

LAND USE BOARD WATER EXPERT ALTERNATIVE REQUIREMENT

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE I, ENTITLED "LAND USE BOARDS," SECTION 2.1.2 ENTITLED "PLANNING BOARD," AT SUBSECTION 2.1.2.2, ENTITLED "MEMBERSHIP AND APPOINTMENT"; SECTION 2.1.3 ENTITLED "DESIGN REVIEW BOARD," AT SUBSECTION 2.1.3.2, ENTITLED "MEMBERSHIP AND APPOINTMENT"; AND SECTION 2.1.4 ENTITLED "HISTORIC PRESERVATION BOARD," AT SUBSECTION 2.1.4.3, ENTITLED "MEMBERSHIP AND APPOINTMENT"; TO PROVIDE THAT THE WATER MANAGEMENT EXPERT POSITION ON THE LAND USE BOARDS MAY ALTERNATIVELY BE OCCUPIED BY A PERSON WHO IS A RESIDENT AT-LARGE, AS SET FORTH IN THE ORDINANCE; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Code currently requires that one of the seven appointed members of the Design Review Board, Historic Preservation Board, and Planning Board have experience in issues related to water resources, hydrology, or floodplain management; and

WHEREAS, it has been challenging to recruit qualified individuals to serve in the water expert role on the City's Land Use Boards; and

WHEREAS, this Ordinance allows the City Commission to appoint a resident at-large as an alternative to a water expert in order to ensure that all positions on the City's Land Use Boards are filled; 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, entitled "Administration and Review Procedures," Article I, entitled "Land Use Boards," Section 2.1.2 entitled "Planning Board," at Subsection 2.1.2.2, entitled "Membership and appointment," 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:

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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).

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SECTION 2. Chapter 2, entitled "Administration and Review Procedures," Article I, entitled "Land Use Boards," Section 2.1.3 entitled "Design Review Board," at Subsection 2.1.3.2, entitled "Membership and appointment," is hereby amended as follows:

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. 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:

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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.

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- 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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SECTION 3. Chapter 2, entitled "Administration and Review Procedures," Article I, entitled "Land Use Boards," Section 2.1.4 entitled "Historic Preservation Board," at Subsection 2.1.4.3, entitled "Membership and appointment," is hereby amended as follows:

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, appointed with the concurrence of at least four members of the City Commission:

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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.

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- 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.

SECTION 4. 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 5. 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 6. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

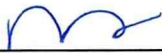
PASSED AND ADOPTED this _____ day of _____, 2024.

ATTEST:

Rafael E. Granado, City Clerk

Steven Meiner, Mayor

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney NK

2-1-24
Date

First Reading: February 21, 2024
Second Reading: April 3, 2024

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