



## City of Hallandale Beach City Commission Agenda Cover Memo

**Hallandale Beach**  
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|   |                                   |           |  |  |                  |                               |           |   |
|---|-----------------------------------|-----------|--|--|------------------|-------------------------------|-----------|---|
| <b>Meeting Date:</b>  | April 18, 2018                    |           | <b>Item Type:</b><br><small>(Enter X in box)</small>                 | <b>Resolution</b>                                | <b>Ordinance</b> | <b>Other</b>                  |           |   |
|   |                                   |           |  |  | X                |                               |           |   |
| <b>Fiscal Impact:</b><br><small>(Enter X in box)</small>          | <b>Yes</b>                        | <b>No</b> | <b>Ordinance Reading:</b><br><small>(Enter X in box)</small>         | <b>1<sup>st</sup> Reading</b>                    |                  | <b>2<sup>nd</sup> Reading</b> |           |   |
|   |                                   | X         |  |  | X                |                               |           |   |
|   |                                   |           | <b>Public Hearing:</b><br><small>(Enter X in box)</small>            | <b>Yes</b>                                       | <b>No</b>        | <b>Yes</b>                    | <b>No</b> |   |
|   |                                   |           |  | X  |                  |                               |           |   |
| <b>Funding Source:</b>  | NA                                |           | <b>Advertising Requirement:</b><br><small>(Enter X in box)</small>   | <b>Yes</b>                                       |                  | <b>No</b>                     |           |   |
|   |                                   |           |  |  | X                |                               |           |   |
| <b>Account Balance:</b>   | NA                                |           | <b>Quasi-Judicial:</b><br><small>(Enter X in box)</small>            | <b>Yes</b>                                       |                  | <b>No</b>                     |           |   |
|   |                                   |           |  |  |                  |                               | X         |   |
| <b>Project Number :</b>   | NA                                |           | <b>RFP/RFQ/Bid Number:</b>   | NA   |                  |                               |           |   |
| <b>Contract/P.O. Required:</b><br><small>(Enter X in box)</small> | <b>Yes</b>                        | <b>No</b> | <b>Strategic Plan Priority Area:</b> <small>(Enter X in box)</small> |  |                  |                               |           |   |
|   |                                   |           |  |  |                  |                               |           | <b>Safety</b> <input checked="" type="checkbox"/>         |
|   |                                   | X         |  |  |                  |                               |           | <b>Quality</b> <input checked="" type="checkbox"/>        |
|   |                                   |           |  |  |                  |                               |           | <b>Vibrant Appeal</b> <input checked="" type="checkbox"/> |
| <b>Sponsor Name:</b>  | Roger M. Carlton,<br>City Manager |           | <b>Department:</b>   | Keven R. Klopp,<br>Development Services Director |                  |                               |           |   |

**Short Title:**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING SECTION 6, THE COASTAL MANAGEMENT ELEMENT OF THE CITY OF HALLANDALE BEACH ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR REVISIONS AND CREATION OF GOALS, OBJECTIVES AND POLICIES RELATED TO INCREASING THE RESILIENCE AND REDUCING THE FLOOD RISK IN THE CITY'S COASTAL AREAS; UPDATING THE COASTAL HIGH HAZARD AREA MAP; PROVIDING FOR TRANSMITTAL OF THE COMPREHENSIVE PLAN AMENDMENT 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:**

The South Florida Regional Planning Council (SFRPC) provides professional and technical assistance to local governments as they plan for and coordinate intergovernmental solutions to the long-term challenges and opportunities facing Southeast Florida. In 2017, staff from the SFRPC met with staff from the City's Development Services and Public Works Departments to discuss the inclusion of the City in a SFRPC grant proposal to the Florida Department of Economic Opportunity (DEO). The SFRPC submitted a request for funding through the DEO's Community Planning and Technical Assistance Grant program (CPTAG) to evaluate the City's susceptibility to current and future flood risk and to prepare, for the City Commission's consideration, associated amendments to the City's Comprehensive Plan. The proposed amendments would incorporate policies into the City's long range plan consistent with Florida's *Peril of Flood* requirements outlined in Section 163.3178(2)(f), Florida Statutes. The *Peril of Flood* law – adopted by the Florida Legislature in 2015 -- requires local governments to include in its coastal management plans a redevelopment component to reduce the risk of flood. The proposed amendments to the City's Comprehensive Plan, submitted herewith as Exhibit 1, would strengthen policies in the Plan's Coastal Management Element.

