



MIAMI BEACH

Special City Commission Meeting

SUPPLEMENTAL MATERIAL

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
January 14, 2008

Mayor Matti Herrera Bower
Vice-Mayor Jonah Wolfson
Commissioner Victor M. Diaz, Jr.
Commissioner Saul Gross
Commissioner Jerry Libbin
Commissioner Edward L. Tobin
Commissioner Deede Weithorn

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

SUPPLEMENTAL AGENDA

R9 -New Business and Commission Requests

R9A1 Nominate Michael Band For Commissioner To The Miami Beach Housing Authority And Reappoint Yamilé Jimenez-Soto For Tenant Commissioner To The Miami Beach Housing Authority.

(Requested by Mayor Bower)
(Memorandum)

R9A1 Planning Board: Resignation Letter From Richard Kuper And Correspondence From John D. Corey Withdrawing His Application.

(City Clerk's Office)
(Commission Memorandum)

Informational Item:

Planning Board And Historic Preservation Board Copy Of The First Reading Of An Ordinance Dated December 10, 2008 Along With The Afteraction; Ordinance Scheduled For Second Reading On January 28, 2009.

(City Clerk's Office)



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge Gonzalez, City Manager

FROM: Matti H. Bower, Mayor

DATE: JANUARY 12, 2009

SUBJECT: **MIAMI BEACH HOUSING AUTHORITY APPOINTMENT AND RE-APPOINTMENT**

Please place on the January 14, 2009 Commission agenda my nomination for appointment of Michael Band for Commissioner to the Miami Beach Housing Authority; and my nomination for re-appointment of Yamilé Jimenez-Soto for Tenant Commissioner to the Miami Beach Housing Authority.

Thank you.



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager *Jorge M. Gonzalez*

DATE: January 14, 2009

SUBJECT: **CORRESPONDENCE REGARDING PLANNING BOARD**

ADMINISTRATION RECOMMENDATION

N/A

ANALYSIS

Attached please find a resignation letter dated January 9, 2009, submitted by Richard Kuper from the Planning Board and an electronic correspondence dated January 12, 2009 sent by John D. Corey withdrawing his application for the Planning Board.

JMG/REP/lh

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Agenda Item R9A1
Date 01-14-08

RICHARD KUPER
80 S. Hibiscus Drive
Miami Beach, Florida 33139

TELEPHONE: 305-373-1166
FACSIMILE: 305-373-8509
E-MAIL: rkuperlaw@aol.com

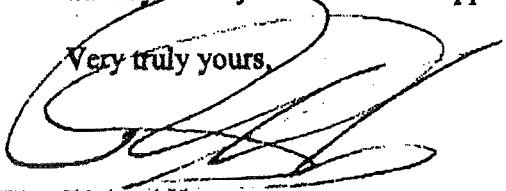
January 9, 2009

The Honorable Matti Herrera Bower
Mayor, City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Dear Mayor Bower:

I want to thank you and the members of the Commission for having appointed me to the City of Miami Beach Planning Board and for your continued support. As a lifelong resident of the City of Miami Beach, I have truly enjoyed serving the City and my fellow residents. It is an honor and privilege that I will always cherish. However, at this time, due to my professional commitments, I am not seeking to be reappointed. Once again, thank you for your continued support and for entrusting me with such an important task.

Very truly yours,



Richard Kuper.

RK/mr

- c. City Manager, Jorge Gonzalez
- City Attorney, Jose Smith
- City Clerk, Robert E. Parcher
- Planning Director, Jorge Gomez

Parcher, Robert

From: John D. Corey [johncorey@comcast.net]
Sent: Monday, January 12, 2009 7:29 PM
To: Parcher, Robert
Subject: LTC #326-2008

Dear Mr. Parcher:

I have communicated to Commissioner Gross that I have withdrawn my Planning Board application. Since applying, other commitments have taken precedence and I will no longer find the time for an appointment this year. I see that an LTC was published with my application and resume. If it is possible to remove that LTC from the web page, it would be appreciated. Neither my application nor resume contain any sensitive material, but it is a bit personal. Please advise.

Thank you,
John Corey
2372 Prairie Avenue
Miami Beach, FL 33140

01/13/2009

Condensed Title:

An Ordinance proposing an amendment to the Land Development Regulations of the City Code amending the residency requirements for the Planning Board and the Historic Preservation Board.

