

R5 I AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 33, ENTITLED "NORTH BEACH COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE," TO AMEND SECTION 2-190.151 THEREOF, ENTITLED "COMPOSITION; KNOWLEDGE AND EXPERIENCE" TO ALLOW FOR A 5/7TH CITY COMMISSION WAIVER FOR THE GEOGRAPHIC AREA RESIDENCY REQUIREMENT UNDER SPECIFIC CONDITIONS; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.  
Applicable Area:

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: October 30, 2024 10:45 p.m. Second Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 33, ENTITLED "NORTH BEACH COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE," TO AMEND SECTION 2-190.151 THEREOF, ENTITLED "COMPOSITION; KNOWLEDGE AND EXPERIENCE" TO ALLOW FOR A 5/7TH CITY COMMISSION WAIVER FOR THE GEOGRAPHIC AREA RESIDENCY REQUIREMENT UNDER SPECIFIC CONDITIONS; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

The proposed Ordinance was approved on first reading. No changes have been made between first and second reading.

On June 28, 2023, the Mayor and City Commission adopted Ordinance No. 2023-4558, establishing the North Beach Community Redevelopment Agency Advisory Committee (the "Committee") to advise the Mayor, City Commission, and City Manager in connection with the proposed North Beach Community Redevelopment Agency (the "North Beach CRA"), including review and input regarding the proposed redevelopment plan for the North Beach CRA ("Redevelopment Plan"), and the prioritization of public projects to be included in the Redevelopment Plan.

Current membership criteria require at least three (3) of the seven members to reside, for a minimum of five (5) years, within the geographic boundaries of the North Beach CRA, or within a 300-foot radius thereof.

The sponsor proposes to amend the membership requirements to allow for a 5/7th waiver by the City Commission for applicants who may reside within a reasonable distance from the 300-foot radius of the North Beach CRA geographic boundary and is exceptionally qualified by training and/or experience.

### **FISCAL IMPACT STATEMENT**

N/A

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

If applicable, the Business Impact Estimate (BIE) was published on: 10/11/2024.  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

## **FINANCIAL INFORMATION**

## **CONCLUSION**

### **Applicable Area**

North Beach

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

No

**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**

City Attorney

### **Sponsor(s)**

Commissioner Tanya K. Bhatt

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

Commissioner Alex Fernandez

### **Condensed Title**

10:45 a.m. 2<sup>nd</sup> Rdg, Ch. 2, NBCRA Comm, Waiver for Geographic Area Residency Req.  
(Bhatt/Fernandez) CA

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 33, ENTITLED "NORTH BEACH COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE," TO AMEND SECTION 2-190.151 THEREOF, ENTITLED "COMPOSITION; KNOWLEDGE AND EXPERIENCE" TO ALLOW FOR A 5/7<sup>TH</sup> CITY COMMISSION WAIVER FOR THE GEOGRAPHIC AREA RESIDENCY REQUIREMENT UNDER SPECIFIC CONDITIONS; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, on June 28, 2023, the Mayor and City Commission adopted Ordinance No. 2023-4558, establishing the North Beach Community Redevelopment Agency Advisory Committee (the "Committee") to advise the Mayor, City Commission, and City Manager in connection with the proposed North Beach Community Redevelopment Agency (the "North Beach CRA"), including review and input regarding the proposed redevelopment plan for the North Beach CRA ("Redevelopment Plan"), and the prioritization of public projects to be included in the Redevelopment Plan; and

**WHEREAS**, the Mayor and City Commission wish to amend the membership requirements to allow for a 5/7<sup>th</sup> waiver by the City Commission for applicants who may reside within a reasonable distance from the 300-foot radius of the North Beach CRA geographic boundary and is exceptionally qualified by training and/or experience.

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

**SECTION 1.** Section 2-190.151 of Division 33, of Article III, of Chapter 2 of the City Code, entitled "Administration," is hereby amended as follows:

**CHAPTER 2  
ADMINISTRATION**

\* \* \*

**ARTICLE III. AGENCIES, BOARDS AND COMMITTEES**

\* \* \*

**DIVISION 33. North Beach Community Redevelopment Agency Advisory Committee .**

\* \* \*

**Sec. 2-190.151. Composition; knowledge and experience.**

The Committee shall be composed of seven (7) at-large appointments, all of whom shall be appointed to serve for a term of no more than two (2) years at a time.

The seven (7) members shall be affiliated with the City; this requirement shall be fulfilled in the following ways:

(1) Resident Members.

- a. At least one (1) of the seven members must currently reside, for a minimum of five (5) years, within the North Beach area, generally considered as that portion of Miami Beach located north of 63<sup>rd</sup> Street.
- b. At least three (3) of the seven members must currently reside, for a minimum of five (5) years, within the geographic boundaries of the North Beach CRA, or within a 300-foot radius thereof.
- c. The five (5) year minimum residency requirement in subsections (1)(a) and (1)(b) may be waived upon a 5/7ths vote of the city commission, in the event a resident within the applicable geographic area is available to serve on the committee and is exceptionally qualified by training and/or experience.
- d. The 300-foot radius residency requirement in subsection (1)(b) may be waived upon a 5/7ths vote of the city commission, in the event a resident resides within a reasonable distance from the 300-foot radius of the North Beach CRA geographic boundary and is exceptionally qualified by training and/or experience.

(2) Business Member. At least one (1) of the seven members must demonstrate an Ownership Interest, for a minimum of five (5) years, in a Business established within the geographic boundaries of the North Beach CRA, without regard to that person's residency. A candidate who satisfies requirements as both a Resident and Business Owner may qualify for either the Resident Member category, or the Business Member category pursuant to this subsection.

(3) Real Estate Industry Member. At least one (1) of the seven members of the Committee must be a real estate industry professional, residing generally within the City of Miami Beach.

(4) Attorney Member. At least one (1) of the seven members of the Committee must be an attorney with experience in land use, real estate, or other related practice area, residing generally within the City of Miami Beach or maintaining a full-time law practice and physical office located in North Beach.

(5) General Requirements. Each of the seven (7) members must have a demonstrated interest in neighborhood leadership issues, including, without limitation, neighborhood business groups, homeowner or condominium associations and cooperatives, civic groups, and/or other similar qualifications.

For the purposes of this section these terms shall have the following meaning:

- "*Ownership Interest*" shall mean the ownership of ten percent (10%) or more of a Business (including the ownership of 10% or more of the outstanding capital stock).
- "*Business*" shall mean any sole proprietorship, partnership, corporation, limited liability company, but shall exclude either a business engaged in the real estate

industry (including development, brokerage, or property management), or a law firm, as individuals practicing in either of those areas would be covered under the Real Estate Industry Member category in subsection 2-190.151(3) herein or the Attorney Member category in subsection 2-190.151(4)

Appointed members shall be required to demonstrate compliance with the Committee's Membership Composition requirements herein by executing an affidavit, in a form prepared by the City Clerk's Office, stipulating that the member has met the requirements set forth above, prior to being sworn in as a Committee member.

\* \* \*

## **SECTION 2. CODIFICATION**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

## **SECTION 3. REPEALER**

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

## **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 on the \_\_\_\_ day of \_\_\_\_\_, 2024.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

**ATTEST:**


\_\_\_\_\_  
Steven Meiner, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Tanya K. Bhatt)

Underline denotes additions  
~~Strikethrough~~ denotes deletions

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

7/15/2024  
\_\_\_\_\_  
Date