

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, EXPANDING THE SCOPE OF THE CITY'S STORMWATER MANAGEMENT POLICY, AS CONTAINED IN CITY RESOLUTION NO. 2017-09840, BY COMMITTING TO THE DESIGN AND IMPLEMENTATION OF A STORMWATER SYSTEM WITH SUFFICIENT CAPACITY, AND UTILIZING INTEGRATED WATER MANAGEMENT TECHNIQUES, TO REDUCE THE RISK OF FLOODING TO BOTH PUBLIC AND PRIVATE PROPERTY CAUSED BY STORMWATER RUNOFF IN THE CITY, AND DIRECTING THE CITY ADMINISTRATION TO DEVELOP A POLICY AND ENGINEERING SOLUTION FOR RESIDENTIAL PROPERTY OWNERS UTILIZING THE CITY'S STORMWATER SYSTEM.

WHEREAS, on April 27, 2017, the Mayor and City Commission adopted the City's Stormwater Management Policy, as set forth in, Resolution No. 2017-09840, a copy of which is attached hereto as Exhibit A; and

WHEREAS, Resolution No. 2017-09840 reaffirmed the City's commitment to the design and implementation of a stormwater system which can mitigate the risk of flooding on both public and private property caused by stormwater runoff; and

WHEREAS, the City desires to expand upon the intent of Resolution No. 2017-09840, to ensure that the City's 2011 Stormwater Management Master Plan (which was adopted by the City Commission on November 14, 2012, via Resolution No. 2012-28068), adhering to the requirements of Section 403.031 of the Florida Statutes, takes into consideration all integrated water management techniques in order to reduce the risk of flooding on both public and private property due to stormwater runoff; and

WHEREAS, the City stormwater policy requires property owners to construct on-site stormwater management systems to mitigate their stormwater volume; and

WHEREAS, however, certain properties place additional demand on the City's stormwater management system because they are (1) older properties that did not have the current, more stringent, stormwater regulation requirements at the time of construction; (2) properties that were previously redeveloped and increase the impervious area of a property without the associated stormwater improvements; and (3) properties that are improperly connected to the City's stormwater management system; and

WHEREAS, the City is updating its stormwater management system in order to provide the capacity to allow residential property owners to voluntarily participate in the City's program, and to reduce the risk of flooding caused by a residential property owner's stormwater that cannot be maintained on site; and

WHEREAS, the City's Stormwater Management Master Plan 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 maximum tidal 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 1988 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 over \$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 rainfall event of 8.75 inches in 24 hours; and

WHEREAS, on October 17, 2018, the Mayor and City Commission accepted the Urban Land Institute Advisory Services Panel Report that stated, among many things, that the City should “[i]mplement blue and green infrastructure to advance a more integrated and holistic approach to living with water,” and advised that “green and blue infrastructure are approaches to water management that incorporate natural processes to manage and treat water”; and

WHEREAS, consistent with the City’s Stormwater Master Plan, (and based upon the parameters of 8.75 inches of rainfall in 24 hours), the Mayor and City Commission deem it in the best interest of the City and its residents:

1. To design and implement an integrated water management system with sufficient capacity to reduce the risk of flooding caused by both public rights-of-way and residential property stormwater runoff;
2. To develop a policy and engineering solution for existing residential property owners within the City’s municipal stormwater system that have a finished floor elevation that are below the future crown of road;
3. To design and install, during the implementation of neighborhood improvement harmonization projects, a drainage inlet for existing residential properties with a finished floor elevation below the future crown of road, at an elevation to cause the first 1.5 inches of rainfall to be retained on the property for pollution control and to preserve fresh groundwater, provided that said residential property does not have seawalls at elevations that allow tidal waters to enter the system;
4. That the City not shed stormwater from public property or rights-of-way on to private property;
5. That the City’s stormwater model for “maximum flood stage” (the highest designed flood elevation) be maintained or improved to ensure that the habitable space of homeowners who have relied on gravitational flow of their stormwater into the municipal stormwater system not, be subject to additional flooding;
6. That the City coordinate a stormwater system that would have the capacity to allow existing residential property owners to connect to the

City's stormwater system, after retaining the first 1.5 inches of rainfall on the residential property;

7. To encourage and create a reward system for homeowners to retain their stormwater on site; and

8. That the City's Stormwater Master Plan, as contained Chapter 110 of the City Code, entitled "Utilities," at Article III thereof, entitled "Stormwater Utility," be updated to provide for cost recovery.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby expand the scope of the City's Stormwater Management Policy, as delineated in City Resolution No. 2017-09840, by committing to the design and implementation of a stormwater system with sufficient capacity, and utilizing integrated water management techniques, to reduce the risk of flooding to both public and private property caused by stormwater runoff in the City, and direct the City Administration to develop a policy and engineering solution for residential property owners utilizing the City's stormwater system, as set forth in this Resolution, including, without limitation, Whereas clause 11 above, numbers 1-8 therein.

PASSED and ADOPTED this 16th day of January, 2019.

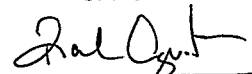
ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsor: Commissioner John Elizabeth Alemán)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

1-8-19

Date

Exhibit A

RESOLUTION NO. 2017-29840

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REAFFIRMING A COMMITMENT TO THE DESIGN AND IMPLEMENTATION OF A STORMWATER SYSTEM WITH SUFFICIENT CAPACITY TO HANDLE BOTH PUBLIC AND PRIVATE STORMWATER RUNOFF IN THE CITY AND DIRECTING THE CITY ADMINISTRATION TO DEVELOP A POLICY AND ENGINEERING SOLUTION FOR PRIVATE PROPERTY OWNERS WITHIN THE CITY'S MUNICIPAL STORMWATER SYSTEM.

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, overdrainage, 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 1996 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 NAVD88 (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 over \$400 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 5-year rainfall event; and

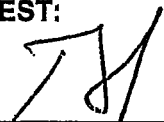
WHEREAS, based upon the parameters of a 5-year design storm event (7.5 inches of rainfall in 24 hours), the Mayor and City Commission deem it in the best interest of the City and its residents:

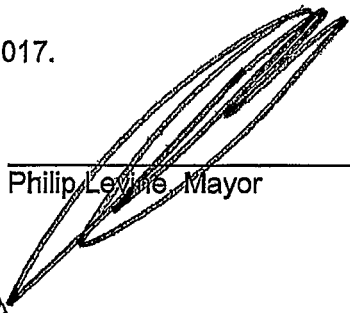
1. To design and implement a stormwater system with sufficient capacity to handle both public and private stormwater runoff;
2. To develop a policy and engineering solution for private property owners within the City's municipal stormwater system;
3. That the City not shed stormwater from public property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

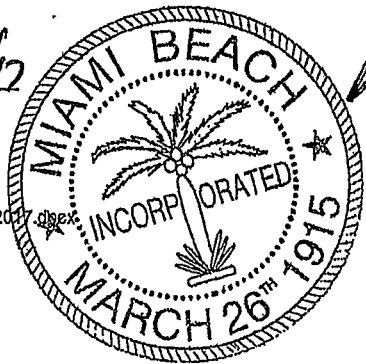
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby reaffirm their commitment to the design and implementation of a stormwater system with sufficient capacity to handle both public and private stormwater runoff in the City and direct the City Administration to develop a policy and engineering solution for private property owners within the City's municipal stormwater system consistent with the interests of the City and its residents as set forth in this Resolution.

PASSED and ADOPTED this 26 day of April, 2017.


ATTEST:


5/10/17
Rafael Granado, City Clerk


Philip Levine, Mayor



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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 4-13-17
Date 