



City of Hallandale Beach City Commission Agenda Cover Memo

Hallandale Beach
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Meeting Date:	<i>August 15, 2018</i>		Item Type: <small>(Enter X in box)</small>	Resolution	Ordinance X	Other	
Fiscal Impact: <small>(Enter X in box)</small>	Yes	No	Ordinance Reading: <small>(Enter X in box)</small>	1st Reading		2nd Reading	
		X		<small>(Enter X in box)</small>	Yes	No	Yes
Funding Source:	<i>N/A</i>		Advertising Requirement: <small>(Enter X in box)</small>	Yes		No	
				<small>(Enter X in box)</small>	X		
Account Balance:	<i>N/A</i>		Quasi Judicial: <small>(Enter X in box)</small>	Yes		No	
				<small>(Enter X in box)</small>			X
Project Number :	<i>PA-17-02153</i>		RFP/RFQ/Bid Number:	<i>N/A</i>			
Contract/P.O. Required: <small>(Enter X in box)</small>	Yes	No	Strategic Plan Priority Area: <small>(Enter X in box)</small>				
		X					
Sponsor Name:	Roger Carlton, City Manager		Department: Development Services	Keven Klopp, Development Services Director			

Short Title:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING THE CITY'S ADOPTED COMPREHENSIVE PLAN BY ADOPTING THE EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS TO INCLUDE VARIOUS UPDATES OF DEFINITIONS, OBJECTIVES AND POLICIES; PROVIDING FOR THE CREATION OF POLICIES AND OBJECTIVES IN THE COASTAL MANAGEMENT ELEMENT RELATED TO FLOODPLAIN MANAGEMENT, FLOOD INSURANCE AND CLIMATE ADAPTATION; PROVIDING FOR TRANSMITTAL OF THE CITY'S EAR BASED AMENDMENTS PURSUANT TO CHAPTER 163, FLORIDA STATUTES, PART II, ("COMMUNITY PLANNING ACT"); PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

Background:

Section 163.3191 Florida Statutes requires that each local government evaluate its adopted Comprehensive Plan every seven (7) years to determine whether plan amendments are necessary to comply with changes that were made to Ch. 163, Part II, Florida Statutes ("Community Planning Act") since the last evaluation and appraisal cycle. The City determined that minor amendments are required to maintain the Plan's consistency with the Act, and has prepared the attached amendments for transmittal to the Department of Economic Opportunity ("DEO") for its review.

The City Commission approved the proposed amendments on first reading for transmittal to DEO on September 27, 2017, including an amendment not required by statute that increases the Recreation and Open Space Level of Service ("LOS") Standard from 3.0 acres per 1,000 population to 4.0 acres per 1,000 population. The proposed amendment also eliminated one-half of the Golden Isles Waterway water from the inventory. This resulted in an open space deficit of 6.02 acres. The City Commission revisited the LOS standard at its June 4, 2018 City Commission Workshop, and directed Staff to adjust the LOS Standard to result in a current open space surplus of between 5 and 10 acres.

DEO and other reviewing agencies, including the Florida Department of Transportation (FDOT) and the South Florida Water Management District (SFWMD), completed their review of the proposed amendments and issued official comments in a letter dated March 2, 2018, known as the Objections, Recommendations and Comments Report, attached hereto as Exhibit 2.

Pursuant to Section 166.041 Florida Statutes, a newspaper advertisement appeared in the Sun Sentinel newspaper on July 22, 2018 for the August 1, 2018 City Commission adoption public hearing.

Why Action is Necessary:

Florida Statutes 163.3184 requires that the local governing body adopt the Evaluation and Appraisal based Comprehensive Plan Amendments by ordinance no more than 180 days from the date (March 2, 2018) that DEO issues its Objections, Recommendations and Comments Report. Therefore, Second Reading of the revised amendments must occur by August 28, 2018.