It is important to note that the opportunity to collaborate with the SFRPC came about as the City was in the midst of amending its Comprehensive Plan as it is required to do every seven years. This requirement, called the Evaluation and Appraisal Report (E.A.R.) ensures that the City's plan is updated to meet changes in state requirements enacted since the last time the Comprehensive Plan was updated. The deliverable schedule for the SFRPC's grant proposal did not line up with the timeframe in which the City needed to submit its proposed E.A.R.-based amendments to the State for review. Nonetheless, City staff, realizing the value in receiving an analysis of the City's susceptibility to current and future flood risk, decided to move forward in coordination with the SFRPC.

The timing challenge described in the previous paragraph had two impacts. First, it did not allow for the SFRPC's proposed changes to be included in the *initial* E.A.R. submission, which the Commission transmitted to the DEO in September, 2017. Second, because CPTAG is a reimbursement grant, the funds are not provided unless and until the work is completed on schedule. The results of the SFRPC's granted-funded evaluation must be presented for the City Commission's consideration prior to June 1, 2018 in order for SFRPC to receive the funding. This is slightly ahead of the schedule for the City Commission's final adoption of the E.A.R.-based amendments. Those amendments, which have now been reviewed by the State, will be ready for a Public Hearings at the City Commission meetings in August.

The E.A.R.-based amendments the City Commission transmitted in September of 2017 were minimum in scope. The Florida Department of Economic Opportunity (DEO), since 2011, has provided local governments more discretion in determining their own needs and timing to update their local Comprehensive Plans. Local Comprehensive Plans set forth broad

community and development goals and contain a number of different sections, such as Future Land Use, Coastal Management, and Transportation, etc. The broad policies outlined in a City's Comprehensive Plan are then implemented via the City's Code of Ordinances, land development regulations, and capital improvements.

Exhibit 2 contains the E.A.R.-based amendments to the City's Comprehensive Plan, which have now been reviewed and commented upon by the State. Exhibit 3 contains a summary of those amendments. The proposed changes were intended to meet the *minimum* requirements for E.A.R.-based amendments, particularly because a much more substantial future update of the City's Comprehensive Plan was anticipated at the time; staff remains intent upon initiating that work with the City Commission in 2018. The E.A.R. process must be complete before the City can make further changes to the Comprehensive Plan.

The above information is provided for background. The current agenda item is **not** the E.A.R.-based amendments. The current agenda item pertains specifically to the Coastal Management Element, and even more specifically to the Peril of Flood analysis conducted by the SFRPC. The proposed amendments are fully coordinated with the E.A.R.-based amendments that will be presented in August.

### **Current Situation:**

The SFRPC conducted the same scope of work simultaneously for the City of Miami and the City of Hallandale Beach. A DEO grant was awarded to SFRPC in the amount of \$25,000 (funding in the amount of \$12,500 was allocated for each City) on a reimbursement basis.

Deliverables for the project are as follows:

- Light Detection and Ranging (remote sensing technique, also known as LiDAR) surface elevation data and a Geographic Information System (GIS) map series of zoomed-in areas susceptible to current and future tidal flooding under 1-foot (year 2030) and 2-foot (year 2060) sea level rise scenarios,
- Updated and combined GIS map series depicting current Federal Emergency Management Agency (FEMA) flood zone designations and base flood elevation,
- Written assessment of existing Comprehensive Plan Coastal Management Element strategies, consistent with the *Peril of Flood* requirements set out in Section 163.3178(2)(f), Florida Statutes,
- A public hearing to consider the proposed amendments that address the *Peril of Flood* requirements in section 163.3178(2)(f), Florida Statutes.

A more in depth description of the scope of work for this project can be found in Exhibit 4. The deliverables listed above and contained in Exhibit 4 are due to the DEO by May 31, 2018. To satisfy obligations for the grant, the proposed amendments must be *presented* in a public forum to the Planning and Zoning Board and the City Commission.

