

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 27 AND SECTIONS 2-190.121—2-190.125 THEREOF, ENTITLED "RESERVED," TO ESTABLISH THE "NORTH BEACH REDEVELOPMENT OVERSIGHT COMMITTEE," AND TO SET FORTH THE PURPOSE, POWERS AND DUTIES, COMPOSITION, KNOWLEDGE AND EXPERIENCE; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Community Redevelopment Act of 1969, Chapter 163 of the Florida Statutes, allows local governments to use property taxes generated in designated communities for economic revitalization purposes within the district; and

**WHEREAS**, economic development is a primary Citywide goal, and the Miami Beach City Commission has emphasized a focus on North Beach, the area of Miami Beach north of 63rd Street; and

**WHEREAS**, within North Beach, there exists a defined geographic area containing a large number of deteriorated buildings and substandard housing units, which pose a public concern and demonstrate economic distress, as defined in Section 163.340, Florida Statutes; and

**WHEREAS**, both the 2014 North Beach Revitalization Plan, adopted pursuant to City Commission Resolution No. 2014-28879, and the 2016 North Beach Master Plan, adopted pursuant to Resolution No. 2016-29608 and reaffirmed by Resolution No. 2017-30013, identified use of a Community Redevelopment Agency as a potential funding mechanism for the numerous planning and improvement initiatives necessary for North Beach; and

**WHEREAS**, recognizing a need for funding to implement the vision of the North Beach Master Plan, on December 13, 2017, the City Commission referred a discussion to the Finance and Citywide Projects Committee ("FCWPC") and the Neighborhoods/Community Affairs Committee ("NCAC") to explore financing for North Beach enhancement, including the potential creation of a North Beach Community Redevelopment Area ("CRA"); and

**WHEREAS**, pursuant to Section 163.410, Florida Statutes, the City is required to receive a delegation of authority from the Miami-Dade County as a condition precedent to exercising redevelopment powers conferred under the Community Redevelopment Act, in other words, the Miami-Dade County Board of County Commissioners must also, by majority vote, approve the creation of a North Beach CRA; and

**WHEREAS**, on February 14, 2018, the Mayor and City Commission adopted Resolution No. 2018-30170, accepting the recommendation made by the FCWPC at its January 19, 2018 meeting, and authorized the Administration to continue discussions with Miami-Dade County (the "County") regarding creation of a CRA in order to enhance North Beach; and

**WHEREAS**, similarly, on February 14, 2018, the Mayor and City Commission also adopted Resolution 20108-30171, accepting the recommendation made by the NCAC at its January 24, 2018 meeting, and authorized development of a quality of life plan consistent with the North Beach Master Plan; and

**WHEREAS**, on June 20, 2018, the NCAC further discussed its quality of life plan projects from the North Beach Master Plan and recommended creation of a North Beach CRA; and

**WHEREAS**, on July 25, 2018, the Mayor and City Commission adopted Resolution No. 2018-30432, accepting the recommendation of the NCAC to commence CRA discussions with the County; and

**WHEREAS**, following adoption of the County's FY 2019-2020 budget, the City Administration reached out to County staff to discuss the first procedural step required by statute, a "finding of necessity," for the creation of a North Beach CRA; and

**WHEREAS**, in order to designate a CRA, the Community Redevelopment Act of 1969, Chapter 163, Florida Statutes, requires that an economic survey of the targeted area, also known as the finding of necessity report ("FoN"), determine the existence of a minimum two of fifteen specific conditions that the statute refers to as "blight" conditions; and

**WHEREAS**, although only two criteria are necessary to establish the need for a CRA, the City's consultant's FoN report identified the presence of nine (9) of the fifteen criteria, which are as follows:

1. predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
2. aggregate assessed values of real property in the area have failed to show appreciable increase over the five years prior to the finding of such conditions;
3. faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
4. unsanitary or unsafe conditions;
5. deterioration of site or other improvements;
6. inadequate and outdated building density patterns;
7. fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
8. a greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality; and
9. diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; and

**WHEREAS**, on July 17, 2019, the City Commission adopted Resolution No. 2019-30892, containing an earlier version of the FoN and directing the City Manager to initiate the process of requesting the CRA at the County level; and

**WHEREAS**, on October 31, 2019, the City of Miami Beach presented the FoN to the County Tax Increment Financing ("TIF") Committee, which accepted the declaration of necessity contained in the FoN, and made a motion to recommend that the City consider extending the boundary to include the Crespi and North Shore areas; and

**WHEREAS**, the City staff worked diligently to revised FoN to include the areas recommended by the County's TIF Committee, prior to advancing to the next County Commission committee meeting; and

**WHEREAS**, the City Administration (consistent with the County's TIF Committee's recommendation), proposed the following geographic boundaries for the proposed North Beach CRA: areas bounded by 87th Terrace to the north, the Atlantic Ocean to the east, 55th Street to the south, and Rue Notre Dame to the east; and

**WHEREAS**, on July 8, 2020, Miami-Dade County Board of Commissioners adopted Resolution No. 201207, finding that certain geographic area in the City of Miami Beach, generally described as bounded on the north by 87th Terrace, on the south by 65th Street, on the east by the Atlantic ocean, and on the west by Rue Notre Dame, to be slum or blighted; declaring that the rehabilitation, conservation and redevelopment, or a combination thereof, of the area to be in the interest of the public health, safety, morals and welfare of residents of the City and the County; and finding a need for the creation of the North Beach CRA; and

**WHEREAS**, it is in the best interest of the City to ensure the continued participation by residents, business owners, and community representatives of the North Beach Redevelopment area, in connection with the North Beach CRA; and

**WHEREAS**, as such, Commissioner Michael Gongora has sponsored the following Ordinance, which shall establish the North Beach Redevelopment Oversight Committee ("Committee"), in order to advise the City Manager and City Mayor and City Commission in connection with the proposed North Beach CRA, including review and input with regard to the proposed redevelopment plan for the North Beach CRA ("Redevelopment Plan"), and the prioritization of public projects to be included in the Redevelopment Plan.