Current Situation:

DEO raised four objections to the proposed amendments. The four DEO objections and proposed responses are summarized below. The proposed responses are incorporated as revisions to the respective Comprehensive Plan elements that are attached hereto as exhibit 1, Ordinance, Exhibit 3, Proposed E.A.R.-based Comprehensive Plan Amendment and Exhibit 4, Proposed Future Land Use Map. The proposed revision to the Recreation and Open Space LOS Standard is discussed further in the Analysis section of this report (DEO did not comment on this LOS revision).

DEO Objection No. 1: The Future Land Use Element does not include at least two planning periods, one covering at least the first 5-years after the plan's adoption and one covering at 10 years after adoption. Staff revised the Future Land Use Map accordingly.

The revised map is attached hereto as Exhibit 4. No other revisions were made to the map. Staff also amended the text of the Introduction section of the comprehensive plan to reflect short and long-term planning horizons of 2023 and 2028. See *Exhibit 4, Future Land Use Map, and Exhibit 3, Introduction, pages 1-1 and 1-2.*

DEO Objection No. 2: The Coastal Management Element does not include specific principles, strategies, engineering solutions, or policies that will reduce the flood risk in coastal areas, or result in the removal of coastal real property from flood zones. The Element also does not identify site development techniques and best practices that reduce flood-related losses. See Exhibit 3, Coastal Management Element Policies 1.2.6, 2.2.4, 2.2.5, 2.3.3, 2.3.4, and 3.2.4.

Staff believes that the transmitted amendments do at least partially address these objections, but incorporated additional policies as well, which are discussed in more detail in the Analysis section of this report. The policies are substantially those that the South Florida Regional Planning Council presented to the Commission on April, 18, 2018 as part of the State technical grant the City obtained to address sea level rise. DEO staff indicated that the proposed revisions would be sufficient to address the objection.

DEO Objection No. 3: The term “Coastal High Hazard Area” (“CHHA”) is not defined uniformly throughout the Plan, and must be defined consistent with the definition in Florida Statutes Chapter 163.

Staff revised the definition accordingly in the Introduction section of the Plan and Policy 2.2.2 of the Coastal Element to mean that portion of the City that is below the elevation of a Category 1 storm surge based upon modeling by the National Oceanic and Atmospheric Administration.

DEO Objection No. 4: The CHHA map in the Future Land Use Element does not depict all of the areas that are below the Category 1 storm surge elevation.

Staff has revised the maps accordingly. Exact depiction of CHHA areas provided in the Coastal Element’s CHHA map. DEO staff indicated that the proposed revisions would be sufficient to address the objection.

Analysis:

The Ordinance makes minor revisions, predominantly of a housekeeping nature, to keep step with the Community Planning Act. A brief description of each amendment is provided in Part I of this Analysis section, below, including revisions to address DEO objections (indicated with underlined text). The Ordinance also amends the Level of Service (“LOS”) Standard for recreation and open space facilities, which is further discussed in the Part II of this Analysis section.

Part I: Evaluation and Appraisal Amendments

Comprehensive Plan Introduction

- Definitions are created or updated where necessary to comply with new or revised definitions in F.S. 163.3164. Specifically, there are new definitions for the terms, “Adaptation Action Area,” “Internal Trip Capture” and “Transit Oriented Development,” and revised definitions for the terms, “Public Facilities,” “Regional Planning Agency,”

“Seasonal Population,” “Urban Development Area,” and “Urban Sprawl.” The definition of Coastal High Hazard Area is revised pursuant to DEO Objection No. 4.

- The Comprehensive Plan planning timeframes are revised to reflect a 2023 short-range timeframe and 2028 long-range timeframe to address DEO Objection No. 1.

Future Land Use Element (*no changes made after first reading/transmittal to DEO*)

- Policy 1.1.2.G. is amended to reference the methodology already established in the Land Development Regulations (LDRs) for determining proportionate fair share contributions as a means of satisfying concurrency as required by F.S. 163.3180.