Key Intended Outcome Supported:

Not Applicable - Regulatory
 Supporting Data (Surveys, Environmental Scan, etc)
 Not Applicable - Regulatory

Issue:

Should the City Commission adopt the proposed ordinance increasing the residency requirements for members of the Planning and Historic Preservation Boards to be residents of the City?

Item Summary/Recommendation:

FIRST READING

This ordinance will clarify that only a resident of the City may be appointed to a Planning Board position and that the at-large member of the Historic Preservation Board who must own or manage property in a historic district must also be a resident of the City.

The Administration recommends that the City Commission adopt the proposed ordinance as modified by the Planning Board.

Advisory Board Recommendation:

At the October 28, 2008 meeting, the Planning Board voted (6-0; one member absent) to recommend to the City Commission adoption of the proposed ordinance, as modified. The Board modified the proposed ordinance by eliminating the principal place of business eligibility for Planning Board appointment and instead requiring that all members must be residents of the City. The modification also requires that the at-large member of the Historic Board who owns or manages property in a historic district must also be a resident of the City.

Financial Information:

Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;"> OBPI </div>	1		
	2		
	3		
	Total		



Financial Impact Summary:

The proposed Ordinance is not expected to have any fiscal impact upon the resources of the City.

City Clerk's Office Legislative Tracking:

Jorge Gomez or Mercy Lamazares

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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Agenda Item CPA1
 Date 01-14-08





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: December 10, 2008

FIRST READING

SUBJECT: **Residency requirements for Planning Board and Historic Preservation Board members**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE OF THE CITY OF MIAMI BEACH, FLORIDA BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE II, "BOARDS," DIVISION 2, "PLANNING BOARD," BY AMENDING SECTION 118-53, "COMPOSITION," BY CLARIFYING THAT ONLY A RESIDENT OF THE CITY SHALL BE ELIGIBLE FOR APPOINTMENT; AMENDING DIVISION 4, "HISTORIC PRESERVATION BOARD," SECTION 118-103, "MEMBERSHIP," BY ESTABLISHING THAT ONE OF THE AT-LARGE MEMBERS WHO MUST OWN OR MANAGE PROPERTY IN ONE OF THE HISTORIC DISTRICTS SHALL ALSO RESIDE IN THE CITY; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve the proposed ordinance on first reading and set a second reading public hearing for the January 28, 2009 meeting.

ANALYSIS

The Administration was asked to review the current composition and eligibility requirements of each of the development review boards which include the Board of Adjustment, the Historic Preservation Board, the Design Review Board and the Planning Board, and to propose recommendations that would strengthen the residency requirements.

These boards are tasked with the regulation of land development, thus the composition requirements are very specific to include the membership of individuals who maintain specialized positions, knowledge, experience and/or expertise and a number of these members are required to be registered professionals. In addition, Chapter 118 of the City code specifically describes rights to serve on these boards, which require members to be either residents of the City, or have their principal business interest within the City.

In order to strengthen the residency requirements for the City's development review boards, amendments to the City Code are required. These amendments would remove having the

principal place of business as an option for the eligibility requirement and the residency composition could be expanded by applying the residency requirement to additional members. Because each board is tasked with serving individualized functions, the composition requirements for each board may vary. After thorough review, the conclusion is that strengthening the residency requirement for the Design Review Board would make the eligibility requirements too stringent and would not be recommended. However, revisions to the membership of the Planning Board and Historic Preservation Board could be addressed by amending their ordinances.

In addition to Chapter 118 of the City Code, the City Charter specifically addresses the composition requirements for the Board of Adjustment. Sub-Part B, The Related Acts, Article I, Section 2 of the City Charter specifically states that "Members of the Board of Adjustment must be either residents or have their principal place of business in Miami Beach." Revision to the membership composition of the Board of Adjustment would require a ballot question to amend the Related Acts within the City Charter. Section 118-131 tracks the same language as Section 2 of the City Charter.

The comparative table below shows the applicable composition requirements as well as the residency requirement for each of the land use boards.

