

SR - SECOND READING ORDINANCES

SR.1

ORDINANCE

Second Reading

7338

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 20 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), TITLED "FLOOD DAMAGE PREVENTION;" MORE PARTICULARLY, BY AMENDING SECTIONS 20-1, TITLED "DEFINITIONS," SECTION 20-3, TITLED "DEVELOPMENT IN EITHER SPECIAL FLOOD HAZARD AREAS, OR NONSPECIAL FLOOD HAZARD AREAS," AND SECTION 20-4, TITLED "DEVELOPMENT WITHIN SPECIAL FLOOD HAZARD AREAS", TO CODIFY THE NORTH AMERICAN VERTICAL DATUM OF 1988 ("NAVD 88") AS THE APPLICABLE VERTICAL DATUM FOR THE PURPOSE OF ADMINISTERING THE CITY OF MIAMI'S ("CITY") FLOOD DAMAGE PREVENTION REGULATIONS; FURTHER AMENDING CHAPTER 29 OF THE CITY CODE, TITLED "LANDFILLS AND WATERFRONT IMPROVEMENTS;" MORE PARTICULARLY, BY AMENDING SECTION 29-81, TITLED "DEFINITIONS," SECTION 29-82, TITLED "PURPOSE OF ARTICLE," SECTION 29-83, TITLED "PERMITS FOR WATERFRONT IMPROVEMENTS—REQUIRED," SECTION 29-84, TITLED "SAME—APPLICATION", SECTION 29-89, TITLED "DESIGN," SECTION 29-91, TITLED "CONSTRUCTION," SECTION 29-92, TITLED "MATERIALS," SECTION 29-93, TITLED "REVIEW OF PLANS; DUTY TO INSPECT," SECTION 29-94, TITLED "PROCEDURE FOR INSPECTIONS," AND SECTION 29-95, TITLED "MAINTENANCE," TO ESTABLISH NEW STANDARDS FOR THE CONSTRUCTION, RECONSTRUCTION, AND REPAIR OF SEAWALLS AND BULKHEADS; ESTABLISHING A NEW MINIMUM HEIGHT OF SIX FEET (6') NAVD 88 FOR NEW AND RECONSTRUCTED SEAWALLS AND BULKHEADS CITYWIDE EXCEPT FOR THOSE PROPERTIES FRONTING THE MIAMI RIVER AND ITS TRIBUTARIES; ESTABLISHING A NEW MINIMUM HEIGHT OF FOUR FEET (4') NAVD 88 FOR NEW AND RECONSTRUCTED SEAWALLS AND BULKHEADS FOR THOSE PROPERTIES FRONTING THE MIAMI RIVER AND ITS TRIBUTARIES; PROVIDING FOR A VARIANCE PROCEDURE FOR SUCH ELEVATION REQUIREMENT; PROVIDING FOR A DEFINITION AND PERMITTING CONSTRUCTION OF LIVING SHORELINES; IMPOSING A DUTY ON PRIVATE PROPERTY OWNERS TO MAINTAIN SEAWALLS AND BULKHEADS IN GOOD REPAIR AND TO PREVENT TIDAL WATERS FROM FLOWING OVER OR THROUGH SUBSTANDARD OR DAMAGED SEAWALLS OR BULKHEADS TO ADJACENT PROPERTIES AND PUBLIC RIGHTS-OF-WAY; PROVIDING FOR ENHANCED PENALTIES FOR PROPERTY OWNERS THAT FAIL TO DO THE SAME; PROVIDING FOR A WAIVER OF FEES FOR RECONSTRUCTION OF SUBSTANDARD OR DAMAGED SEAWALLS UPON FURNISHING OF PROOF OF FINANCIAL HARDSHIP; PROVIDING FOR COMPLETE MITIGATION OF CODE COMPLIANCE FINES FOR PROPERTY OWNERS WITH SUBSTANDARD OR DAMAGED SEAWALLS OR BULKHEADS FOUND TO BE IN VIOLATION THAT UNDERTAKE STEPS TO CORRECT THOSE VIOLATIONS WITHIN THE TIMEFRAME FOUND HEREIN; CREATING A NEW SUBSTANTIAL REPAIR THRESHOLD THAT PROVIDES FOR SEAWALLS AND BULKHEADS TO BE RECONSTRUCTED TO PRESENT SPECIFICATIONS PROMULGATED BY THE DEPARTMENT OF RESILIENCE AND PUBLIC WORKS UNDER CERTAIN QUALIFYING CIRCUMSTANCES; MODIFYING THE MINIMUM REQUIREMENTS AND INFORMATION REQUIRED FOR PERMITS IN CONNECTION WITH THE CONSTRUCTION, REPAIR, AND RECONSTRUCTION OF SEAWALLS AND BULKHEADS; AND PROVIDING FOR THE COMPLETE MITIGATION OF FINES FOR VIOLATIONS RELATED TO THE DISREPAIR OF SUCH IMPROVEMENTS UPON ADHERENCE TO CERTAIN PRESCRIBED TIMEFRAMES; FURTHER AMENDING CHAPTER 54/SECTION 54-46 OF THE CITY CODE, TITLED "STREETS AND SIDEWALKS/AGREEMENT AND BOND AS TO PAVING AND OTHER IMPROVEMENTS BY PERSONS SUBMITTING PLATS, REPLATS, ETC., TO COMMISSION," TO ESTABLISH A NEW MINIMUM HEIGHT FOR NEW AND RECONSTRUCTED SEAWALLS AND BULKHEADS FOR APPLICABLE PROPERTIES SUBMITTED TO THE CITY'S EXISTING PLATTING PROCESS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

SPONSOR(S): Commissioner Ken Russell, Commissioner Joe Carollo, Commissioner Manolo Reyes