

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Planning Board

TO: Chairperson and Members  
Planning Board

DATE: February 23, 2021

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB21-0419 - Amendments to Composition of DRB and PB.**

#### **REQUEST**

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 citizen at large membership category of the Planning Board and Design Review Board; and providing for repealer, severability, codification, and an effective date.

#### **RECOMMENDATION:**

Transmit the version of the Ordinance, as revised by the sponsor, Commissioner Michael Góngora, to the City Commission with a favorable recommendation.

#### **BACKGROUND/HISTORY**

On July 29, 2020, at the request of Commissioner Michael Gongora, the subject item was referred to the Land Use and Sustainability Committee (C4M). On November 24, 2020, the Land Use and Sustainability Committee (LUSC) recommended that a revised draft ordinance be referred to the Planning Board, in accordance with the following:

1. The text of the revised citizen-at-large category shall be as recommended by the Administration.
2. No modifications to the Historic Preservation Board (HPB) or Board of Adjustment (BOA) membership categories; only to the Planning Board (PB) and Design Review Board (DRB).
3. The Administration and the City Attorney's Office shall further develop the text pertaining to "not working in other fields".

On January 13, 2021, the City Commission discussed the item (C4A). Modified language was proposed by the item sponsor, Commissioner Michael Gongora. At the request of the sponsor, the City Commission referred both the revised version proposed by the sponsor and the version including the recommendations of the LUSC to the Planning Board for review and recommendation.

### **REVIEW CRITERIA**

In accordance with Section 118-163 (3), when reviewing a request for an amendment to these land development regulations, the Board shall consider the following where applicable:

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

**Consistent** – The proposed modifications are consistent with the Comprehensive Plan.

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

**Consistent** – The proposed amendment does not modify district boundaries.

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

**Consistent** – The proposed Ordinance does not modify the scale of development. It is consistent with the needs of the neighborhood to ensure that the citizen at-large membership categories for appointment to the City's Design Review and Planning Boards meet the highest standards of ethical integrity, professional qualifications, and experience.

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

**Consistent** – The proposed ordinance will not increase the level of intensity of development and will not affect the load on public facilities.

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

**Not applicable** – The proposed change does not modify existing district boundaries.

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

**Consistent** – Resident desires to ensure that the residents are well represented on the City's Design Review Board and Planning Board makes passage of the proposed change necessary.

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

**Consistent** - The proposed changes should not adversely influence living conditions in the surrounding neighborhood.

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.**

**Consistent** – The proposed change will not create or increase traffic congestion.

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

**Consistent** – The proposed ordinance will not reduce light and air to adjacent areas.

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

**Consistent** – Property values should not be negatively impacted by the proposed changes.

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

**Consistent** – The proposed changes would not be a deterrent to the redevelopment or improvement of any adjacent property.

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

**Consistent** – The proposed change should not be a deterrent to the improvement or development of properties in the City.

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 133-50(b) of the Land Development Regulations 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.**

The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

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

The proposal will not affect the resiliency of the City with respect to sea level rise.

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

The proposal does not diminish and is compatible with the City's sea level rise mitigation and resiliency efforts.

**BACKGROUND**

Chapter 118, Article II of the Land Development Regulations of the City Code establishes the following membership categories and criteria for appointment to the City's Planning Board and Design Review Board, as follows:

**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;
  - (5) Two persons who are citizens at-large or engaged in general business in the city; 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.

**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;
  - (5) Two citizens at-large; 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 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.

### **ANALYSIS**

There are two draft Ordinances attached for consideration by the Planning Board. Prior to the item being referred to the Planning Board, the item sponsor proposed additional modifications to the draft Ordinance as recommended by the Land Use and Sustainability Committee (LUSC). The City Commission referred both versions of the Ordinance to the Planning Board for its consideration.

The first draft ordinance [*Draft incorporating LUSC recommendations*], which is consistent with the direction of the LUSC, was originally proposed by interested residents who are members of the West Avenue neighborhood association. It includes draft modifications to the citizen at-large membership categories for appointment to the City's Design Review Board and Planning Board. The following summarizes the changes in the proposal:

1. Replace the term 'Citizen at Large' with 'Resident at Large'.
2. Amend the citizen at-large category as follows:

*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 and any reappointment. Additionally, consideration 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.*

The second draft Ordinance [*Draft as proposed by Commissioner Michael Góngora, the item sponsor*] contains the following additional language which is double underlined:

*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, or architecture. None of the following individuals who are qualified to serve in other membership categories may be appointed as a resident at-large: an architect registered in the United States; an architect registered in the State of Florida; a landscape architect registered in the State of Florida;*

an attorney; a licensed professional engineer, a licensed professional architect, or licensed professional landscape architect with experience in water resources; or a person licensed by the State of Florida in hydrology, water, or wastewater treatment; and

The Administration and the City Attorney's office believe that either version of the attached Ordinance provides the City Commission with adequate flexibility to ensure that individuals appointed to the Planning Board and Design Review Board meet the highest standards of ethical integrity, professional qualifications, and experience. The version with the modification proposed by the item sponsor is intended to clarify that individuals who meet the qualifications for other categories cannot be considered for the resident at-large category.

#### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board review both versions of the proposed Ordinance amendment and transmit the version revised by the sponsor to the City Commission with a favorable recommendation.

**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 the development of the City; and

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

**WHEREAS**, on July 29, 2020, the City Commission referred this Item to the Land Use and Sustainability Committee ("LUSC") regarding a revised citizen-at-large category; and

**WHEREAS**, on November 24, 2020, the Land Use and Sustainability Committee ("LUSC") recommended that the City Commission refer an Ordinance to the Planning Board, regarding a revised citizen-at-large category only to the Planning Board (PB) and Design Review Board (DRB); 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, or architecture. None of the following individuals who are qualified to serve in other membership categories may be appointed as a resident at-large: an architect registered in the State of Florida; a landscape architect registered in the State of Florida; an attorney; a licensed professional engineer, a licensed professional architect, or licensed professional landscape architect with experience in water resources; or a person licensed by the State of Florida in hydrology, water, or wastewater treatment; 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, or architecture. None of the following individuals who are~~

qualified to serve in other membership categories may be appointed as a resident at-large: an architect registered in the United States; an architect registered in the State of Florida; a landscape architect registered in the State of Florida; an attorney; a licensed professional engineer, a licensed professional architect, or licensed professional landscape architect with experience in water resources; or a person licensed by the State of Florida in hydrology, water, or wastewater treatment; 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. The two citizens-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: \_\_\_\_\_, 2021  
Second Reading: \_\_\_\_\_, 2021

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

\_\_\_\_\_  
City Attorney Date

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**Amendments to Composition of DRB and PB**

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

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**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 the development of the City; and

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

**WHEREAS**, on July 29, 2020, the City Commission referred this Item to the Land Use and Sustainability Committee ("LUSC") regarding a revised citizen-at-large category; and

**WHEREAS**, on November 24, 2020, the Land Use and Sustainability Committee ("LUSC") recommended that the City Commission refer an Ordinance to the Planning Board, regarding a revised citizen-at-large category only to the Planning Board (PB) and Design Review Board (DRB); 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 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. The two citizens-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: \_\_\_\_\_, 2021  
Second Reading: \_\_\_\_\_, 2021

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
City Attorney Date

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

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