

Amendments to Composition of DRB and PB

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"; AND DIVISION 3, ENTITLED "DESIGN REVIEW BOARD," SECTION 118-72, ENTITLED "MEMBERSHIP"; TO AMEND THE QUALIFICATIONS FOR THE CITIZEN AT LARGE MEMBERSHIP CATEGORY ON THE PLANNING BOARD AND DESIGN REVIEW BOARD; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the composition of the Design Review Board and Planning Board are established in Chapter 118, Article II of the City Code; and

WHEREAS, the Mayor and City Commission desire to amend the composition of the Design Review Board and Planning Board to ensure that items are reviewed from diverse perspectives; and

WHEREAS, the Mayor and City Commission recognize the importance of residents' point of view when making decisions regarding development in the City; and

WHEREAS, on July 29, 2020, the City Commission referred an Item to the Land Use and Sustainability Committee ("LUSC") to consider revising the qualifications for the citizen-at-large category; and

WHEREAS, on November 24, 2020, the LUSC recommended that the City Commission refer an Ordinance to the Planning Board, to amend the qualifications for the citizen-at-large category on the Planning Board ("PB") and Design Review Board ("DRB") only; and

WHEREAS, on January 13, 2021, the City Commission referred this item to the Planning Board for review and recommendation; and

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

WHEREAS, the amendment set forth below is 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 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
* * *

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) Two persons who are citizens-at-large residents-at-large or engaged in general business in the city and who currently reside in the city and have resided in the city for at least three consecutive years at the time of appointment or reappointment. Additionally, strong preference shall be given to individuals who have previously

served on a Miami Beach board or committee and/or completed the Miami Beach Leadership Academy course, and to individuals not currently working in the fields of real estate development, real estate brokerage/sales, 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; ~~or~~ (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) Except as provided in subsection (b)(5), No 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

* * *

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; and
 - (5) Two citizens at-large Two persons who are residents at-large and who currently reside in the city and have resided in the city for at least three consecutive years

at the time of appointment or reappointment. Additionally, strong preference shall be given to individuals who have previously served on a Miami Beach board or committee and/or completed the Miami Beach Leadership Academy course, and to individuals not currently working in the fields of real estate development, real estate brokerage/sales, 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; ~~or~~ (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, and except as otherwise provided in subsection (a)(5). The two ~~citizens-at-large~~ resident 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.

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 _____ 2021.

ATTEST:

Dan Gelber
Mayor

Rafael E. Granado
City Clerk

First Reading: March 17, 2021
Second Reading: April 21, 2021

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

 3-29-21

City Attorney NK Date

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

T:\Agenda\2021\6_April 21\Planning\Resident at Large Amendment for DRB and PB - Second Reading ORD.docx