Transportation (*no changes made after first reading/transmittal to DEO*)

- Policy 1.3.9 is amended to reference the methodology already established in the LDRs for determining proportionate fair share contributions as a means of satisfying concurrency as required by F.S. 163.3180.

Coastal Management

- Policy 1.1.5 is amended to clarify that buildings in flood zones must be constructed using techniques set forth in the city’s floodplain management regulations as well as the Florida Building Code, as required by F.S. 163.3178.
- New Objective 2.3 directs the City to identify and address sea level rise and other climate change issues, as recommended by F.S. 163.3178(2)(f).
- New Policy 2.3.1 directs the City to map areas most vulnerable to sea level rise and identify its potential impacts as recommended by F.S. 163.3178(2)(f). The City would establish criteria as to what areas of the City it considers most vulnerable and delineate these areas accordingly.
- New Policy 2.3.2 directs the City to develop an adaptation action area to address coastal flooding, extreme high tides, and storm surge related to sea level rise, as recommended by F.S. 163.3177(g)(10). The City would delineate the adaptation action area based upon the vulnerability assessment performed under new Policy 2.3.1, above.
- The coastal high-hazard area, revised per DEO Objection No. 4 to reflect the area below the elevation of a Category 1 storm surge (formerly depicted as the mandatory evacuation zone for a Category 1 hurricane), is depicted on the Future Land Use Map, as required by F.S. 163.3178(8)(c)..
- New Policy 1.2.6 (addresses DEO Objection No. 2) states that the City shall promote the use of pervious pavement and native landscaping methods in order to reduce the deleterious effects of runoff on adjacent ecosystems and property owners through land development regulations and incentive programs.
- New Policy 2.2.4 (addresses DEO Objection No. 2) states that new development and infrastructure in areas modeled to be within the CHHA and/or FEMA flood zones will be encouraged to use best practices to address sea level rise.
- New Policy 2.2.5 (addresses DEO Objection No. 2) states that the City shall incorporate Low-Impact Development (LID) techniques into all new public projects within FEMA flood zones and the CHHA when applicable, including infrastructure improvements proposed in the Basis of Design Report (2016). LID is defined as an ecologically-based stormwater

management approach favoring soft engineering to manage rainfall on site through a vegetated treatment network.

- New Policy 2.3.3 (addresses DEO Objection No. 2) states that the City shall continue to include development and redevelopment principles, strategies, and engineering solutions that reduce flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
- New Policy 2.3.4 (addresses DEO Objection No. 2) states that the City shall consider the effect of sea level rise when repairing and improving its stormwater management system with the intent of increasing the useful lifespan of the system under projected sea-level rise.
- Policy 3.1.1 (addresses DEO Objection No. 2) is amended to expand permissible improvements to utilities and other infrastructure serving high-hazard areas to include those needed to adapt to sea level rise.
- Policy 3.2.2 (addresses DEO Objection No. 2) is amended to require the City's Post-Disaster Plan to include a plan for the replacement of infrastructure in the CHHA that integrates additional innovative climate adaptation and mitigation to the extent financially feasible.
- New Policy 3.2.3 (addresses DEO Objection No. 2) requires the City to prepare Post-Disaster Redevelopment Plans for the CHHA that identify strategies to reduce or eliminate the exposure of human life, public property, and private property to natural hazards by 2020.
- New Policy 3.2.4 (addresses DEO Objection No. 2) requires the City to begin retrofitting and/or relocating public facilities out of flood zones and the CHHA following damage or destruction from natural disasters, tidal flooding, and/or Sea-Level Rise with the exception of water dependent uses such as beach access corridors.

