



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: October 30, 2024

TITLE: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE AND THE PUBLIC SAFETY AND NEIGHBORHOOD QUALITY OF LIFE COMMITTEE TO DISCUSS POSSIBLE AMENDMENTS TO CHAPTER 54, ENTITLED "FLOODS," ARTICLE III, ENTITLED "RESILIENCE STANDARDS FOR TIDAL FLOOD PROTECTION" TO ENHANCE ENFORCEMENT MECHANISMS FOR PUBLIC SAFETY AND QUALITY OF LIFE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

Please place on the agenda a referral to both the Land Use and Sustainability Committee ("LUSC") and the Public Safety and Neighborhood Quality of Life Committee ("PSNQLC") to explore amendments to Chapter 54, entitled "Floods," Article III, entitled "Resilience Standards for Tidal Flood Protection" that would enhance short-term and long-term enforcement mechanisms to address public safety and quality of life concerns related to tidal flooding.

Miami Beach continues to face increasing risks associated with tidal flooding due to rising sea levels. Chapter 54 of the City Code sets forth resilience standards for tidal flood protection to mitigate these impacts. However, enforcement of these standards has presented challenges, particularly in terms of addressing immediate public safety concerns and the long-term implications for neighborhood quality of life.

Tidal flooding, especially during king tide events, poses risks such as roadway flooding, compromised infrastructure, and potential health hazards. The City's resilience measures are crucial in managing these impacts, but there is a need for more effective enforcement tools to ensure compliance and protect the public. Strengthening these enforcement mechanisms will help ensure the City's long-term resilience and safeguard the safety and quality of life of residents and visitors alike.

The Land Use and Sustainability Committee and the Public Safety and Neighborhood Quality of Life Committee are requested to explore the following areas for potential amendments to Chapter 54:

1. Enhanced Short-Term Enforcement Mechanisms:
 - Evaluate the current tools available for immediate enforcement of resilience standards during and after tidal flooding events.

- Explore the possibility of requiring property owners to implement temporary measures, such as the installation of flood barriers. Example of temporary barriers: <https://usfloodcontrol.com/flood-barriers>.
 - Discuss options for improving the coordination of City departments responsible for monitoring and enforcing these standards.
 - Discuss potential policy that would enable the City to repair private seawalls that are causing public flooding nuisances within the right of way, particularly after the property owner has failed to conduct the necessary repairs. This policy would include provisions for billing the private property owner for the costs incurred by the City in carrying out these necessary repairs.
2. Long-Term Enforcement Strategies:
- Review the effectiveness of existing regulations in promoting long-term resilience and preventing chronic issues associated with tidal flooding.
 - Consider requiring regular inspections and maintenance of private properties and public infrastructure to ensure continued compliance with resilience standards.
 - Explore incentives or other mechanisms to encourage property owners to invest in long-term flood mitigation measures.
3. Public Safety and Quality of Life Considerations:
- Assess how enforcement deficiencies contribute to public safety hazards, such as vehicular accidents, property damage, and pedestrian risks during flood events.
 - Evaluate the impact of tidal flooding on the quality of life in vulnerable neighborhoods, including the effects on property values, mobility, and environmental conditions.

FISCAL IMPACT STATEMENT

N/A

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

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

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

No

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

City Attorney

Sponsor(s)

Commissioner Alex Fernandez
Commissioner Laura Dominguez

Co-sponsor(s)

Condensed Title

Ref. LUSC and PSNQL: Enhance Enforcement Mechanisms Related to Tidal Flooding.
(Fernandez/Dominguez) CA