Development Boards – Comparison

Board	Appointment	Membership Composition	Residency Requirement
Planning Board	Seven, appointed with the concurrence of at least four votes of the city commission.	<p>At a minimum, one from each of the professional categories:</p> <p>One registered architect, or</p> <ul style="list-style-type: none"> • 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 • professional architectural designer, or • professional urban planner, <p>One developer</p> <p>One attorney who has considerable experience in land use and zoning issues</p> <p>One person with education or experience in historic preservation issues</p> <p>General business (citizens at large)</p>	A resident of the city or an individual having their main business interest in the city
Design Review	Same as above	<p>Two registered architects,</p> <p>One registered architect, or</p> <ul style="list-style-type: none"> • 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 architectural designer, or 	Reside in or have their primary place of business in the county, except that the two citizens-at-large and one of the registered landscape architects, registered architects,

Board	Appointment	<u>Membership Composition</u>	<u>Residency Requirement</u>
		<ul style="list-style-type: none"> • a professional urban planner <p>One registered landscape architect,</p> <p>One registered architect, or</p> <ul style="list-style-type: none"> • a professional designer, or • a professional urban planner <p>Two citizens at large</p>	<p>professional designers or professional urban planners shall be residents of the city.</p>
Historic Preservation	Same as above	<p>One representative from the MDPL</p> <p>One representative from DHT</p> <p>One at-large member who owns or manages a property or properties located in one of the city's historic districts</p> <p>One at-large member who resides in one of the city's historic districts, and who has demonstrated interest in historic preservation issues.</p> <p>One architect registered in the state with practical experience in the rehabilitation of historic structures.</p> <p>One registered architect, or</p> <ul style="list-style-type: none"> • registered landscape architect, or • professional designer, or • professional urban planner, or • an attorney at law, or • a licensed engineer who has professional experience in historic preservation. <p>•</p> <p>One member of the faculty of a school of architecture in the state</p>	<p>All members except the architect, engineer, landscape architect, professional designer or professional urban planner and university faculty member shall be residents of, or have business interests in, the city; the city commission may waive these requirements</p>
Board of Adjustment	Seven members appointed by a five-sevenths vote of the city commission.	<p>Two citizens at-large, and</p> <p>five members selected from the following categories</p> <ul style="list-style-type: none"> • Law, • Architecture, • Engineering, • Real estate development, • Certified public accounting, • Financial consultation • General business. 	<p>Must be either residents of or have their principal place of business in the city.</p>

PLANNING BOARD ACTION

At the October 28, 2008 meeting, the Planning Board voted (6-0; one member absent) to recommend to the City Commission adoption of the proposed ordinance, as modified. The Board modified the proposed ordinance by eliminating the principal place of business eligibility for Planning Board appointment and instead requiring that all members must be residents of the City. The modification also requires that the at-large member of the Historic Board who owns or manages property in a historic district must also be a resident of the City. This modification is included in the proposed ordinance.

FISCAL IMPACT

The proposed Ordinance is not expected to have any significant fiscal impact upon the resources of the City.

CONCLUSION

The Administration recommends that the City Commission approve the proposed ordinance on first reading and set a second reading public hearing for the January 28, 2009 Commission meeting.

Pursuant to Section 118-164(3), when a request to amend the Land Development Regulations **does not** change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance may be read by title or in full on at least two separate days and shall, at least **ten days** prior to adoption, be noticed once in a newspaper of general circulation in the City. Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by a five-sevenths vote.

JMG/TH/G/ML

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE OF THE CITY OF MIAMI BEACH, FLORIDA BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE II, "BOARDS," DIVISION 2, "PLANNING BOARD," BY AMENDING SECTION 118-53, "COMPOSITION," BY CLARIFYING THAT ONLY A RESIDENT OF THE CITY SHALL BE ELIGIBLE FOR APPOINTMENT; AMENDING DIVISION 4, "HISTORIC PRESERVATION BOARD," SECTION 118-103, "MEMBERSHIP," BY ESTABLISHING THAT ONE OF THE AT-LARGE MEMBERS WHO MUST OWN OR MANAGE PROPERTY IN ONE OF THE HISTORIC DISTRICTS SHALL ALSO RESIDE IN THE CITY; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Land Use Boards of the City play an important role in carrying out the provisions of the City Code; and

WHEREAS, the Land Use Boards review development applications during public hearings that may have a direct impact on the residents of the City; and

WHEREAS, the City Commission desires to provide for better resident representation in these Land Use Boards; and

WHEREAS, the City Commission makes appointments of individuals to these Land Use Boards; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

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

Section 1. That Division 2, "Planning Board," Section 118-53, "Composition," is hereby amended as follows:

Section 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 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 one registered architect 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 professional architectural designer or professional urban planner, one developer and one attorney who has considerable experience in land use and zoning issues, and 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:
- (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.
- (c) No person except a resident of the City, ~~or an individual having their main business interest in the city~~ shall be eligible for appointment to the planning board.