In short, the SFRPC aided the City in preparing changes to the Coastal Management Element of its Comprehensive Plan and also developed a series of maps to accompany these changes and to help the City visualize future flooding scenarios. The proposed changes to the Coastal Management Element are contained in Exhibit 5. Examples of the proposed changes are enumerated below. Please note that the italicized text below is not part of the proposed changes to the Coastal Management Element. Instead, this text is meant to clarify and explain each proposed change.

- Objective 1.1 updated to include a requirement to place any material that is excavated seaward of the coastal construction control line (CCCL) as fill onsite seaward of the CCCL. This action will result in a net benefit to the beach/dunes and sea turtle habitat. *The CCCL is designated by the Florida Department of Environmental Protection and is located in the extreme eastern portion of the City. Areas seaward of the CCCL include the beach and portions of the eastern sections of buildings located directly on the beach. Any projects that lead to development or redevelopment of the beach or buildings located directly on the beach will be required to place any material that is excavated during the development/redevelopment process on site, so as to provide a positive impact on the beach/dune system.*
- Policy 1.1.3 updated to state that developers should use construction methods which will reduce flood risk. *For example, a developer could raise the elevation of a building's first floor or construct a building in such a way as to accommodate flooding. Some buildings in coastal areas that are susceptible to flood events are beginning to designate parking on the first floor and allow residential units to be built on the second floor. Therefore, residential units should not be damaged in the event of flooding.*
- Policy 1.2.4 broadens coordination with local coastal governments within at least 2 miles, to include Dania Beach, Hollywood, Aventura, Golden Beach and Sunny Isles. *An example of coordination includes working with neighboring communities to plan for beach re-nourishment or the maintenance of dune systems that span multiple jurisdictions.*
- New Policy 1.2.6 promotes 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 requirements and incentive programs. *These requirements and incentives programs will be developed by staff at a later date and proposed for inclusion in the City's Code of Ordinances and Land Development Regulations (LDRs).*
- Policy 2.2.4 states that new development and infrastructure in areas modeled to be within the Coastal High Hazard Area (CHHA) and/or FEMA flood zones will be encouraged to use best practices to address sea level rise. *For example, new development and infrastructure projects should be designed to account for the sea level rise scenarios adopted by the City, via the Southeast Florida Regional Climate Change*

*Compact's Unified Sea Level Rise Projections. See Exhibit 6 to view the Climate Compact's sea level rise projections.*

- New Policy 2.2.5 incorporates Low-Impact Development (LID) in new public projects within FEMA flood zones and the CHHA and provides a LID definition. *Low Impact Development is an ecologically based stormwater management approach that favors soft-engineering (plants) to management rainfall on site through a vegetated treatment network. LID strategies allow stormwater to slow, spread and soak back into the ground, as opposed to being diverted to traditional stormwater management systems via a network of pipes.*
- New Policy 2.3.3 addresses development and redevelopment principles, strategies and engineering solutions to reduce flood risks in coastal areas. *An example of a flood reduction strategy is the installation of flap gates on stormwater pipes to prevent water from high tide events from going backwards through the system and flooding roadways and parking lots.*
- New Policy 2.3.4 requires the City to continue repairs and improvements to its stormwater management system so that it is capable of functioning under projected sea-level rise scenarios within the lifespan of capital improvements. The City shall utilize the unified sea-level rise projections established by the Southeast Florida Regional Climate Change Compact.
- New Policy 3.2.3 provides for Post-Disaster Redevelopment Plans in the CHHA. *This Plan will be developed and adopted by 2020.*
- New Policy 3.2.4 updated to retrofit/relocate public facilities out of flood zones and the Coastal High Hazard Area (CHHA) following damage or destruction from natural disasters, except for water dependent uses such as beach access corridors. *Funding will be requested in future budget cycles, as needed, to retrofit or relocate public facilities that sustain significant damage from natural disasters. The City will also apply for funding through relevant grant opportunities.*

The CHHA map was also updated as a result of this process and now reflects potential flooding that could presently occur as a result of storm surge combined with sea level rise (Exhibit 7). The entire package of deliverables prepared by the SFRPC for this project can be seen in Exhibit 8.

