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MIAMI BEACH
PLANNING DEPARTMENT

Staff Report & Recommendation — PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: May 28, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

DS for TRM

SUBJECT: **PB24-0674. Architect and Landscape Architect Land Use Board Categories.**

RECOMMENDATION
Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

HISTORY
On December 13, 2023, at the request of Commissioner Tanya K. Bhatt, the City Commission referred a discussion pertaining to the recruitment of qualified architects and landscape architects for City Land Use Boards (C4 Q) to the Land Use and Sustainability Committee (LUSC). On February 26, 2024 the LUSC discussed the item and recommended that the City Commission refer an ordinance amendment to the Planning Board to provide more options within the architect and landscape architect categories of all land use boards.

On March 13, 2024, at the request of Commissioner Tanya K. Bhatt, the City Commission referred an ordinance to the Planning Board to amend the Land Development Regulations of the City Code (LDRs) to expand the LUB architect and landscape architect membership categories to include additional options for non-registered design professionals (item C4 O).

REVIEW CRITERIA
Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

   Consistent – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

   Not Applicable –

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3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

Not Applicable –

4. Whether the proposed change would tax the existing load on public facilities and infrastructure.

Not Applicable –

5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Not applicable –

6. Whether changed or changing conditions make the passage of the proposed change necessary.

Consistent – The difficulty in finding qualified candidates to fill certain positions on the Land Use Boards make the passage of the proposed change necessary.

7. Whether the proposed change will adversely influence living conditions in the neighborhood.

Not Applicable –

8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

Not Applicable –

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

Not Applicable –

10. Whether the proposed change will adversely affect property values in the adjacent area.

Not Applicable –

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

Not Applicable –

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

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Not applicable.

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Not applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

(1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.

Not applicable.

(2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.

Not applicable.

(3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

Not applicable.

ANALYSIS

Each of the City's LUBs have different requirements for architecture or landscape architecture professionals, as follows:

- Design Review Board: a minimum of one (1) architect and one (1) landscape architect registered in the State of Florida.
- Historic Preservation Board: a minimum of one (1) architect registered in the State of Florida.
- Board of Adjustment: a minimum of one (1) architect registered in the State of Florida.
- Planning Board: a minimum of one (1) architect or landscape architect registered in the State of Florida. However, for the Planning Board, there is an option for a member of the faculty of a school of architecture or a professional practicing in the field of architectural or urban design or urban planning to fill this membership position.

In the past, an issue raised by architecture and landscape architecture professionals when considering whether to seek appointment to a City of Miami Beach LUB is the ability to work on projects within the City. Often potential board members are concerned about a conflict with

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Section 2-459 of the City Code, pertaining to prohibited appearances. Specifically, Section 2-459 of the Code prohibits professionals, whether directly or indirectly, from engaging in any lobbying activity within the city.

Having development review boards with balanced perspectives, as well as practical experience in the fields of architecture or landscape architecture, is highly desirable. In order to expand upon the membership categories for architect and landscape architect the following modifications are proposed for the Design Review Board, Historic Preservation Board, and Board of Adjustment:

Design Review Board:

1. One architect registered in the United States~~;~~ or a professional practicing in the field of architecture or architectural design.

2. One landscape architect registered in the State of Florida~~;~~ or a professional practicing in the field of landscape architecture.

Historic Preservation Board:

1. An architect registered in the State of Florida with practical experience in the rehabilitation of historic structures~~.~~, or a professional practicing in the field of architecture or landscape architecture with experience in the rehabilitation of historic structures.

Board of Adjustment:

1. One (1) member shall be an architect registered in the State of Florida, or a professional practicing in the field of architecture or landscape architecture.

There is no stand-alone landscape architecture position for the Historic Preservation Board, Board of Adjustment, or Planning Board. As the Planning Board already provides sufficient options for the landscape architect and architect position no changes are proposed to the membership categories of the Planning Board.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

Architect and Landscape Architect Land Use Board Categories

ORDINANCE NO._____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, AT CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE I, ENTITLED "LAND USE BOARDS," SECTION 2.1.2, ENTITLED "PLANNING BOARD," AT SECTION 2.1.2.2, ENTITLED "MEMBERSHIP AND APPOINTMENT"; SECTION 2.1.3, ENTITLED "DESIGN REVIEW BOARD," AT SECTION 2.1.3.2, ENTITLED "MEMBERSHIP AND APPOINTMENT"; AND SECTION 2.1.4, ENTITLED "HISTORIC PRESERVATION BOARD," AT SECTION 2.1.4.3, ENTITLED "MEMBERSHIP AND APPOINTMENT"; AND SECTION 2.1.5, ENTITLED "BOARD OF ADJUSTMENT," AT SECTION 2.1.5.2, ENTITLED "MEMBERSHIP"; TO AMEND THE REQUIREMENTS FOR THE ARCHITECT AND LANDSCAPE ARCHITECT CATEGORIES, AS APPLICABLE; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, each of the City's Land Use Boards have different requirements for architecture and landscape architect professionals; and

