

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members  
Planning Board

DATE: June 28, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **File No. PB0516-0020. Comprehensive Plan Amendment – Peril of Flood**

### **REQUESTS**

**FILE NO. PB0516-0020. COMPREHENSIVE PLAN AMENDMENT – PERIL OF FLOOD.** AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN PURSUANT TO THE PROCEDURES IN SECTION 163.3184(3), FLORIDA STATUTES, BY MODIFYING CHAPTER 1, FUTURE LAND USE ELEMENT, TO ENCOURAGE THE USE OF LANDSCAPING TECHNIQUES THAT ENHANCE STORMWATER MANAGEMENT AND TO MODIFY THE LEVEL OF SERVICE FOR STORM SEWER CAPACITY; CHAPTER 5, INFRASTRUCTURE ELEMENT, TO REQUIRE THAT THE LAND DEVELOPMENT REGULATIONS INCLUDE A FREEBOARD REQUIREMENT FOR NEW CONSTRUCTION, TO MODIFY THE LEVEL OF SERVICE FOR DRAINAGE FACILITIES DESIGN STORM STANDARD, AND TO INCORPORATE THE USE OF STORMWATER STORAGE AND INFILTRATION IN INFRASTRUCTURE REPLACEMENT ACTIVITIES; CHAPTER 6, CONSERVATION/ COASTAL ZONE MANAGEMENT ELEMENT TO ENCOURAGE THE USE OF HIGHLY WATER-ABSORBENT NATIVE PLANTS AND TO DESIGNATE THE CITY OF MIAMI BEACH AS AN ADAPTATION ACTION AREA (AAA) PURSUANT TO SECTION 163.3177(6)(g)(10), FLORIDA STATUTES; CHAPTER 8, INTERGOVERNMENTAL COORDINATION ELEMENT, TO REQUIRE COORDINATION BETWEEN AGENCIES ADDRESSING ISSUES RELATED TO SEA LEVEL RISE AND CLIMATE CHANGE; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

### **RECOMMENDATION:**

Transmit the proposed Comprehensive Plan Amendment to the City Commission with a favorable recommendation.

### **HISTORY/ BACKGROUND**

On July 1, 2014, the City hired AECOM as a Flood Mitigation Consultant, to perform an analysis of City regulations and practices that can be improved or established in order to mitigate the impacts of anticipated sea level rise.

On April 24, 2015, the Florida Legislature approved Senate Bill 1094, entitled “Peril of Flood,” requiring the inclusion of development and redevelopment strategies that reduce flood risks in

coastal areas which result from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise within Comprehensive Plan Coastal Management elements.

At the March 15, 2016 meeting of the Mayors Blue Ribbon Panel on Sea Level Rise, the Panel endorsed the proposed amendments to the City's Comprehensive Plan, as recommended by AECOM. On April 13, 2016, the City Commission referred to the proposed Comprehensive Plan amendment to the Land Use and Development Committee (Item C4L). The item was simultaneously referred to the Planning Board. Commissioner Malakoff is sponsoring the proposed amendment.

On April 20, 2016, the Land Use and Development Committee discussed the item and continued it to May 18, 2016. On May 18, 2016, the Land Use and Development Committee recommended that the Planning Board transmit the proposed amendment to the City Commission with a favorable recommendation.

### **ANALYSIS**

Since mid-2014, the administration has been working with AECOM to prepare climate adaptation plans and strategies as a result of sea level rise. A major component of this analysis has been to review the City's 2025 Comprehensive Plan and to propose amendments that will reduce the City's risks related to sea level rise. AECOM is recommending several amendments to improve storm sewer and drainage levels of service, including the use of landscaping techniques to enhance storm water management and incorporating minimum freeboard requirements into the Land Development Regulations.

In 2015, the Florida Legislature adopted Senate Bill 1094, entitled "Peril of Flood", which requires the Coastal Management elements of local government Comprehensive Plans to include regulations related to the mitigation and reduction of flood risks in coastal areas. The requirements of the Bill include the following:

- 1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.*
- 2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.*
- 3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.*

Additionally, in 2011 the Florida Legislature passed the Community Planning Act (CPA), which amended Section 163.3177, Florida Statutes, which allows local governments the option of planning for coastal hazards and the potential impacts of sea level rise within the Comprehensive Plan. This provided local governments with the option of designating Adaptation Action Areas (AAA). The designation is for areas that experience coastal flooding and that are vulnerable to the related impacts of rising sea levels, with the purpose of prioritizing funding for infrastructure and adaptation planning.

Local governments that adopt an adaptation action area are able to incorporate policies within the coastal management element of their comprehensive plan to improve resilience to coastal flooding. Criteria for AAA designation includes: areas below, at, or near mean higher high water; areas which have a hydrological connection to coastal waters; or areas designated as evacuation zones for storm surge. Since the entire City meets designation criteria, it is recommended that the entire City be designated an AAA.

In order to improve the City's ability to mitigate the impacts of sea level rise and comply with Senate Bill 1094, the proposed amendment would affect the following elements of the Miami Beach 2025 Comprehensive Plan:

- **Future Land Use Element**
  - Amend Policy 3.6 to encourage the use of landscaping techniques that enhance stormwater management
  - Amend Policy 6.2 to modify the level of service for storm sewer capacity to be consistent with the City's Storm Water Master Plan.
- **Infrastructure Element**
  - Amend Policy 2.4 to require the incorporation of stormwater storage and infiltration into infrastructure replacement activities.
  - Amend Policy 4.1 to require that the Land Development Regulations include a freeboard requirement that requires the raising of ground floors in new construction to reduce losses due to flooding.
  - Amend Policy 5.1 to modify the level of service for the drainage facilities design storm standard.
- **Conservation/Coastal Zone Management Element**
  - Amend Policy 2.12 to encourage the use of highly water-absorbent native and Florida friendly plants.
  - Establish Objective 13 to designate the City of Miami Beach as an AAA pursuant to section 163.3177(6)(g)(10), Florida Statutes and establish resiliency strategies.
- **Intergovernmental Coordination Element**
  - Establish Policy 1.10 to require collaboration and coordination with local, regional, state, and national government agencies for the implementation of AAA strategy options.

### **COMPREHENSIVE PLANNING PROCESS**

This application is for text amendment to the the Compressive Plan. Under Section 163.3184(2), F.S., this amendment will follow the expedited state review process for adoption of comprehensive plan amendments. In this process the Planning Board serves in its capacity of the Local Planning Agency (LPA), when providing its recommendation to the City Commission. It is anticipated that the plan amendment would follow the timeline below:

Date	Process Step
4/13/2016	<b><i>CC Referral to LUDC and Planning Board</i></b>
5/18/2016	<b><i>LUDC Hearing</i></b>
6/28/2016	<b><i>Planning Board (LPA) Hearing</i></b>
7/13/2016	<b><i>CC Transmittal Hearing</i></b>
7/14/2016	Transmit to State
7/21/2016	Notice from State of Complete Transmittal
8/20/2016	Review Agency Comments Due
9/14/2016	<b><i>CC Adoption Hearing</i></b>
9/15/2016	Submit Adoption Package to Review Agencies
9/20/2016	Notice from State of Complete Submittal
10/21/2016	Appeal Period Ends

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends the Planning Board transmit the proposed Comprehensive Plan amendment to the City Commission with a favorable recommendation.

TRM/MAB/RAM