

FREEBOARD

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A – GENERAL ORDINANCES, OF THE CITY CODE, BY AMENDING CHAPTER 54 “FLOODS” AT SECTIONS 54-39, ENTITLED “ESTABLISHMENT OF DEVELOPMENT PERMIT;” IN ORDER TO SPECIFICALLY ADOPT THE CITY’S STORMWATER MASTER PLAN, AS MAY BE AMENDED, AND TO REQUIRING 5/7 VOTE OF FULL CITY COMMISSION TO LESSEN ANY OF THE STORMWATER REQUIREMENTS CONTAINED IN CHAPTER 54; TO AMEND SECTION 54-45, “PERMIT PROCEDURES,” TO CORRECT THE TITLE OF THE CITY’S STORMWATER MASTER PLAN; AND BY AMENDING SUBPART B – “LAND DEVELOPMENT REGULATIONS,” BY AMENDING SECTION 114-1, ENTITLED “DEFINITIONS,” IN ORDER TO CORRECT THE NAME OF THE CITY’S STORMWATER MASTER PLAN; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, sea level rise and flooding is an ongoing concern of the City; and

WHEREAS, low lying infrastructure including buildings must also retrofit and adapt to increased water levels or elevate in order to reduce risk or maintain low risk from potential flood damage; and

WHEREAS, it is appropriate to ensure that the Stormwater Master Plan, as may be amended, is incorporated into Chapter 54, entitled “Flooding” of the City’s Code; and

WHEREAS, the City’s Stormwater Master Plan provides guidance and regulations to ensure minimum flood-proofing requirements to protect residential and commercial structures, and to provide additional levels of protection to maintain consistency with U.S. Federal and State guidance, and

WHEREAS, the City desires to require a 5/7th vote of the City Commission in order to reduce, relax, diminish, or repeal the requirements of Chapter 54, and of the Stormwater Master Plan, incorporated by reference therein.

WHEREAS, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved.

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

SECTION 1. Chapter 54, “Floods,” at Section 54-45, “Permit Procedures,” is amended as follows:

**CHAPTER 54
FLOODS**

* * *

Sec. 54-39. - Establishment of development permit; adoption of the city's stormwater master plan; and requiring 5/7 vote of the full city commission to lessen any of the stormwater requirements contained in this Chapter 54. Repeal or modification of this 5/7 voting requirement shall require a 5/7 vote of the full city commission.

A development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities. All developments or applications for development permits shall comply with the city's stormwater master plan, as may be amended. The adoption of any ordinance that would reduce, relax, diminish, or repeal the requirements of this Chapter 54, shall require a 5/7 vote of the city commission.

* * *

Sec. 54-45 Permit Procedures

Application for a development permit shall be made to the building director or his/her designee on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimension, and elevations of the area in questions, existing and proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Application stage:

* * *

(f) A stormwater management plan and site drainage calculations, for new constructions and substantial improvement, shall be prepared by a Florida licensed engineer in accordance with the ~~CDM Smith 2011~~ City's Stormwater Master Plan, as may be amended, to demonstrate that adequate surface drainage shall be provided and surface run-off water shall be diverted to a storm conveyance or other approved point of collection, in accordance with Florida Building Code Sections 1804 and R401.3. The site shall be graded in manner to drain surface water away from foundation walls in accordance with Florida Building Code Sections 1804 and R401.3. All site drainage for new construction shall be designed and constructed in such a manner as to provide runoff rates, volume and

pollutant loads not exceeding predevelopment conditions and prevent flooding adjacent properties.

* * *

SECTION 2. Chapter 114, "General Provisions," of the Land Development Regulations, at Section 114-1, "Definitions," is hereby amended as follows:

**CHAPTER 114
GENERAL PROVISIONS**

Sec. 114-1. Definitions.

* * *

Grade, adjusted means the midpoint elevation between grade and the minimum required flood elevation for a lot or lots.

Grade, average existing means the average grade elevation calculated by averaging spot elevations of the existing topography taken at 10-foot intervals along the property lines.

Grade, future adjusted means the midpoint elevation between the future crown of the road as defined in the ~~CDM-Smith~~ City's Stormwater Master Plan, as may be amended, and the base flood elevation plus minimum freeboard for a lot or lots.

Green infrastructure shall be as defined in Section 54-35.

* * *

SECTION 3. 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 Code of the City of Miami Beach, Florida. 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 4. REPEALER.

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

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 10 days after enactment.

PASSED AND ADOPTED this _____ day of _____, 2017.

ATTEST:

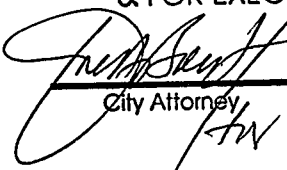
Philip Levine, Mayor

Rafael E. Granado, City Clerk

First Reading: October 18, 2017

Second Reading: October 31, 2017

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

10/24/17

Date

Underline = new language

~~Strikethrough~~ = deleted language

[Sponsored by Commissioner John Aleman and Co-sponsored by Commissioner Joy Malakoff]