Capital Improvements (*no changes made after first reading/transmittal to DEO*)

- Policy 1.1.1 is amended to require identification of funded or unfunded projects and priority funding levels for projects that are required to achieve and maintain adopted level of service standards, as required by F.S. 163.3177(3)(a)4. This policy applies only to projects that are necessary to meet the City's minimum standards for provision of drainage, sanitary sewage collection and treatment, potable water, transportation, and recreation. The City will determine which of the projects identified in the Basis of Design Report (BODR) and plans being prepared for potable water and sanitary sewer needs are, or will be needed to maintain levels of service, and will assign them relative priority in the Capital Improvements Element.

Intergovernmental Coordination

- Policy 1.4.3 was updated to acknowledge that the regional planning council process is mandatory for resolving intergovernmental disputes on planning and growth management issues rather than optional before seeking judicial remedies, as required by F.S. 163.3177(6)(h)1.b.
- New Objective 1.5 (addresses DEO Objection No. 2) and Policites 1.5.1 and 1.5.2 cross-reference Coastal Management Policy 1.2.4 and 2.3.2 regarding coordination with

adjacent coastal cities to plan for coastal issues and establishment of an adaptation action area.

No changes were needed to the other elements of the plan.

The proposed amendments are required by law, and the updates meet the minimum requirements for evaluation and appraisal based amendments identified in F.S. 163.3191.

Part II: Recreation and Open Space Level of Service (“LOS”) Standard

The Ordinance also increases the Recreation and Open Space Level of Service (“LOS”) Standard. On first reading, the Commission voted to increase the standard from 3.0 acres per 1,000 population to 4.0 acres per 1,000 population. This was accompanied by eliminating half of the Golden Isles Waterway acreage from the recreation and open space inventory used to determine whether the City is meeting its adopted LOS Standard. Subsequent analysis revealed that the higher LOS Standard and Golden Isles Waterway reduction are not sustainable. The Commission workshopped the issue on June 4, 2018 and directed staff to adjust the LOS Standard and open space inventory to achieve a current surplus of between 5 and 10 acres of recreation and open space.

There are two methods of ensuring that there are between 5 and 10 acres of surplus open space that can be used to accommodate future residents (both from naturally occurring increased household size and new development). The first method is to adjust the actual number of acres per 1,000 population that comprises the City’s LOS Standard. The second method is to adjust the acreage of waterways that are to be included in the City’s open space inventory. Currently, all waterways other than the Intracoastal and other privately accessed waterbodies are counted in the City’s open space inventory.

The City is contemplating implementation of a parks and recreation impact fee from new residential developments and retained the services of Tindale and Oliver (T&O) to conduct the study. It is important to note that the impact fees cannot be used toward level of service that has not yet been achieved; therefore, impact fees obtained cannot be used to increase parks acreage while in deficit of the established LOS standard.

In T&O’s preliminary analysis, based on current City park inventory and land value, the land value and site development costs for parks facilities amounts to approx. \$340,000 per acre. This amount is the minimum assumed cost for any new park acreage and is applied in the following Parks LOS options to estimate the value needed for future park acreage.

To meet the Commission’s request of an adjusted LOS standard and resulting park acreage inventory between 5-10 acres surplus, staff proposes the following options for the Commission’s consideration, and recommends the second option listed below:

LOS Standard	Notable Waterbody Acreage Adjustments	Surplus/Deficit Acreage	Last Year Compliant
1. 4 acres/1,000	Counting all of Chaves Lakes and most (60%) of Golden Isles Waterway.	6.48 acres	2020
<i>At this standard, the park inventory will reflect a deficit of 1.57 acres (a value of at least \$533,800) by year 2025 and a deficit of 16.26 acres (a value of at least \$5,528,400) by year 2040.</i>			
2. 3.25 acres/1,000	Counting all of Chaves Lake and 30% of Golden Isles Waterway.	7.10 acres	2025
<i>At this standard, the park inventory will reflect a deficit of 5.52 acres (a value of at least \$1,876,800) by year 2030 and a deficit of 11.38 acres (a value of at least \$3,869,200) by year 2040.</i>			
3. 3.10 acres/1,000	Counting all of Chaves Lakes and 25% of Golden Isles Waterway.	8.17 acres	2025
<i>At this standard, the park inventory will reflect a deficit of 3.87 acres (a value of at least \$1,315,800) by year 2030 and a deficit of 9.45 acres (a value of at least \$3,213,000) by year 2040.</i>			

