

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Member of the City Council

FROM: Interim City Manager Rickelle Williams

DATE: July 24, 2024 First Reading

TITLE: ARCHITECT AND LANDSCAPE ARCHITECT LAND USE BOARD CATEGORIES 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 1, 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.

### **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission approve the subject ordinance at First Reading and schedule a Second Reading Public Hearing for October 30, 2024.

### **BACKGROUND/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 (LUB).

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).

### **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 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. To expand upon the membership categories for architect and landscape architect the attached ordinance includes the following modifications 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 design professional practicing in the field of architecture with a minimum of 10 years of experience working in an office under an architect registered in the United States.
2. One landscape architect registered in the State of Florida; or a design professional practicing in the field of landscape architecture with a minimum of 10 years of experience working in an office under a landscape architect registered in the State of Florida.

#### **Historic Preservation Board:**

1. An architect registered in the State of Florida with practical experience in the rehabilitation of historic structures; or a design professional practicing in the field of architecture with a minimum of 10 years of experience working in an office under an architect registered in the State of Florida 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 design professional practicing in the field of architecture with a minimum of 10 years of experience working in an office under an architect registered in the United States.

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 Architect position no changes are proposed to the membership categories of the Planning Board.

#### **PLANNING BOARD REVIEW**

On May 28, 2024, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (6-0).

### **UPDATE**

The subject ordinance was placed on the June 26, 2024, City Commission agenda, but the item was not reached.

### **FISCAL IMPACT STATEMENT**

No Fiscal Impact Expected.

**Does this Ordinance require a Business Impact Estimate?** No  
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on . See BIE at:  
<https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

### **FINANCIAL INFORMATION**

### **CONCLUSION**

The Administration recommends the City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for October 30, 2024.

### **Applicable Area**

Citywide

**Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

### **Department**

Planning

### **Sponsor(s)**

Commissioner Tanya K. Bhatt

### **Co-sponsor(s)**