

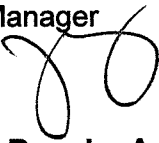


# MIAMI BEACH

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: September 14, 2011

SUBJECT: **Referral to the Planning Board – An ordinance clarifying the categories of members to be appointed to the City’s land use boards.**

### INTRODUCTION

At the July 20, 2011 meeting, the Land Use and Development Committee discussed the issue related to the membership requirements of the Planning Board, Design Review Board, Historic Preservation Board and the Board of Adjustment. At this time, the committee gave the Administration direction on several refinements to the ordinance, specifically, to explore more flexibility on the licensing requirements for some of the categories.

The proposed ordinance introduces a secondary category for attorneys that are licensed in other states. This would still keep in place the requirement that any Board that has an attorney be licensed in the State of Florida, but creates a second attorney position with broader licensing requirements.

Commissioner Góngora expressed the desire to open up the categories to provide more flexibility, broadening the architect position to permit licensure in any state.

### RECOMMENDATION

Refer the proposed ordinance to the Planning Board for its review and recommendation as amended by the Committee.

  
JMG/JGG/RGL/ML

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Agenda Item     C4G      
Date     9-14-11

**"BOARD MEMBER QUALIFICATIONS AND CATEGORIES"**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE BY AMENDING CHAPTER 118, "ADMINISTRATIVE AND REVIEW PROCEDURES," ARTICLE II, "BOARDS," DIVISION 2, "PLANNING BOARD," SECTION 118-53, "COMPOSITION;" DIVISION 3, "DESIGN REVIEW BOARD," SECTION 118-72, "MEMBERSHIP;" DIVISION 4, "HISTORIC PRESERVATION BOARD," SECTION 118-103, "MEMBERSHIP;" AND 118-104, "APPOINTMENT;" DIVISION 5, "BOARD OF ADJUSTMENT," SECTION 118-131, "MEMBERSHIP," TO CLARIFY THE QUALIFICATIONS AND CATEGORIES OF MEMBERS TO BE APPOINTED TO THE CITY'S LAND USE BOARDS; PROVIDING FOR REPEALER; CODIFICATION; SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Land Development Regulations of the City Code provide for the appointment by the City Commission of members of the four land use boards namely, the Planning Board, the Design Review Board, the Historic Preservation Board, and the Board of Adjustment; and

**WHEREAS**, certain questions have arisen as to the qualifications and categories of membership of persons appointed to these boards; and

**WHEREAS**, it is desirable to resolve these questions to provide certainty to the appointment process and to instill confidence by the public in these 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.** Chapter 118, "Administration and Review Procedures," Division 2, "Planning Board," Section 118-53, "Composition," is hereby amended as follows:

**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

- i. ~~one registered architect~~ registered in the state of Florida; or a member of the faculty ~~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 practicing in the fields of architectural or urban designer or professional urban planning;
- ii. one developer who has experience in developing real property; and or an attorney in good standing licensed to practice law within the United States.
- iii. one attorney licensed to practice law in the state of Florida who has considerable experience in land use and zoning issues; and
- iv. 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.
- (v) three persons who are citizens at large or engaged in general business in the city

(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.

(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.

**Section 2.** Chapter 118, "Administration and Review Procedures," Division 3, "Design Review Board," Section 118-72, "Membership," is hereby amended as follows:

**Sec. 118-72. Membership.**

(a) Composition. The design review board shall be composed of seven regular members. The seven regular members shall consist of

- i. ~~two registered architects~~ registered in the state of Florida United States;
- ii. ~~an registered architect~~ registered in the state of Florida United States; 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 designer or professional urban planning;
- iii. ~~one registered landscape architect~~ registered in the state of Florida;
- iv. ~~one registered architect~~ registered in the state of Florida United States, or a professional practicing in the fields of architectural or urban designer or professional urban planning; or an attorney in good standing licensed to practice law within the United States and
- v. two citizens at large.

One person appointed by the city manager from an eligibility list provided by the mayor's barrier free environment 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. 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 designers or ~~professional~~ urban planners shall be residents of the city.

**Section 3.** Chapter 118, "Administration and Review Procedures," Division 4, "Historic Preservation Board," Section 118-103, "Membership," is hereby amended as follows:

**Sec. 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.) 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.
- (5.) ~~An registered architect registered in the state of Florida United States, a registered landscape architect registered in the state of Florida, a professional practicing in the field of architectural or urban designer or professional urban planning, each of the foregoing with practical experience in the rehabilitation of historic structures; or an attorney at law licensed to practice in the state of Florida, or an licensed engineer licensed in the state of Florida, each of the foregoing with who has professional experience and demonstrated interest in historic preservation.~~
- (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, engineer, landscape architect, professional practicing in the field of architectural or urban designer or professional urban planning and university faculty member of the board shall be residents of, the city; provided, however, that the city commission may waive this requirement by a 5/7ths vote in the event a person not meeting these residency requirements is available to serve on the board and is exceptionally qualified by training and/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.

**Sec. 118-104. Appointment.**

(a) Historic preservation board members shall be appointed with the concurrence of at least four members of the city commission. An eligibility list solicited from, but not limited to, the organizations listed in this section 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.
- (7) Any other organization deemed appropriate by the city commission.

(b) Except as provided in section 118-105, every member appointed shall serve a term of two years.

**Section 4.** Chapter 118, "Administration and Review Procedures," Division 5, "Board of Adjustment," Section 118-131, "Membership," is hereby amended as follows:

**Sec. 118-131. Membership.**

The board of adjustment shall be composed of seven voting members. Two members shall be appointed as citizens at-large and five members shall be appointed from each of the following categories (no more than one per category), namely: Law, architecture, engineering, real estate development, certified public accounting, financial consultation and general business. The members representing the professions of law, architecture, engineering and public accounting shall be duly licensed by the State of Florida; the member representing general business shall be of responsible standing in the community 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 by five-sevenths vote of the City Commission. Members shall be appointed for a term of two years 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 5. 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 6. 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 7. Severability.**

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

**Section 8. Effective Date.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

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

\_\_\_\_\_  
Date

First Reading:  
Second Reading:

Verified by: \_\_\_\_\_  
Richard Lorber, AICP  
Acting Planning Director

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