

**10-Year Water Supply Facilities Work Plan And Property Rights Element -  
Comprehensive Plan Amendment**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE 2040 COMPREHENSIVE PLAN, PURSUANT TO THE EXPEDITED STATE REVIEW PROCESS OF SECTION 163.3184(3), FLORIDA STATUTES, BY AMENDING THE “RESILIENT LAND USE AND DEVELOPMENT ELEMENT,” TO CREATE A PROPERTY RIGHTS ELEMENT, INCORPORATING GOALS, OBJECTIVES, AND POLICIES AS REQUIRED BY SECTION 163.3177(6)(i), FLORIDA STATUTES; AND AMENDING THE “INFRASTRUCTURE ELEMENT” AND “CAPITAL IMPROVEMENT ELEMENT” TO INCORPORATE AN UPDATED 10-YEAR WATER SUPPLY FACILITIES WORK PLAN AND RELATED POLICIES, AND STRENGTHEN COORDINATION BETWEEN WATER SUPPLY AND LOCAL LAND USE PLANNING AS REQUIRED BY SECTION 163.3177(6)(c)(3), FLORIDA STATUTES; AND PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, in 2021, the Florida Legislature amended Section 163.3177(6), Florida Statutes, to require that local governments adopt a property rights element; and

**WHEREAS**, the City of Miami Beach (the “City”) respects judicially acknowledged and constitutionally protected private property rights; and

**WHEREAS**, Section 163.3167(9), Florida Statutes, requires each local government to address in its comprehensive plan, the water supply sources necessary to meet and achieve the existing and projected water use demand for an established planning period; and

**WHEREAS**, Section 163.3177(4)(a), Florida Statutes, requires coordination of the local comprehensive plan with the water management district's regional water supply plan; and

**WHEREAS**, the City recognizes the need for better integration between land use planning and water supply planning; and

**WHEREAS**, Section 163.3177(6)(c), Florida Statutes, requires that local governments prepare and adopt a 10-Year Water Supply Facilities Work Plan and amend their comprehensive plans within 18 months after the water management district approves or updates a regional water supply plan; and

**WHEREAS**, on October 27, 2010, the City Commission adopted Ordinance No. 2010-3704, amending the Comprehensive Plan to strengthen coordination between water supply and local land use planning and incorporating a 10-Year Water Supply Facilities Work Plan; and

**WHEREAS**, on November 8, 2018, the South Florida Water Management District (“SFWMD”) Governing Board approved the Lower East Coast Water Supply Plan Update to

ensure there will be enough drinking water for more than 6 million residents in South Florida's Lower East Coast Region; and

**WHEREAS**, local governments are required to revise their Comprehensive Plan to include their updated Water Supply Facilities Work Plan within 18 months after the date the Regional Water Supply Plan Update is adopted; and

**WHEREAS**, the City has proposed an updated 10-Year Water Supply Facilities Work Plan, consistent with the 2018 Lower East Coast Water Supply Plan Update; and

**WHEREAS**, the City has proposed amendments to the policies of the Comprehensive Plan for consistency with the updated 10-Year Water Supply Facilities Work Plan; and

**WHEREAS**, the City Commission hereby finds that the adoption of this Ordinance is in the best interest and welfare of the residents of the City; and

**WHEREAS**, the City Commission hereby adopts the updated 10-Year Water Supply Facilities Work Plan as supporting data and analysis for the Comprehensive Plan amendments; and

**WHEREAS**, the City Commission also finds the proposed 10-Year Water Supply Facilities Work Plan and proposed amendments to its Comprehensive Plan to be in compliance with and consistent with Florida law and the City's adopted Comprehensive Plan; and

**WHEREAS**, these regulations will ensure that the public health, safety and welfare will be preserved in the City; and

**WHEREAS**, the amendments set forth below are necessary to accomplish the objectives identified herein.

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

**SECTION 1.** The following amendments to the City's 2040 Comprehensive Plan Resilient Land Use and Development Element are hereby adopted:

**RESILIENT LAND USE AND DEVELOPMENT ELEMENT**

The Resilient Land Use and Development Element (RLU) of the Comprehensive Plan serves as a guide for future land development and redevelopment in a manner consistent with the City's vision of a vibrant and resilient Miami Beach, and the requirements of the Florida Statutes. The Principles, Goals, Objectives and Policies in the Resilient Land Use and Development Element are closely interrelated to most, if not all other elements in this Comprehensive Plan. Its function is to define future land uses and set their location, and to draw upon the core principles within the Comprehensive Plan to help ensure that growth is directed in a manner that is resilient, sustainable, supported by essential services, and improves the quality of life of the City and its residents. This element also houses the goals, objectives and policies required for consistency with the Florida Statutes for the Property Rights Element.

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**GOAL RLU 1: LAND USE**

Preserve and enhance the character of Miami Beach and its quality of life through the implementation of future land use and land development requirements that maximize the potential for economic benefit and the enjoyment of natural and man-made resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

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**OBJECTIVE RLU 1.6: PROPERTY RIGHTS**

The City will respect judicially acknowledged and constitutionally protected private property rights.

**POLICY RLU 1.6.1**

The City will consider the following rights in local decision-making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

**SECTION 2.** The following amendments to the City’s 2040 Comprehensive Plan Infrastructure Element are hereby adopted:

**INFRASTRUCTURE ELEMENT**

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**GOAL INF 1: PROVISION OF INFRASTRUCTURE**

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**OBJECTIVE INF 1.1: PRIORITIES**

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**POLICY INF 1.1.3**

The potable water network is an interconnected, countywide system, therefore, the City will cooperate with MDWASD to jointly develop methodologies and procedures for biannually updating estimates of system demand and capacity, and ensure that sufficient capacity to serve development exists. The City will prepare and submit a Water Conservation Plan to the County at the same time as the City submits the updated 5 10-Year Water Supply Facilities Work Plan.

