

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING; (1) PRIVATE PROPERTY HARMONIZATION POLICY; AND (2) THE RESIDENTIAL/COMMERCIAL PROPERTY RUNOFF AND PUBLIC DRAINAGE INFRASTRUCTURE POLICIES FOR THE WEST AVENUE NEIGHBORHOOD.**

**WHEREAS**, on March 22, 2017, the Mayor and City Commission passed Resolutions No. 2017-29800 and Resolution No. 2017-29799, awarding design/build services to Ric-Man Construction Florida, Inc (Ric-Man)., for West Avenue North of 14th Street Improvements and West Avenue South of 14th Street Phase II; and

**WHEREAS**, the project is currently in the design phase; and

**WHEREAS**, the water distribution system and sanitary sewer system designs are complete. Roadway and landscaping plans are 90% complete. The stormwater pump station design is 90% complete; and

**WHEREAS**, the Miami Dade County Department of Regulatory and Economic Resources (DERM) has requested additional water quality treatment for the stormwater design; and

**WHEREAS**, in order to effectively finalize the designs and develop the additional water quality measures, the project team is proposing the proceeding harmonization and drainage policies for the West Avenue Neighborhood Improvement Project; and

**WHEREAS**, there have been project briefings with residents and two overarching concerns have been identified: 1) community members have expressed a concern over the potential costs which could be incurred by private properties to restore or rebuild private improvements affected by the project; and 2) certain property owners are requesting direction on the ability to connect their private property drainage to the city's stormwater system; and

**WHEREAS**, the elevation of roadways requires that the City's right-of-way be harmonized with adjacent private properties; and

**WHEREAS**, there are certain, specialty or atypical, features within the City's right-of-way, that often have established variance agreements that explicitly requires the private property owner to pay for their removal and replacement, and as such should be reflected in the City policy; and

**WHEREAS**, features without these agreements, located within the City's right-of-way, are right-of-way encroachments, not approved by the City, and the costs associated with the removal and replacement of these features should be borne by the private property owner and should be reflected in the City policy; and

**WHEREAS**, the DCP directs the Design-Builder to replace driveways and walkways with matching asphalt or concrete. In cases where existing driveways have been constructed using different materials (pavers, tiles, stamped concrete, etc.), the Design-Builder is currently directed to replace those materials with concrete or coordinate with the property owner to determine if the existing material can be salvaged and re-used at the owner's expense; and

**WHEREAS**, there are several other features which may be impacted by harmonization including, but not limited to, fences, walls, gates, fire connections, railings, and landscaping. The DCP requires the removal, re-installation, or modification, of these components to be done at the owner's expense; and

**WHEREAS**, harmonization work may impact portions of the private property that may contain specialty or atypical features that are unique, and the costs associated with the removal and replacement of these features within private property shall be borne by the private owner; and

**WHEREAS**, certain properties will also need to address drainage requirements; and

**WHEREAS**, the City of Miami Beach operates a citywide stormwater management system that collects, conveys, and disposes of stormwater runoff from public rights of way; and

**WHEREAS**, to ensure that stakeholder concerns are properly addressed, staff has developed the following policy that endeavors to address private property concerns, while aligning with the overall stormwater management strategy. The policy would apply to any private property (residential or commercial) that satisfies the stipulated conditions and is enumerated below.

#### **Definitions**

1. Design Storm Event - a 10 year – 24-hour storm as defined within Resolution No. 2017-30039.
2. Habitable Space – the building livable area, as defined in the Miami-Dade County Property Appraiser's Glossary of Terms. The livable area represents the space used for habitation purposes. Typically, livable area will have access to electricity, plumbing and oftentimes air conditioning. It may include hallways, closets, bathrooms, storage and other areas outside the main living structure. It does not include garages, carports, and patios.
3. Predevelopment Model - a model of the existing stormwater drainage system, representing its performance during the design storm event.
4. Post Development Model - a model of the proposed stormwater drainage system, representing its performance during the design storm event.

#### **Policy**

1. Public drainage improvements will not subject private properties to additional flooding. Consequently, the finished floor elevations of habitable spaces will not have an increased risk of flooding during the design storm event. This will be demonstrated by comparing a predevelopment and post development model.
2. In order to maximize water quality treatment, private properties should retain the first 1-½ inch of rainfall on their premises.
3. Properties must accommodate the percolation of all staged water within a 24-hour period.

4. In cases where the finished floor elevation of habitable spaces within private properties is located below the future crown of the adjacent roadway and the private property owner's consent is obtained, drainage will be provided within the private property and connected to the City' stormwater system. The private property drainage system, when possible, will be placed at an elevation to retain the first 1-½ inch of rainfall on the premises and public infrastructure will be sized to address water quantity.
5. When the retention of the first 1-½ inch of rainfall will flood habitable spaces, the private property drainage system will be placed at an elevation below the elevation of the finished floor of habitable spaces and public infrastructure will be designed to accommodate water quantity from the private property. Water quality treatment will remain the responsibility of the private property owner and the private property drainage system will be placed at an elevation that maximizes the percolation of staged water.
6. In cases where the finished floor elevation of habitable spaces is located above the future crown of the adjacent roadway and the grade elevation of the private property is substantially low, thereby not allowing water to percolate on site, drainage may be provided within the private property and connected to the City' stormwater system at the discretion of the City Engineer. The private property drainage should be designed to maximize the water retained on site and public infrastructure will be sized to accommodate water quantity. Water quality treatment will remain the responsibility of the private property owner.
7. The purpose of the public stormwater is to collect, convey, and dispose of stormwater runoff within public rights of way. The fees collected by the stormwater enterprise fund do not contemplate the impacts associated with direct connections to the City's stormwater system. Thus, the City will develop a rate structure to charge private properties directly connected to the City's public stormwater system. Once developed, this rate structure will be presented to the Finance and Economic Resilience Committee (FERC) and, upon FERC approval will be presented to the City Commission for formal adoption.
8. The intent of this policy is to provide a functional direct drainage connection to private property owners. Any restoration work on private property associated with the construction of the drainage connections will be limited to the materials defined in the DCP for harmonization work. As such no specialty materials or features will be restored by the City, and the costs of restoring the private property beyond utilizing concrete, asphalt, or sod will remain the sole responsibility of the private property owner.
9. All water quality treatment requirements, stipulated by DERM or any entity with jurisdiction, will remain the sole responsibility of the private property owner. These include, but are not limited to, the retention of the first 1-½ inch of rainfall, the sequestering of contaminants, and the sequestering of nutrients.
10. Any direct private property connections to the City's stormwater system are intended as a temporary condition. The direct connections will be removed and no new direct connections will be allowed, once the private properties are redeveloped.

**WHEREAS**, the project team is proposing the proceeding as a formal City policy that remains consistent with the harmonization requirements of the DCP and provides relief to private property owners that cannot manage stormwater runoff onsite, while aligning with the City's holistic stormwater management strategy; and

**WHEREAS**, the Administration recommends the City Commission approve the resolution accepting these policies.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby, establish; (1) private property harmonization policy; and (2) the residential/commercial property runoff and public drainage infrastructure policy for the West Avenue Neighborhood

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

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

**ATTEST:**

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Ralph Granado, City Clerk