WHEREAS, the Design Review Board requires a minimum of one (1) architect and one (1) landscape architect registered in the State of Florida; and

WHEREAS, the Historic Preservation Board requires a minimum of one (1) architect registered in the State of Florida; and

WHEREAS, the Board of Adjustment requires a minimum of one (1) architect registered in the State of Florida; and

WHEREAS, the Planning Board requires a minimum of one (1) architect registered in the State of Florida, but also allows this position to be filled by a member of the faculty of a school of architecture or a professional practicing in the field of architectural or urban design or urban planning to fill this membership position; and

WHEREAS, the city desires to expand the membership categories by amending the requirements for architect or landscape architect for the Design Review Board, Historic Preservation Board, and Board of Adjustment; 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 2 of the Miami Beach Resiliency Code, entitled "General Provisions," Article II, entitled "Definitions," is hereby amended as follows:

CHAPTER 2
ADMINISTRATION AND REVIEW PROCEDURES

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ARTICLE I – LAND USE BOARDS

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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. Each regular member 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 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 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:
        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 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

6. One of the following:

   A. A licensed professional engineer, licensed professional architect, or licensed professional landscape architect with expertise in water resources;

   B. A person licensed by the State of Florida in hydrology, water or wastewater treatment;

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

   D. 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").

   E. A person who is a resident at-large and currently resides in the city and has resided in the city for at least three consecutive years at the time of appointment or reappointment.

c. Except as provided in subsection (b)(5) and (b)(6)(E), 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)(6)(A-D).

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 or experience.

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2.1.5 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. Each regular member 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:

   1. One architect registered in the United States~~;~~ <u>or a professional practicing in the field of architecture or architectural design.</u>

   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~~;~~ <u>or a professional practicing in the field of landscape architecture.</u>

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;
5. 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
6. One of the following:
    A. A licensed professional engineer, licensed professional architect, or licensed professional landscape architect with expertise in water resources;
    B. A person licensed by the State of Florida in hydrology, water or wastewater treatment;
    C. A person with a degree from an accredited college or university in a field of study related to water resources; or
    D. 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").
    E. A person who is a resident at-large and currently resides in the city and has resided in the city for at least three consecutive years at the time of appointment or reappointment.

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:
    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.

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)(6)(A-D), who need not reside in or have a principal place of business in the county, and except as otherwise provided in subsection (b)(5) and (b)(6)(E). 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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2.1.4.2 Membership and appointment

a. The Historic Preservation Board shall be composed of the following seven members, appointed with the concurrence of at least four members of the City Commission:

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 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.
4. An architect registered in the State of Florida with practical experience in the rehabilitation of historic structures~~.~~, or a professional practicing in the field of architecture or landscape architecture with experience in the rehabilitation of historic structures.
5. One of the following:
   A. A licensed professional engineer, licensed professional architect, or licensed professional landscape architect with expertise in water resources;
   B. A person licensed by the State of Florida in hydrology, water or wastewater treatment;
   C. A person with a degree from an accredited college or university in a field of study related to water resources; or
   D. 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.
   E. A person who is a resident at-large and currently resides in the city and has resided in the city for at least three consecutive years at the time of appointment or reappointment.
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 5/7ths 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:

1. American Institute of Architects, local chapter.
2. Miami Design Preservation League.
3. Miami Beach Chamber of Commerce.
4. Miami Beach Development Corporation.
5. Dade Heritage Trust.
6. Florida Engineer Society, local chapter.

Any other organization deemed appropriate by the city commission.

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2.1.4 BOARD OF ADJUSTMENT

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2.1.5.2 Membership

a. The Board of Adjustment shall be composed of seven voting members~~.~~:
   1. One (1) member shall be an architect registered in the State of Florida, or a professional practicing in the field of architecture or landscape architecture.
   2. Two (2) members shall be appointed as citizens at-large; and
   3. Four (4) members shall be appointed from each of the following categories (no more than one per category), namely:
      a. Law,
      b. Engineering,
      c. Real estate development,
      d. Certified public accounting,
      e. Financial consultation and general business.
b. The members representing the professions of law, architecture, engineering and public accounting shall be duly licensed by the State of Florida~~;~~.
c. The member representing general business shall be of responsible standing in the community~~;~~.
d. 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.
e. Members shall be appointed 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.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith 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 _____, 2024.

ATTEST:

_____
Steven Meiner, Mayor

_____
Rafael E. Granado, City Clerk

First Reading: June 26, 2024
Second Reading: July 24, 2024

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

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