

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Interim City Manager Rickelle Williams  
DATE: June 26, 2024 10:15 a.m. Second Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 110 OF THE CITY CODE, ENTITLED "UTILITIES," BY AMENDING ARTICLE II, ENTITLED "WATER," BY CREATING A NEW DIVISION 3, ENTITLED "PERMANENT YEAR-ROUND LANDSCAPE IRRIGATION RESTRICTIONS," TO COMPLY WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES PER CHAPTER 40E-24, FLORIDA ADMINISTRATIVE CODE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

The Administration recommends the Mayor and City Commission approve the subject ordinance at Second Reading following a public hearing.

### **BACKGROUND/HISTORY**

On July 20, 2023, the South Florida Water Management District ("District") notified the City of Miami Beach (the "City") that Miami-Dade County (the "County") revised Section 32-8.2 of the County Code of Ordinances to strengthen and update existing, permanent year-round landscape irrigation restrictions (the "Irrigation Ordinance").

The County's Irrigation Ordinance sets forth the minimum standards for landscape irrigation within the incorporated and unincorporated areas of the County, among other things, and is applicable to the City. Specifically, the Irrigation Ordinance provides that it "shall apply to both the incorporated and unincorporated areas of the County ... and in the incorporated areas of the County shall be enforced by the municipalities, unless the County is notified by a municipality, in the form of a letter from an authorized representative of the municipality or by a duly adopted resolution, that the municipality desires the County to enforce the restrictions identified in th[e] [Irrigation Ordinance] within that municipality." Accordingly, the City is currently opting to adopt its own year-round landscape irrigation restrictions ordinance with accompanying enforcement provisions.

As part of the District's notification on July 20, 2023, the District advised the City that not all provisions of the County's Irrigation Ordinance were self-executing and requested that the City clarify how it intends to address the County's Irrigation Ordinance updates to ensure consistency with Chapter 40E-24 of the Florida Administrative Code. The Ordinance accompanying this memorandum was prepared to address the District's comments, and if adopted, will formally adopt and incorporate the County's Irrigation Ordinance, as amended, into the City Code and provide for local enforcement by City staff.

### **ANALYSIS**

As South Florida continues to see rapid growth and is among the country's fastest-growing regions, this division to Chapter 110 of the City Code has been drafted to adopt regulations consistent with South Florida's Water Management District's mandatory year-round landscape irrigation conservation measures under Chapter 40E-24, Florida Administrative Code, (F.A.C.).

The Ordinance restricts the times and number of days landscape irrigation is allowed within the City's jurisdiction. Additionally, a variance procedure has been included for residents who cannot adhere to the specific days and hours for landscape irrigation outlined in the ordinance.

Between First and Second reading of the Ordinance, the Ordinance was amended to fix a scrivener's error, and to amend the dates of prohibited application period of fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants to May 15 through November 1 to capture both City and County's prohibited application period.

### **FISCAL IMPACT STATEMENT**

N/A

**Does this Ordinance require a Business Impact Estimate?** Yes  
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on June 7, 2024. See BIE at:  
<https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

### **FINANCIAL INFORMATION**

### **CONCLUSION**

The Administration recommends the Mayor and City Commission approve changes to Chapter 110 Utilities Article II Water by adding a division on permanent landscape irrigation restrictions to comply with the District's Year-round Landscape Irrigation Conservation Measures, as well as changes to align the ordinance with County efforts to conserve and protect its water resources and clarify enforcement and administration of the ordinance.

### **Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

### **Department**

Code Compliance

### **Sponsor(s)**

Commissioner Laura Dominguez

**Co-sponsor(s)**