

R5 C HISTORIC ARCHITECTURAL TOUR REQUIREMENT FOR LUB MEMBERS
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF
MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI
BEACH, SUBPART B, ENTITLED "MIAMI BEACH RESILIENCY CODE," CHAPTER
2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE I,
ENTITLED "LAND USE BOARDS," AT SECTION 2.1.2, ENTITLED "PLANNING
BOARD"; SECTION 2.1.3, ENTITLED "DESIGN REVIEW BOARD"; SECTION 2.1.4,
ENTITLED "HISTORIC PRESERVATION BOARD"; AND SECTION 2.1.5,
ENTITLED "BOARD OF ADJUSTMENT"; TO ESTABLISH A REQUIREMENT THAT
ANY INDIVIDUAL APPOINTED TO SERVE ON A LAND USE BOARD MUST
COMPLETE AN ARCHITECTURAL WALKING TOUR IN MIAMI BEACH; AND
PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN
EFFECTIVE DATE.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Manager Eric Carpenter

DATE: October 30, 2024 10:20 a.m. Second Reading Public Hearing

TITLE: HISTORIC ARCHITECTURAL TOUR REQUIREMENT FOR LUB MEMBERS
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "MIAMI BEACH RESILIENCY CODE," CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE I, ENTITLED "LAND USE BOARDS," AT SECTION 2.1.2, ENTITLED "PLANNING BOARD"; SECTION 2.1.3, ENTITLED "DESIGN REVIEW BOARD"; SECTION 2.1.4, ENTITLED "HISTORIC PRESERVATION BOARD"; AND SECTION 2.1.5, ENTITLED "BOARD OF ADJUSTMENT"; TO ESTABLISH A REQUIREMENT THAT ANY INDIVIDUAL APPOINTED TO SERVE ON A LAND USE BOARD MUST COMPLETE AN ARCHITECTURAL WALKING TOUR IN MIAMI BEACH; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) adopt the ordinance.

BACKGROUND/HISTORY

On March 13, 2024, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred an amendment to the Land Development Regulations of the City Code (LDRs) to the Planning Board (C4 AA) requiring all Land Use Board members participate in the Miami Design Preservation League's (MDPL) Art Deco walking tour within sixty (60) days of their appointment.

ANALYSIS

The City has four (4) land use boards, consisting of the Board of Adjustment, Design Review Board, Historic Preservation Board, and Planning Board, each consisting of seven (7) members appointed for a two (2) year term. All four (4) boards review applications that impact the City's built environment.

The Miami Design Preservation League (MDPL) currently offers historic architectural walking tours 7 days a week, excluding holidays. The one and a half hour walking tour provides an introduction to the Art Deco, Mediterranean Revival, and Miami Modern (MiMo) styles of architecture found throughout the City's historic districts.

An understanding of the historic development patterns and architecture of the City is beneficial to the decision-making process, particularly for land use board members that may not have specific urban design or architectural training. As such, the following text is proposed for each land use board:

Each voting member of the board shall complete the Art Deco Walking Tour offered by the Miami Design Preservation League (MDPL). In the event tours offered by MDPL are no longer available,

each voting member of the board shall complete a similar architectural tour conducted by an educational or non-profit organization as may be approved by resolution of the City Commission. Members shall use reasonable best efforts to complete the tour within sixty (60) days of their initial appointment.

It is important to note that there may be unforeseen circumstances which could result in a board member not being able to participate in a walking tour within sixty (60) days of their appointment. For example, an individual board member may not be in the position to complete the ninety (90) minute walking tour due to scheduling or health related issues. Further, while MDPL has a long-standing tradition of providing regularly scheduled tours, there may be circumstances in the future, where the tours are not offered.

In order to address these, and other unforeseen circumstances, the proposed amendment provides flexibility for completing a tour.

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). By separate motion (6-0) the Planning Board also recommended that the members of the City Commission participate in the same tour required for land use board members.

UPDATE

The subject ordinance was approved at First Reading on July 24, 2024. For Second Reading, the City Commission requested that the scope of the tour include all applicable periods of architecture. To address this, the following revised text has been included in the ordinance for Second Reading:

*Each voting member of the board shall be required to complete an **architectural walking tour** offered by the Miami Design Preservation League (MDPL), which includes the **National Register Architectural District in South Beach and/or an historic district in North Beach**. In the event tours offered by MDPL are no longer available, this requirement may be satisfied by completing a similar architectural tour conducted by an educational or non-profit organization as may be approved by resolution of the city commission. Members shall use their reasonable best efforts to complete the tour within sixty (60) days of their initial appointment.*

APPLICATION FEE WAIVER

The subject amendment is proposed on a comprehensive, citywide basis, and not on behalf of a private applicant or third party. Pursuant to section 2.4.1.c of the Land Development Regulations of the City Code, amendments to the City Code require the payment of the applicable fees in section 2.2.3.5, 2.2.3.6, and appendix A to the City Code. These fees may be waived by a five-sevenths (5/7ths) vote of the City Commission, based upon one or more of the following circumstances:

1. The City Commission determines that the proposed amendment is necessary due to a change in federal or state law, or to implement best practices in urban planning, or based on circumstances unique to the proposed amendment.
2. Upon the written recommendation of the City Manager acknowledging a documented financial hardship of a property owner(s) or developer(s).
3. If requested, in writing, by a non-profit organization, neighborhood association, or homeowner's association for property owned by any such organization or association, so long as the request demonstrates that a public purpose is achieved by enacting the applicable amendment.

