

Alternate Member Category for Land Use Boards

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 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE II, ENTITLED "LAND USE BOARDS," BY AMENDING SECTION 2.1.2.2. ENTITLED "MEMBERSHIP AND APPOINTMENT" TO CREATE AN ALTERNATE MEMBER CATEGORY ON THE PLANNING BOARD; BY AMENDING SECTION 2.1.3.2 ENTITLED "MEMBERSHIP AND APPOINTMENT," TO CREATE AN ALTERNATE MEMBER CATEGORY ON THE DESIGN REVIEW BOARD; BY AMENDING SECTION 2.1.4.3 ENTITLED "MEMBERSHIP AND APPOINTMENT," TO CREATE AN ALTERNATE MEMBER CATEGORY ON THE HISTORIC PRESERVATION BOARD; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE

WHEREAS, ; and

WHEREAS, ; and

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

SECTION 1. Chapter 2, "Administration and Review Procedures," Article I, entitled "Land Use Boards," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

2.1.2 PLANNING BOARD

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2.1.2.2 Membership and appointment

- a. The planning board shall be composed of seven regular voting members and up to two alternate members, who shall also be voting members, in accordance with the requirements herein. Each regular member and the alternate members shall be appointed with the concurrence of at least four members of the city commission. The planning director or designee, and city attorney or designee, shall serve in an advisory capacity.
- b. All regular voting members and the alternate 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:
 - i. 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;
 - ii. One developer who has experience in developing real property; or an attorney in good standing licensed to practice law within the United States;
 - iii. One attorney licensed to practice law in the State of Florida who has considerable experience in land use and zoning issues;

- iv. One person who has education or experience in historic preservation issues. For purposes of this section, the term "education or experience in historic preservation issues" shall be a person who meets one or more of the following criteria:
 - 1. Has earned a college degree in historic preservation;
 - 2. Is responsible for the preservation, revitalization or adaptive reuse of historic buildings; or
 - 3. Is recognized by the city commission for contributions to historic preservation, education or planning;
- v. Two persons who are residents at-large and 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 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
- vi. One of the following:
 - 1. A licensed professional engineer, licensed professional architect, or licensed professional landscape architect with expertise in water resources;
 - 2. A person licensed by the State of Florida in hydrology, water or wastewater treatment;
 - 3. A person with a degree from an accredited college or university in a field of study related to water resources; or
 - 4. 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").
- vii. The alternate members shall be residents of the City, who have resided in the city for at least one year and at least one of the criteria in the membership categories above (i-vi). Additionally, the alternate members shall be eligible to vote when one or more of the regular voting members has a conflict on an application or is absent from a meeting. In the event a regular voting member resigns from or is removed from the board, an alternate member may take their place until such time as a new regular voting member is appointed by the city commission.
- c. Except as provided in subsection (b)(v), 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 resource expert appointed to the planning board pursuant to subsection (b)(vi).
- d. With the exception of the alternate members, tThe 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 or experience.

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2.1.3 DESIGN REVIEW BOARD

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2.1.3.2 Membership and appointment.

- a. The Design Review Board shall be composed of seven regular voting members and up to two (2) alternate members, who shall also be voting members, in accordance with the requirements herein. Each regular member and the alternate members shall be appointed with the concurrence of at least four members of the city commission. 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 city attorney or designee, shall serve in an advisory capacity.

b. The Design Review Board shall consist of the following seven regular members:

- i. One architect registered in the United States;
- ii. 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;
- iii. One landscape architect registered in the State of Florida;
- iv. 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;
- v. 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 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
- vi. One of the following:
 1. A licensed professional engineer, licensed professional architect, or licensed professional landscape architect with expertise in water resources;
 2. A person licensed by the State of Florida in hydrology, water or wastewater treatment;
 3. A person with a degree from an accredited college or university in a field of study related to water resources; or
 4. 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").

vii. The alternate members shall be residents of the City, who have resided in the city for at least one year and satisfy at least one of the criteria in the regular membership categories above (i-vi). Additionally, the alternate members shall be eligible to vote when one or more of the regular voting members has a conflict on an application or is absent from a meeting. In the event a regular voting member resigns from or is removed from the board, an alternate member may take their place until such time as a new regular voting member is appointed by the city commission.

c. *Eligibility.* 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:

- i. American Institute of Architects, local chapter.
- ii. American Society of Landscape Architects, local chapter.
- iii. The Miami Design Alliance.
- iv. American Planning Association, local chapter.
- v. The Miami Design Preservation League and Dade Heritage Trust.

- vi. Other city civic, neighborhood and property owner associations.
- d. *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 (b)(iv), who need not reside in or have a principal place of business in the county, and except as otherwise provided in subsection (b)(v). The two 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.

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2.1.4 HISTORIC PRESERVATION BOARD

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2.1.4.3 Membership and appointment.

- a. The Historic Preservation Board shall be composed of the following seven members, and up to two alternate members, who shall also be voting members, in accordance with the requirements herein, appointed with the concurrence of at least four members of the City Commission:
 - i. A representative from the Miami Design Preservation League (MDPL), selected from three names nominated by such organization.
 - ii. A representative from Dade Heritage Trust (DHT), selected from three names nominated by such organization.
 - iii. 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.
 - iv. An architect registered in the State of Florida with practical experience in the rehabilitation of historic structures.
 - v. One of the following:
 - 1. A licensed professional engineer, licensed professional architect, or licensed professional landscape architect with expertise in water resources;
 - 2. A person licensed by the State of Florida in hydrology, water or wastewater treatment;
 - 3. A person with a degree from an accredited college or university in a field of study related to water resources; or
 - 4. 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.
 - vi. 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.
 - vii. The alternate members shall be residents of the City, who have resided in the city for at least one year and satisfy at least one of the criteria in the regular membership categories above

(i-vi). Additionally, the alternate members shall be eligible to vote when one or more of the regular voting members has a conflict on an application or is absent from a meeting. In the event a regular voting member resigns from or is removed from the board, an alternate member may take their place until such time as a new regular voting member is appointed by the city commission.

- 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 with the exception of the alternate members the City Commission may waive the residency requirement (if applicable) by a 5/7ths vote, in the event a person not meeting the residency requirements is available to serve on the board and is exceptionally qualified by training 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.
- c. Eligibility. An eligibility list solicited from, but not limited to, the organizations listed below may be considered by the City Commission in selecting board members:
 - i. American Institute of Architects, local chapter.
 - ii. Miami Design Preservation League.
 - iii. Miami Beach Chamber of Commerce.
 - iv. Miami Beach Development Corporation.
 - v. Dade Heritage Trust.
 - vi. Florida Engineer Society, local chapter.
 - vii. Any other organization deemed appropriate by the city commission.

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 2023

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

City Attorney

Date

First Reading: _____, 2022
Second Reading: _____, 2023

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

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