

Criteria for Land Use Board Members

RESIDENTS VERSION

This is a proposal to improve criteria for membership on each of the Land Use boards: Planning Board, Design Review Board, Board of Adjustment, and Historical Preservation Board.

Since board seats are generally filled by developers or those employed by the real estate industry, the membership is self-serving and favors developer needs over resident needs. The solution is to balance the membership so that the needs of everyone in the community is balanced in a fair way.

To accomplish this, each Land Use Board will replace the existing two (2) citizens-at-large seats with two (2) resident-at-large seats. Currently, there is no definition for citizen-at -large. Therefore, we recommend Resident-at-Large be defined as the following:

Resident-at-large seat will be defined as the following:

a person who has resided in the city for at least three years; has advocated on behalf of residents; and who has accomplished one of the following within the past ten years: served on a Miami Beach neighborhood association board, Miami Beach city committee, Miami Beach condominium association board, or completed the Miami Beach Leadership Academy course. The member must not work in the fields of real estate development, realtor, real estate law, or architecture.

Whereas,
Boards should include a variety of experts and represent a variety of interests, and

Whereas,
Existing criteria of membership favors those in real estate development, and

Whereas
Decisions made by Land Use boards directly impact the quality of life for residents and representation of residents is currently insufficient, and

Whereas
Residents would benefit by a fair representation when two out of seven members are resident-at-large defined as a person who has resided in the city for at least three years; has advocated on behalf of residents; and who has accomplished one of the following within the past ten years: served on a Miami Beach neighborhood association board, Miami Beach city committee, Miami Beach condominium association board, or completed the Miami Beach Leadership Academy course. The member must not work in the fields of real estate development, realtor, real estate law, or architecture, and

Whereas

The concerns of residents can be more effectively represented on the Land Use Boards by replacing the citizen-at-large seats with resident-at-large seats as defined above, and

Whereas,

Currently, citizen-at-large seat is undefined and criteria rules not followed, i.e. the Board of Adjustment currently has two real estate developers, two attorneys, and two financial consultants, even though the existing ordinance requires that "no more than one per category" shall be appointed to the Board.

DRAFT ORDINANCE

ARTICLE II. – BOARDS

DIVISION 2. - PLANNING BOARD

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; or a realtor;

(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;

(5) ~~Two persons who are citizens-at-large residents-at-large or engaged in general business in the city and reside in the city for at least three years; has advocated on behalf of residents; and who has accomplished one of the following within the past ten years: served on a Miami Beach neighborhood association board, Miami Beach city committee, Miami Beach condominium association board, or completed the Miami Beach Leadership Academy course. The member must not work in the fields of real estate development, realtor, real estate law, or architecture;~~ and

(6) (i) A licensed professional engineer, licensed professional architect, or licensed professional landscape architect with expertise in water resources;

(ii) A person licensed by the State of Florida in hydrology, water or wastewater treatment;

(iii) A person with a degree from an accredited college or university in a field of study related to water resources; or

(iv) A floodplain manager or a principal community administrator responsible for the daily implementation of flood loss reduction activities including enforcing a community's flood damage prevention ordinance, updating flood maps, plans, and policies of the community, and any of the activities related to administration of the National Flood Insurance Program (NFIP) (a "water management expert").

(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*. The residency requirement in this subsection (c) shall not apply to the water management expert appointed to the planning *board* pursuant to subsection (b)(6).

(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.

DIVISION 3. - DESIGN REVIEW BOARD [3]

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) One architect 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; or a realtor;
- (5) Two ~~citizens-at-large~~ residents-at-large who reside in the city for at least three years; have advocated on behalf of residents; and who has accomplished one of the following within the past ten years: served on a Miami Beach neighborhood association board, Miami Beach city committee, Miami Beach condominium association board, or completed the Miami Beach Leadership Academy course. The member must not work in the fields of real estate development, realtor, real estate law, or architecture; and
- (6)
 - (i) A licensed professional engineer, licensed professional architect, or licensed professional landscape architect with expertise in water resources;
 - (ii) A person licensed by the State of Florida in hydrology, water or wastewater treatment;
 - (iii) A person with a degree from an accredited college or university in a field of study related to water resources; or
 - (iv) A floodplain manager or a principal community administrator responsible for the daily implementation of flood loss reduction activities including enforcing a community's flood damage prevention ordinance, updating flood maps, plans, and policies of the community, and any of the activities related to administration of the National Flood Insurance Program (NFIP) (a "water management expert").

One person appointed by the city manager from an eligibility list provided by the disability access 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, except for the water management expert appointed pursuant to subsection (a)(6), who need not reside in or have a principal place of business in the county. The two ~~citizen-at-large~~ **residents-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.

DIVISION 4. - HISTORIC PRESERVATION *BOARD*

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 **residents**-at-large members, who ~~have resided~~ **reside** in the city's historic districts for at least ~~one year~~ **three years at the time of the appointment and reappointment**, and who have demonstrated interest and knowledge in architectural or urban design and the preservation of historic buildings. **The member must not work in the fields of real estate development, realtor, real estate law, or architecture.**

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

(5) (i) A licensed professional engineer, licensed professional architect, **licensed realtor**, or licensed professional landscape architect with expertise in water resources;

(ii) A person licensed by the State of Florida in hydrology, water or wastewater treatment;

(iii) A person with a degree from an accredited college or university in a field of study related to water resources; or

(iv) A floodplain manager or a principal community administrator responsible for the daily implementation of flood loss reduction activities including enforcing a community's flood damage prevention ordinance, updating flood maps, plans, and policies of the community, and any of the activities related to administration of the National Flood Insurance Program (NFIP) (a "water management expert"), 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.

(b) All members of the *board* except the architect, university faculty member, and water management expert shall be residents of the city; provided, however, that the city commission may waive the residency requirement (if applicable) by a 5/7th vote, in the event a person not meeting the 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.

DIVISION 5. - BOARD OF ADJUSTMENT ^[5]

Sec. 118-131. - Membership.

The *board* of adjustment shall be composed of seven voting members. Two members shall be appointed as ~~citizens-at-large~~ **residents-at-large who reside in the city for at least three years; have advocated on behalf of residents; and who has accomplished one of the following within the past ten years: served on a Miami Beach neighborhood association board, Miami Beach city committee, Miami Beach condominium association board, or completed the Miami Beach Leadership Academy course. The member must not work in the fields of real estate development, realtor, real estate law, or architecture**

And five members shall be appointed from each of the following categories (no more than one per category), namely: Law, architecture, engineering, real estate development, **realtor**, certified public accounting, financial consultation and general business. The members representing the professions of law, architecture, engineering and public accounting shall be duly licensed by the State of Florida; the member representing general business shall be of responsible standing in the community; the member representing the field of financial consultation shall be a certified public accountant, chartered financial analyst, certified financial planner, a chartered financial consultant or investment advisor registered with the Securities and Exchange Commission, or someone recognized as having similar credentials and duly licensed by the State of Florida. Members shall be appointed for a term of two years by a five-sevenths vote of the city commission. Members of the *board* must be either residents of or have their principal place of business in the city.