Section 2. That Division 4, "Historic Preservation Board," Section 118-103, "Membership," is hereby amended as follows:

Section 118-103. Membership.

- (a) The Historic Preservation Board shall be composed of seven members. There shall be a member from each of the following categories:
- (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) One at-large member who owns or manages a property or properties located in one of the City's historic districts, who must reside in the City, and who has demonstrated interest and

knowledge in urban design and the preservation of historic buildings.

- (4) One at-large member who resides in one of the City's historic districts, and who has demonstrated interest and knowledge in urban design and the preservation of historic buildings.
 - (5) An architect registered in the state with practical experience in the rehabilitation of historic structures.
 - (6) A registered architect, registered landscape architect, professional designer or professional urban planner with practical experience in the rehabilitation of historic structures; or an attorney at law or a licensed engineer who has professional experience and demonstrated interest in historic preservation.
 - (7) A member of the faculty of a school of architecture in the state, 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, engineer, landscape architect, professional designer or professional urban planner and university faculty member of the board shall be residents of, ~~or have business interests in,~~ the City; provided, however, that the City Commission may waive these requirements in the event a person not meeting these requirements is available to serve on the board and is exceptionally qualified by training and 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 3. Repealer

All ordinances or parts of ordinances and all sections and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 4. 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 5. Severability

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

SECTION 6. Effective Date

This Ordinance shall take effect ten days following adoption.

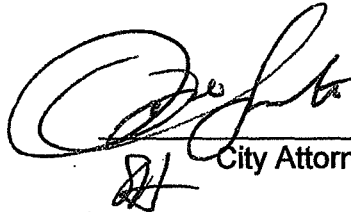
PASSED and ADOPTED this ____ day of _____, 2009

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney

12/1/08

Date

First Reading:
Second Reading:

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language.
~~Strikethrough~~ denotes deleted language.

City of Miami Beach - City Clerk's Office
Folio Version No. 262

**December 10, 2008 City Commission Meeting / REGULAR AGENDA / R5 -
Ordinances**

7:45:39 p.m.

R5E An Ordinance Amending The Land Development Regulations Of The City Code Of The City Of Miami Beach, Florida By Amending Chapter 118, "Administration And Review Procedures," Article II, "Boards," Division 2, "Planning Board," By Amending Section 118-53, "Composition," By Clarifying That Only A Resident Of The City Shall Be Eligible For Appointment; Amending Division 4, "Historic Preservation Board," Section 118-103, "Membership," By Establishing That One Of The At-Large Members Who Must Own Or Manage Property In One Of The Historic Districts Shall Also Reside In The City; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.**

(Planning Department)

ACTION: Ordinance approved on first reading as amended. Motion made by Commissioner Wolfson; seconded by Commissioner Diaz; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for January 28, 2009. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda.

Amendments:

1. Waive residency requirement by 5/7 vote of the City Commission to those members who meet specific board requirements on the HPB and Planning Board
2. One-year residency requirement
3. Historic Preservation Board include 5/7 vote waiver provision

End

Jorge Gomez, Planning Director, explained the ordinance and added that with the amendments, only residents of the City can serve on the Planning Board. With respect to the Historic Preservation Board, one of the At-Large categories also require to be a City resident.

Vice-Mayor Wolfson explained that the genesis of this ordinance were complaints from residents, who felt that at times, the Planning Board or the Historic Preservation Board represented their interests specifically with development, and this would be a way to protect the residents.

Discussion held.

Commissioner Diaz commended Vice-Mayor Wolfson on this initiative, but expressed his concerns on the dilution of the meaning of membership composition criteria on these boards; he proposed an amendment to waive residency requirements by 5/7 of the Commission to those members that meet specific requirements, especially on the Planning Board.

Prepared by the City Clerk's Office

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Folio Version No. 262**

Commissioner Gross suggested a one-year residency requirement as an added amendment.

Vice-Mayor Wolfson accepted both amendments.

Gary Held, First Assistant City Attorney referred to Page 502, regarding a waiver requirement for the HPB and suggested adding a 5/7 vote.

This will be incorporated in second reading.