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

**SECTION 1.** That Sections 2-190.121—2-190.125 of Article III, of Chapter 2 of the Code of the City of Miami Beach is hereby amended as follows:

## **CHAPTER 2**

### **ADMINISTRATION**

\* \* \*

### **ARTICLE III. AGENCIES, BOARDS AND COMMITTEES**

\* \* \*

#### **Division 27. ~~Reserved~~ North Beach Redevelopment Oversight Committee**

\* \* \*

#### **Sec. 2-190.121. ~~Reserved.~~ Established.**

There is hereby established the North Beach Redevelopment Oversight Committee which is an advisory board of the City.

**Sec. 2-190.122. ~~Reserved.~~ Purpose.**

The purpose of the North Beach Redevelopment Oversight Committee is to make advisory recommendations to the City Manager and the City Commission, from a macro perspective, regarding the proposed North Beach CRA, including, without limitation, the development of the public projects which would be included in the proposed redevelopment plan for the North Beach CRA, and oversight with regard to timely progress, overall goals, costs (including financial efficiencies), and completion of North Beach CRA projects.

**Sec. 2-190.123 ~~Reserved.~~ Powers and duties.**

The North Beach Redevelopment Oversight Committee shall have the following powers and duties:

- (a) Provide advisory recommendations regarding proposed land use and other City legislation impacting North Beach CRA;
- (b) Receive input from the public, the City Administration, and City consultants, as needed, in order to make recommendations relative to the overall timing, cost efficiencies, and prioritization of proposed public projects in the North Beach Redevelopment area, including, without limitation, the proposed redevelopment plan which must be approved by Miami-Dade County and City as part of the creation of North Beach CRA;
- (c) Provide general advisory oversight to ensure the aforesated North Beach Redevelopment public project timelines, budgets (including cost efficiencies) are prioritized and achieved, and that the projects are completed in accordance with the projected timelines.

**Sec. 2-190.123. ~~Reserved.~~ Composition.**

The North Beach Redevelopment Oversight Committee shall be composed of nine (9) members as follows:

- (a) Nine at-large appointments.
- (b) The members shall serve two-year terms.
  - 1. The term limits for the members shall be governed by the term limits set forth in Section 2-22 (5)(a) of the City Code for direct appointees.
- (c) The members shall be affiliated with the city; this requirement shall be fulfilled in the following ways:
  - 1. An individual shall have been a resident within the geographic boundaries of the North Beach CRA area for a minimum of six months; or

2. An individual shall demonstrate an ownership/interest (for a minimum of six months) in a business established within the geographic boundaries of the North Beach CRA area (for a minimum of six months).

For the purposes of this subsection (c), the following terms shall have the following meaning:

- (i) "Ownership Interest" shall mean the ownership of ten percent (10%) or more (including the ownership of 10% or more of the outstanding capital stock) in a business.
- (ii) "Business" shall mean any sole proprietorship, sponsorship, corporation, limited liability company, or other entity or business association.

Appointed members shall be required to demonstrate compliance with the City affiliation requirements of subsections (c)(1) and (2) by executing an affidavit, in a form prepared by the City Clerk's Office, stipulating that they have met either (or both) of the affiliation requirements in subsections (c)(1) and/or (2). Each member covered by the requirements of subsections (c)(1) or (2) shall file the original affidavit with the City Clerk's Office prior to being sworn in as a member.

**Sec. 2-190.124. Reserved. Knowledge and Experience.**

- (a) Two (2) out of the nine (9) members must demonstrate a high degree of knowledge or expertise in real estate development.
- (b) Each of the seven (7) remaining members must be residents or business owners in accordance with subsection 2-190.123(c), who do not otherwise qualify under subsection 2-190.124(a), and who have a demonstrated interest in neighborhood leadership issues, including, without limitation, neighborhood business groups, homeowners associations, condominium associations, cooperatives, civic groups, or other similar qualifications.

**Sec. 2-190.125. Reserved. Supporting Departments.**

The supporting departments for the North Beach Development Oversight Committee shall be the City Manager's Office, the Finance Department, and the Capital Improvements and Projects Department. The City Attorney's Office shall provide counsel to the Committee, and the City's Office of the Inspector General shall provide oversight.

**SECTION 2. 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 3. REPEALER**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**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 on the \_\_\_\_ day of \_\_\_\_\_, 2020.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Michael Gongora)

Underlines denote additions

Doublelines denote additions at the second reading

~~Strikethrough~~ denotes deletions

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
for City Attorney 

07/22/2020  
Date