The Administration recommends that the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

FISCAL IMPACT STATEMENT

No fiscal impact is expected, provided the Miami Design Preservation League (MDPL) covers the associated costs for the tours.

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on 9/27/2024.
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

Not Applicable

CONCLUSION

The Administration recommends the following:

1. The City Commission adopt the ordinance.
2. In accordance with section 2.4.1.c.1 of the Land Development Regulations of the City Code, the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

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 Kristen Rosen Gonzalez

Co-sponsor(s)

Commissioner Alex Fernandez

Condensed Title

10:20 a.m. 2nd Rdg, Hist Architectural Tour Requirements, Land Use Brd Members. (Rosen Gonzalez/Fernandez) PL

Historic Architectural Tour Requirements for Land Use Board Members

(Amended for Second Reading)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "MIAMI BEACH RESILIENCY CODE," CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE I, ENTITLED "LAND USE BOARDS," AT SECTION 2.1.2, ENTITLED "PLANNING BOARD"; SECTION 2.1.3, ENTITLED "DESIGN REVIEW BOARD"; SECTION 2.1.4, ENTITLED "HISTORIC PRESERVATION BOARD"; AND SECTION 2.1.5, ENTITLED "BOARD OF ADJUSTMENT"; TO ESTABLISH A REQUIREMENT THAT ANY INDIVIDUAL APPOINTED TO SERVE ON A LAND USE BOARD MUST COMPLETE AN ARCHITECTURAL WALKING TOUR IN MIAMI BEACH; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Miami Design Preservation League ("MDPL") is a not-for-profit preservation and arts organization that preserves, protects, and promotes the architectural, cultural, social and environmental integrity of Miami Beach and surrounding areas; and

WHEREAS, MDPL offers walking tours that provide an introduction to the Art Deco, Mediterranean Revival, and Miami Modern (MiMo) styles of architecture found within the Miami Beach Architectural District; and

WHEREAS, the City's Land Use Boards play a crucial role in preserving the cultural heritage and architectural integrity of our community; and

WHEREAS, familiarity with local architectural styles and historical significance is essential for members of these boards to effectively carry out their duties; and

WHEREAS, MDPL tours provide valuable insight into the City's unique architectural heritage and identity.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 2 of the Miami Beach Resiliency Code, entitled "Administration and Review Procedures," Article I, entitled "Land Use Boards," is hereby amended as follows:

CHAPTER 2 ADMINISTRATION AND REVIEW PROCEDURES

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ARTICLE I. LAND USE BOARDS

* * *

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:
 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 or experience in historic preservation issues. For purposes of this section, the term "education 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 residents at-large and 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 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. 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").
- c. Except as provided in subsection (b)(5), 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).
- 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 or experience.
- e. Each voting member of the board shall be required to complete the Art Deco architectural walking tour offered by the Miami Design Preservation League (MDPL), which includes the National Register Architectural District in South Beach and/or an historic district in North Beach. In the event tours offered by MDPL are no longer available, this requirement may be satisfied by completing a similar architectural tour conducted by an educational or non-profit organization as may be approved by resolution of the city commission. Members shall use their reasonable best efforts to complete the tour within sixty (60) days of their initial appointment.

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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:
 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 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 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. 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").
- c. *Eligibility.* 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.
- 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), who need not reside in or have a principal place of business in the county, and except as otherwise provided in subsection (b)(5). 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.
- e. Each voting member of the board shall be required to complete ~~the Art Deco~~ an architectural walking tour offered by the Miami Design Preservation League (MDPL), which includes the National Register Architectural District in South Beach and/or an historic district in North Beach. In the event tours offered by MDPL are no longer available, this requirement may be satisfied by completing a similar architectural tour conducted by an educational or non-profit organization as may be approved by resolution of the city commission. Members shall use their reasonable best efforts to complete the tour within sixty (60) days of their initial appointment.

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2.1.4 HISTORIC PRESERVATION BOARD

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2.1.4.2 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:
 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. 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.
 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, 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.
- c. Eligibility
An eligibility list solicited from, but not limited to, the organizations listed below 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.

Any other organization deemed appropriate by the city commission.

- e. Each voting member of the board shall be required to complete the Art Deco an architectural walking tour offered by the Miami Design Preservation League (MDPL), which includes the National Register Architectural District in South Beach and/or an historic district in North Beach. In the event tours offered by MDPL are no longer available, this requirement may be satisfied by completing a similar architectural tour conducted by an educational or non-profit organization as may be approved by resolution of the city commission. Members shall use their reasonable best efforts to complete the tour within sixty (60) days of their initial appointment.

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2.1.5 BOARD OF ADJUSTMENT

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2.1.5.2 Membership

- a. The Board of Adjustment shall be composed of seven voting members. One member shall be an architect registered in the State of Florida, two members shall be appointed as citizens at-large and four members shall be appointed from each of the following categories (no more than one per category), namely: Law, , 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 and duly licensed by the State of Florida. Members shall be appointed 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.
- b. Each voting member of the board shall be required to complete the Art Deco an architectural walking tour offered by the Miami Design Preservation League (MDPL), which includes the National Register Architectural District in South Beach and/or an historic district in North Beach. In the event tours offered by MDPL are no longer available, this requirement may be satisfied by completing a similar architectural tour conducted by an educational or non-profit organization as may be approved by resolution of the city commission. Members shall use their reasonable best efforts to complete the tour within sixty (60) days of their initial appointment.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 3. 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 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

First Reading: July 24, 2024
Second Reading: October 30, 2024

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

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney NK

8/22/2024
Date