Additionally, an amendment to the City's Five-Year Capital Improvement Plan that specifically identifies financially feasible plans for new parks and open space acquisitions within the next three years is being developed. The following opportunities for increasing the City's inventory of parks and open space are listed:

- F.E.C. Greenway – Creating a greenbelt running the entire length of the Florida East Coast Railroad Right-Of-Way in Hallandale Beach from north to south. A 20' wide greenway could add approximately 3.5 acres to the City's inventory.
- Greenway on Atlantic Shores Blvd. – Designing and reconstructing this wide Right-Of-Way to include an active greenway. A 20' wide greenway from Federal Highway to the Desoto Waterway could add 1.8 acres to the City's inventory.
- SE 5th Street Greenway - This greenway would connect Bluesten Park to Federal Highway. A 20' wide greenway would add ¼ of an acre to the City's inventory.
- Community Gardens and other Publicly Accessible Water Retention Areas. The existing Community Garden is 1/3 of an acre. Adding other such spaces to the inventory could net ½ to 1 acre.
- Transformation of the 10-acre parcel on the east side of Gulfstream Park's Track into an amenity accessible to the Public.
- The addition of other Greenways, Pedestrian Trails, and Bike Paths as envisioned by the Mobility Plan. Depending on what is counted and how much of it is developed, this could add several additional acres to the inventory.

- Creation of mangrove area with a walking path along the De Soto waterway (depending on where and how this is done, it may not add to the inventory or park and open space acreage.)

Staff Recommendation:

Staff recommends the City Commission adopt the proposed ordinance, which will satisfy statutory mandates for amendments to the City's Comprehensive Plan, and transmit the adopted amendments to the Florida Department of Economic Opportunity (DEO) as part of the evaluation and appraisal process required every seven (7) years by Florida Statutes, Section 163.3191. Staff also recommends the City Commission adopt Option 2, a Park and Open Space LOS of 3.25 acres/1,000 population, counting all of Chaves Lake and 30% of Golden Isles Waterway.

Proposed Action:

The City Commission may vote to approve and transmit; approve with conditions and transmit; or, deny and not transmit the proposed ordinance. Staff recommends the approval and transmittal option.

Attachment(s):

- Exhibit 1 – Ordinance
- Exhibit 2 – Objections, Recommendations and Comments Report from State Review (4/2/2018)
- Exhibit 3.1- Section 1. Introduction
- Exhibit 3.2- Section 2. Future Land Use Element GOPs
- Exhibit 3.3- Figure 2-1. Future Land Use Map (FLUM) 2028
- Exhibit 3.4- Figure 2-3. Planning District Areas
- Exhibit 3.5- Section 3. Transportation Element GOPs
- Exhibit 3.6- Section 6. Coastal Management Element
- Exhibit 3.7a- Figure 6-1a. Coastal high Hazard Area (CHHA)
- Exhibit 3.7b- Figure 6-1b. Coastal high Hazard Area (CHHA)
- Exhibit 3.8- Figure 6-3. Public Transportation, Public Parking and Beach Access
- Exhibit 3.9- Section 8.1 Recreation and Open Space_GOPs
- Exhibit 3.10- Section 8.2 Recreation and Open Space_DIA
- Exhibit 3.11- Figure 8-1, Parks and Recreational Facilities
- Exhibit 3.12- Section 9. Capital Improvements Element GOPs
- Exhibit 3.13- Section 10. Intergovernmental Coordination_GOPs
- Exhibit 4 – Proposed Future Land Use Map

Prepared by:



Vanessa Leroy, Associate Planner

Department Head Review:



Keven Klopp, Development Services Director