

**AMENDING STORMWATER TIE-IN FEE SCHEDULE**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 14, "BUILDING REGULATIONS," ARTICLE II, "CONSTRUCTION FEES," DIVISION, "PERMIT FEES," AT SECTION 14-61, "PERMIT FEES, GENERALLY," AUTHORIZING THE WAIVER OF BUILDING PERMIT FEES (BUILDING DEPARTMENT PERMIT FEE, SANITATION SURCHARGE, AND THE TRAINING/TECHNOLOGY FEE) WHEN AN AUTHORIZED RESIDENTIAL PROPERTY TIES IN TO THE CITY'S STORMWATER SYSTEM; DEFINING AUTHORIZED RESIDENTIAL PROPERTY TO INCLUDE ONLY THOSE PROPERTIES WHERE THE FINISHED FLOOR OF THE RESIDENTIAL STRUCTURE IS BELOW THE CROWN OF THE ROAD; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 403.031 of the Florida Statutes, a stormwater management program is the City's institutional strategy for stormwater management, including urban, and other stormwater; and

**WHEREAS**, the City created its stormwater management system, which system is designed and constructed or to be implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution (or otherwise affect the quantity and quality of discharges from the system); and

**WHEREAS**, the City's Stormwater Utility created in 1992 is the funding mechanism for the design, construction, and maintenance of the stormwater management program by assessing the costs of the program to the beneficiaries based on their relative contribution to the system's needs; and

**WHEREAS**, the City stormwater policy requires property owners to construct on-site stormwater management systems to handle their stormwater volume, however, certain properties place additional demand on the City's stormwater management system because they are (1) older properties that did not have the same requirements at time of construction, (2) properties that partially redevelop and increase the impervious area of a property without the associated stormwater improvements; and (3) properties that are illegally connected to the public stormwater management system; and

**WHEREAS**, the City is updating its stormwater management system in order to provide the capacity to allow property owners to voluntarily participate in the City's program and to handle the property owners' stormwater that cannot be maintained on site; and

**WHEREAS**, the City's Stormwater Management Master Plan (SWMMP) takes into account climate change and estimates of projected sea level rise over the next 30 years and, as a result, for all new projects, a sea level elevation of 2.7 feet NAVD88 (based upon the South Florida Climate Change Compact projection) is being used for stormwater design purposes and an elevation of 5.7 feet NAVD (a vertical control datum established in 1991 used to define elevations) is being used as a minimum for public seawall elevations; and

**WHEREAS**, to meet the needs of the City, the City is investing more than \$600 million in various infrastructure improvements, which improvements will need to be made over an estimated span of 10 years; and

**WHEREAS**, such infrastructure improvements include installing larger, newer pipes and pump stations, and raising roads to ensure that the roads do not flood in the future for a 10-year rainfall event; and

**WHEREAS**, based upon the parameters of a 10-year design storm event, the Mayor and City Commission, on April 26, 2017, adopted City Resolution 2017-29840, in which the City deemed it in the best interest of the City and its residents to:

1. Design and implement a stormwater system with sufficient capacity to handle both public and private stormwater runoff;
2. Develop a policy and engineering solution for private property owners within the City's municipal stormwater system;
3. Not shed stormwater from public property or rights-of-way onto private property;
4. Not penalize homeowners who have relied on gravitational flow of their stormwater into the municipal stormwater system in the past;
5. Implement a stormwater system that would have the capacity to allow private property owners to connect to the system;
6. Reward and encourage homeowners to retain their own stormwater on site; and
7. Update Chapter 110 of the City Code relating to the stormwater management fees to ensure proper capitalization of the program through cost recovery; and

**WHEREAS**, the City desires to amend its Fee Schedule, found at Schedule A to the City's Code of Ordinances, to authorize residential property tie in to the City's stormwater system, with no permit fee charge for those homes where the finished floor of the residential structure is below the crown of the road, as the built environment for the property does not reflect the original stormwater design, requiring the retention of stormwater on a property owner's property, thus resulting in a hardship for those property owners due to the as-built condition of the site; and

**WHEREAS**, the below modifications shall assist the City in achieving the aforementioned goals.

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

**SECTION 1.** Chapter 14, "Building Regulations," Article II, "Construction Fees," Division, "Permit Fees," is hereby amended as follows:

\* \* \*

**Sec. 14-61 Permit fees, generally.**

(a) *Levied.* Permits, inspections and other fees of the building department of the city are hereby levied and imposed and shall apply to building, plumbing, electrical and mechanical permits and other activities undertaken by that department as specified in Appendix A. Permit fee line items include, but are not limited to: building, plumbing, electrical, and mechanical as well as those line items associated with planning, fire, and public works. In addition, all permits will include line items for outside agencies; State of Florida, Department of Business and Professional Regulation (DBPR), Building Code Administrators and Inspectors (BCAI), and Miami Dade County Building Code Compliance Office (BCCO). The Mayor and City Commission of the City of Miami Beach may direct the City Manager to waive building permit fees that include building, planning, public works, parking, fire, and environmental permits that are directly related to City projects. The City shall waive the City building permit fees (Building Department Permit Fee, Sanitation Surcharge, Training/Technology fee – Building) associated with a plumbing/building permit for an authorized residential property to connect the residential stormwater system into the the City's stormwater system; provided, however, that the permit request to connect is received by the City within 365 days of substantial completion of the applicable City stormwater, sanitary sewer and potable water neighborhood improvement project. An authorized residential property is defined as a single family home, with the finished floor of the residential structure located at a grade which is below the grade of the crown of the road fronting the residential structure. The City does not have the authority to waive state or county building permit fees (Florida Building Code DBPR Fee, Florida Building Code Admin and Inspector Fund; and MDC Compliance Fee).

**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 Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered 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 ten days following adoption.

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor Dan Gelber

**ATTEST:**

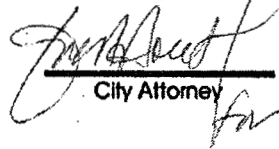
\_\_\_\_\_  
Rafael E. Granado, City Clerk

First Reading:

Second Reading:

(Sponsor: Commissioner John Aléman)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

  
\_\_\_\_\_  
Date

Underscore denotes new language

~~Strikethrough~~ denotes removed language