

Design Review Board Advisory Review

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 118 OF THE CITY CODE, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," BY AMENDING ARTICLE VI, ENTITLED "DESIGN REVIEW PROCEDURES," BY AMENDING SECTION 118-252, ENTITLED "APPLICABILITY AND EXEMPTIONS," TO CREATE A PROCEDURE FOR THE DESIGN REVIEW BOARD TO CONDUCT A NON-BINDING, ADVISORY REVIEW OF THE DESIGN OF CERTAIN RIGHT-OF-WAY AND/OR NEIGHBORHOOD IMPROVEMENT PROJECTS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, on April 11, 2018, the City Commission referred a discussion item to the Land Use and Development Committee regarding the role of Land Use Boards in the review of neighborhood improvement projects; and

WHEREAS, following a discussion on May 6, 2020, the Land Use and Sustainability Committee ("LUSC") recommended that the City Commission refer an Ordinance to the Planning Board, requiring the Design Review Board to conduct a non-binding, advisory review of the design of certain right-of-way and/or neighborhood improvement projects; and

WHEREAS, on June 24, 2020, the City Commission referred this item to the Planning Board; and

WHEREAS, the intent of this Ordinance is to elevate the aesthetics of above-ground City infrastructure, and promote compatibility with the site of a project, adjacent structures, and surrounding community; and

WHEREAS, the Climate Resiliency and Sustainability Element of the 2040 Comprehensive Plan, at Principle 1, "Maintaining Urgency," provides that "[t]he City will continue to prioritize climate adaptation efforts and policies that enhance[] public and private infrastructure, and shall encourage other coastal communities to be proactive and innovative in their efforts to mitigate against climate change"; and

WHEREAS, the Design Review Board's advisory review of each project, subject to the design review criteria and resiliency review criteria, will promote consistency with Principle 1 of the Climate Resiliency and Sustainability Element; and

WHEREAS, Principle 2 of the Climate Resiliency and Sustainability Element, entitled "Using Incrementalism," provides that "[t]he City shall design all future infrastructure plans to be adaptive to emerging technologies and data on climate change and sea-level rise, as well as input from affected community members to develop inclusive and innovative solutions"; and

WHEREAS, Principle 3 of the Climate Resiliency and Sustainability Element, entitled "Ensuring Transparency," provides that "[t]he City shall provide access to information related to climate change science and climate adaption efforts to residents and other stakeholders, and shall engage in outreach activities as appropriate so that the community is knowledgeable in making adaptation investments"; and

WHEREAS, this Ordinance establishes a public process, including a public notice requirement, to obtain input from City residents and community members, consistent with Principles 2 and 3; and

WHEREAS, Principle 7 of the Climate Resiliency and Sustainability Element, entitled "Preserving Cultural Identity," provides that "[t]he City shall embrace its unique character and history by incorporating art into adaptation efforts"; and

WHEREAS, input from the Design Review Board will promote the incorporation of art into the City's adaptation efforts, consistent with Principle 7; and

WHEREAS, Principle 9 of the Climate Resiliency and Sustainability Element, entitled "Managing Water," provides that "the City shall continue to strive to be a leader in adapting to a changing climate and sea-level rise by preserving and sustainably managing the City's water environmental and recreational resources; and

WHEREAS, this Ordinance is consistent with Principle 9; and

WHEREAS, the proposed amendments are consistent with the principles, goals, objectives, and policies of the 2040 Comprehensive Plan; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

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

SECTION 1. Chapter 118, "Administration and Review Procedures" at Article VI, entitled "Design Review Procedures, Section 118-252 entitled "Applicability and exemptions," of the Land Development Regulations of the Code of the City of Miami Beach, Florida, is hereby amended follows:

**CHAPTER 118
ADMINISTRATION AND REVIEW PROCEDURES**

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**ARTICLE VI
DESIGN REVIEW PROCEDURES**

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Sec. 118-252. Applicability and exemptions

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- (c) Advisory review. The Design Review Board shall be required to review certain specified City neighborhood projects, stormwater pump stations, and related apparatus (which are otherwise exempt from design review pursuant to subsection (a)(1)), in a non-binding, advisory capacity, and provide written recommendations on such projects to the City Commission, subject to the following regulations:
- (1) City projects subject to advisory review. The scope of the Design Review Board's advisory review pursuant to this subsection (c), shall be limited to the following projects:
- a. Stormwater pump stations and related apparatus;
 - b. The location and screening of above-ground infrastructure;
 - c. The design of new street lighting;
 - d. The above-ground design of non-standard materials for newly constructed sidewalks, streets and crosswalks;
 - e. The above-ground design of new roadway medians, traffic circles, and plazas;
 - f. Protected bike lanes;
 - g. Roadway elevations in excess of six inches above the existing crown of road;
 - h. Pedestrian bridges; and
 - i. Master neighborhood improvement plans which involve and integrate any of the above elements.
- (2) Timeframe for review. The Design Review Board shall review the project and provide an advisory recommendation within 35 days of the first Design Review Board meeting at which the project is reviewed. Any recommendations of the Design Review Board shall be transmitted to the City Commission via Letter to Commission. Notwithstanding the foregoing, the requirement set forth in this paragraph shall be deemed to have been satisfied in the event that the Design Review Board fails, for any reason whatsoever, to review a project and/or provide a recommendation to the City Commission within the 35-day period following the first meeting at which the project is reviewed.
- (3) Substantial changes. If the design of a project should change substantially, as determined by the Planning Director, after it has been reviewed by the Design Review Board, the Board shall be required to review the changes to the design.
- (4) Waiver. Upon a written recommendation of the City Manager, the City Commission may, by majority vote, waive the advisory review required pursuant to this

subsection (c), if the City Commission finds such waiver to be in the best interest of the City.

(5) Notice. The advisory review by the Design Review Board shall be noticed by publication in a newspaper of general circulation at least 15 days in advance of the meeting. Additionally, for stormwater pump stations and related apparatus, notice shall be posted on the land subject to the application, and mailed to owners of record of land lying within 375 feet of the land pursuant to Section 118-8.

(6) Exceptions. Advisory review pursuant to this subsection (c) shall not be required for:

a. Emergency work.

b. Crosswalk projects that address compliance with the Americans with Disabilities Act and Florida Accessibility Code.

c. Lighting improvements for public safety purposes.

d. Routine maintenance and utility repair work.

e. Projects for which a notice to proceed with construction has been issued on or before September 30, 2020.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same 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 renumbered or relettered 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 _____, 2020.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION



City Attorney NK



Date

First Reading: July 29, 2020
Second Reading: September 16, 2020

Verified by: _____
Thomas R. Mooney, AICP
Planning Director