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## OBJECTIVE INF 1.5: LEVEL OF SERVICE STANDARDS

### POLICY INF 1.5.1

The following City-wide Level of Service Standards shall be used as the basis for determining the availability of facility capacity for residential uses; the systems shall be able to provide/accommodate at least the minimums specified:

Facility/Service Area	Level of Service Standard
Sanitary Sewer Facilities	Sewage Generation Standard 140 Average gallons per capita per day
Solid Waste Facilities	Solid Waste Generation Standard 1.275 tons per capita per year
Drainage Facilities	Design Storm Standard per Storm Water Master Plan as updated from time to time.
Potable Water Facilities	Water Consumption Standard 246 <u>156</u> Average gallons per capita per day

The average gallons per capita rate applies to the year-round standard, while the peak gallons per capita rate applies to the City during peak tourist period due to the significant seasonal influx of temporary residents. The City uses a multiplier of 1.2, which gives a 20% increase in population to estimate required services and facilities.

The following City-wide Level of Service Standards shall be used as the basis for determining the availability of facility capacity for non-residential uses; the systems shall be able to provide/accommodate at least the minimums specified:

Hotel:	75 gallons per day per room
Office:	0.084 gallons per day per square foot
Retail:	0.18 gallons per day per square foot
Industrial:	0.084 gallons per day per square foot
Restaurant:	65 gallons per day per seat
School:	12 gallons per day per student

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**OBJECTIVE INF 1.8: WATER SUPPLY PLANNING**  
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### POLICY INF 1.8.1

The City will comply with the "City of Miami Beach, Florida 10-year Water Supply Facilities Work Plan," adopted on October 27th, 2010, and incorporate such work plan into the Miami Beach Comprehensive Plan. The City hereby adopts by reference the "City of Miami Beach, Florida 10-year Water Supply Facilities Work Plan," dated May 7, 2021 (Work Plan), into the City's Comprehensive Plan, for a planning period of not less than 10 years. This Work Plan addresses issues that pertain to water supply facilities and requirements needed to serve current and future development within the City.

**POLICY INF 1.8.2**

Coordinate appropriate aspects of its comprehensive plan with the South Florida Water Management District’s regional water supply plan approved ~~adopted~~ November 8, 2018, and with the Miami-Dade County 20-Year Water Supply Facilities Work Plan adopted February 5, 2015, and as updated. The City shall amend its Comprehensive Plan and Work Plan as required to provide consistency with the District and County plans-

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**POLICY INF 1.8.6**

The City hereby adopts by reference the “Draft Miami-Dade Water and Sewer Department 10-Year Water Supply Facilities Work Plan,” dated October 2020, for a planning period of not less than 10 years. This Work Plan addresses issues that pertain to water supply facilities and requirements needed to serve current and future development within the City’s water service area. The City shall review and update the Work Plan at least every 5 years, within 18 months after the Governing Board of the water management district approves an updated regional water supply plan. Any changes affecting the Work Plan shall be included in the annual Capital Improvements Plan update to ensure consistency between the Potable Water Sub-Element and the Capital Improvements Element.

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**OBJECTIVE INF 1.9**  
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**POLICY INF 1.9.7**

The City will continue to coordinate with Miami-Dade ~~Water and Sewer Department~~ County DERM related to leak detection and repair of water lines throughout the City.

**SECTION 3.** The following amendments to the City’s 2040 Comprehensive Plan Capital Improvement Element is hereby adopted:

**CAPITAL IMPROVEMENTS ELEMENT**

\* \* \*  
**OBJECTIVE CIP 1.5: LEVEL OF SERVICE STANDARDS**  
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**POLICY CIP 1.5.3**

The City shall continue to maintain and provide potable water, sanitary sewer, solid waste disposal and drainage facilities at adopted level of service standards to ensure that adequate facility capacity is available for proposed and existing commercial and residential developments within its jurisdiction. These level of service standards are established in ~~this Plan’s Infrastructure Element~~ Policy INF 1.5.1.

**SECTION 4.** The 2040 Comprehensive Plan is hereby amended to replace the 10-Year Water Supply Facilities Work Plan dated October 6, 2010, and adopted pursuant to Ordinance No. 2010-3704, with the 10-Year Water Supply Facilities Work Plan, attached hereto as “Exhibit A”.

**SECTION 5. INCLUSION IN THE COMPREHENSIVE PLAN.**

It is the intention of the City Commission that this Ordinance be entered into the Comprehensive Plan of the City of Miami Beach, FL, and it is hereby ordained that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate word.

**SECTION 6. TRANSMITTAL.**

The Planning Director is hereby directed to transmit this ordinance to the appropriate state, regional and county agencies as required by applicable law.

**SECTION 7. REPEALER.**

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

**SECTION 8. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 9. EFFECTIVE DATE.**

If the amendment is not timely challenged, this amendment shall take effect 31 days after the state land planning agency notifies the City that the plan amendment package is complete pursuant to Section 163.3184(3), Florida Statutes.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2021.


**ATTEST:**

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

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Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

First Reading: October 13, 2021  
Second Reading: December 8, 2021

  
\_\_\_\_\_  
City Attorney NK Date 10-6-21

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director