHIP"; AND DIVISION 4, ENTITLED "HISTORIC PRESERVATION BOARD," SECTION 118-103, ENTITLED "MEMBERSHIP," TO AMEND THE COMPOSITION OF THE PLANNING BOARD, DESIGN REVIEW BOARD AND HISTORIC PRESERVATION BOARD TO INCLUDE A CATEGORY FOR A WATER MANAGEMENT EXPERT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 118, Article II of the City Code establishes the composition of the Historic Preservation Board, Design Review Board and Planning Board; and

**WHEREAS**, the Mayor and City Commission desire to amend the composition of the Historic Preservation Board, Design Review Board and Planning Board, to provide that a water management expert replace an at-large member category on each board.

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

**SECTION 1.** That Chapter 118 of the Code of the City of Miami Beach, entitled "Administration and Review Procedures," Article II, entitled "Boards," is hereby amended as follows:

**CHAPTER 118  
ADMINISTRATION AND REVIEW PROCEDURES**

\* \* \*

**ARTICLE II. BOARDS**

\* \* \*

**DIVISION 2. - PLANNING BOARD**

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**Sec. 118-53. - Composition.**

(a) The planning board shall be composed of seven regular voting members. Each regular member shall be appointed with the concurrence of at least four members of the city commission. Each regular voting member shall serve for a term of two years. The planning director or designee, and city attorney or designee, shall serve in an advisory capacity.

(b) All regular voting members of the board shall have considerable experience in general business, land development, land development practices or land use issues; however, the board shall at a minimum be comprised of:

(1) One architect registered in the State of Florida; or a member of the faculty of a school of architecture in the state, with practical or academic expertise in the field of design, planning, historic preservation or the history of architecture; or a landscape architect registered in the State of Florida; or a professional practicing in the fields of architectural or urban design, or urban planning;

(2) One developer who has experience in developing real property; or an attorney in good standing licensed to practice law within the United States;

(3) One attorney licensed to practice law in the State of Florida who has considerable experience in land use and zoning issues;

(4) One person who has education and/or experience in historic preservation issues. For purposes of this section, the term "education and/or experience in historic preservation issues" shall be a person who meets one or more of the following criteria:

a. Has earned a college degree in historic preservation;

b. Is responsible for the preservation, revitalization or adaptive reuse of historic buildings; or

c. Is recognized by the city commission for contributions to historic preservation, education or planning; and

(5) ~~Three~~ Two persons who are citizens at large or engaged in general business in the city.

(6) A licensed professional engineer, licensed professional architect or licensed professional landscape architect, with expertise in water resources, or a person licensed by the State of Florida in hydrology, water or wastewater treatment, or a person with a degree from an accredited college or university in any water resources discipline.

(c) No person except a resident of the city, who has resided in the city for at least one year, shall be eligible for appointment to the planning board.

(d) The city commission may waive the residency requirements by a 5/7ths vote in the event a person not meeting these requirements is available to serve on the board and is exceptionally qualified by training and/or experience.

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### **DIVISION 3. – DESIGN REVIEW BOARD**

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#### **Sec. 118-72. - Membership.**

(a) *Composition.* The design review board shall be composed of seven regular members. The seven regular members shall consist of:

(1) Two architects registered in the United States;

(2) An architect registered in the State of Florida or a member of the faculty of a school of architecture, urban planning or urban design in the state, with practical or academic expertise in the field of design, planning, historic preservation or the history of architecture; or a professional practicing in the fields of architectural design or urban planning;

(3) One landscape architect registered in the State of Florida;

(4) One architect registered in the United States, or a professional practicing in the fields of architectural or urban design, or urban planning; or resident with demonstrated interest or background in design issues; or an attorney in good standing licensed to practice law within the United States; and

(5) ~~Two~~ One citizens at large.

(6) A licensed professional engineer, licensed professional architect or licensed professional landscape architect, with expertise in water resources, or a person licensed by the State of



Florida in hydrology, water or wastewater treatment, or a person with a degree from an accredited college or university in any water resources discipline.

(7) One person appointed by the city manager from an eligibility list provided by the mayor's barrier free environment committee shall serve in an advisory capacity with no voting authority. The planning director, or designee, and the city attorney or designee, shall serve in an advisory capacity.

(b) *Appointment.* Design review board members shall be appointed with the concurrence of at least four members of the city commission. An eligibility list for these professional membership categories may include, but shall not be limited to, suggestions from the following professional and civic associations as listed below:

(1) American Institute of Architects, local chapter.

(2) American Society of Landscape Architects, local chapter.

(3) The Miami Design Alliance.

(4) American Planning Association, local chapter.

(5) The Miami Design Preservation League and Dade Heritage Trust.

(6) Other city civic, neighborhood and property owner associations.

(c) *Residency and place of business.* All regular members shall reside in or have their primary place of business in the county. The two citizens-at-large members and one of the registered landscape architects, registered architects, or professionals practicing in the fields of architectural or urban design or urban planning shall be residents of the city.

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#### **DIVISION 4. HISTORIC PRESERVATION BOARD**

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##### **Sec. 118-103. Membership.**

(a) The historic preservation board shall be composed of seven members. There shall be a member from each of the following categories:

(1) A representative from the Miami Design Preservation League (MDPL), selected from three names nominated by such organization.

(2) A representative from Dade Heritage Trust (DHT), selected from three names nominated by such organization.

(3) ~~Two~~ One at large members, who ~~has~~have resided in one of the city's historic districts for at least one year, and who ~~has~~have demonstrated interest and knowledge in architectural or urban design and the preservation of historic buildings.

(4) A licensed professional engineer, licensed professional architect or licensed professional landscape architect, with expertise in water resources, or a person licensed by the State of Florida in hydrology, water or wastewater treatment, or a person with a degree from an accredited college or university in any water resources discipline.

(5) An architect registered in the State of Florida with practical experience in the rehabilitation of historic structures.

(6) An architect registered in the United States, a landscape architect registered in the State of Florida, a professional practicing in the field of architectural or urban design or urban planning, each of the foregoing with practical experience in the rehabilitation of historic structures; or an attorney at law licensed (to practice) in the United States, or an engineer licensed in the State of Florida, each of the foregoing with professional experience and demonstrated interest in historic preservation.

(7) A member of the faculty of a school of architecture in the State of Florida, with academic expertise in the field of design and historic preservation or the history of architecture, with a preference for an individual with practical experience in architecture and the preservation of historic structures.

(b) All members of the board except the architect, engineer, landscape architect, professional practicing in the field of architectural or urban design or urban planning and university faculty member of the board shall be residents of, the city; provided, however, that the city commission may waive this requirement by a 5/7ths vote in the event a person not meeting these residency requirements is available to serve on the board and is exceptionally qualified by training and/or experience in historic preservation matters. All appointments shall be made on the basis of civic pride, integrity, experience and interest in the field of historic preservation.

**SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3. SEVERABILITY.**

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

**SECTION 4. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
City Attorney Date

First Reading: \_\_\_\_\_, 2019  
Second Reading: \_\_\_\_\_, 2019

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