As stipulated by the CPTAG grant, the City and the SFRPC brought the proposed changes to the Coastal Management Element of the Comprehensive Plan forth to the Planning and Zoning Board for review on March 28, 2018. A newspaper advertisement appeared in the Sun Sentinel newspaper for the Planning and Zoning Board public hearing, in accordance with Section 166.041, Florida Statutes (Exhibit 10). The Board approved the proposed changes by a vote of 4 to 0 and recommended the following changes:

1. Policy 1.2.4: to broaden coordination with local coastal governments within at least 2 miles, including Dania Beach, Hollywood, Aventura, Golden Beach and Sunny Isles.
2. Policy 1.2.6: to **require** pervious pavement with further consideration for the appropriate percentage threshold in zoning regulations. *Pervious pavement allows water to pass through and soak back into the ground, thus reducing stormwater runoff.*

Exhibit 11 contains the draft meeting minutes for the Planning and Zoning Board meeting.

The proposed amendments to the Coastal Management Element will be implemented by future revisions of the Zoning and Land Development Code. Ongoing revisions to the Code will be occur as necessary in the future. For example, staff will evaluate the applicability of adding appropriate pervious pavement requirements to the landscape code.

Meanwhile, as previously described, the City received comments and recommendations, pertaining to the City's *initial* E.A.R.-based amendment proposal from the DEO, the Florida Department of Transportation (FDOT) and the South Florida Water Management District (SFWMD) on March 2, 2018 (Exhibit 12). This initial E.A.R. submission was discussed in the Background section of this cover memo. The state agency comments outlined four (4) objections that the state has with regard to the City's initial submission. The deliverables associated with the SFRPC's project satisfy two of these objections (Objections 2 and 4 in Exhibit 12).

As previously mentioned in the Background section of this item, the City has 180 days to hold a first and second public hearing pertaining to the DEO's objections to the City's *initial* E.A.R. submittal. Therefore, City staff must bring forth the second round of proposed amendments to the Comprehensive Plan by August 28, 2018. As previously mentioned, the deliverables that staff and the SFRPC have completed as a result of the CPTAG project will satisfy 2 of the 4 objections provided by the state. The remaining objections will be addressed by staff in the coming months.

At this time, staff is recommending that the City Commission defer the 1<sup>st</sup> Reading of this Ordinance (pertaining to the proposed changes to the Coastal Management Element) until the *entire* E.A.R.-based amendment is ready for final consideration by the City Commission. In doing so, the City Commission will hear this item one time, as opposed to multiple times.

**Fiscal Impact:**

But for this hearing, the South Florida Regional Planning Council would not be able to receive the grant-funded reimbursement for the work it has done on the City's behalf.

**Why Action is Necessary:**

Pursuant F.S.163.3184(11)(a), the procedure for transmittal of a plan amendment shall be by affirmative vote of not less than a majority of the members of the governing body present at the

City Commission hearing. The adoption of a comprehensive plan or plan amendment shall be by ordinance.

Pursuant to Article V, Division 1, Section 5.01 of the City of Hallandale Beach Charter, a City Ordinance is to be adopted in two separate Readings to amend an existing Ordinance.

**Proposed Action:**

Staff recommends that the City Commission defer 1<sup>st</sup> Reading of this item until the entire E.A.R.-based amendment is ready to be adopted by the City Commission, only if still necessary at that point.

**Attachment(s):**

- Exhibit 1 – Ordinance – Proposed Changes to Coastal Management Element
- Exhibit 2 – Coastal Management Element Presentation
- Exhibit 3 – Initial E.A.R. Transmitted Amendments to the Comprehensive Plan
- Exhibit 4 – 9-27-17 Cover Memo - Summarized Initial E.A.R. Transmitted Amendments to the Comprehensive Plan
- Exhibit 5 – South Florida Regional Planning Council Scope of Work
- Exhibit 6 – Proposed Changes to the Coastal Management Element of the Comprehensive Plan
- Exhibit 7 – Southeast Florida Regional Climate Change Compact Unified Sea Level Rise Projections
- Exhibit 8 – Proposed Coastal High Hazard Area Map
- Exhibit 9 – SFRPC CPTAG Deliverables
- Exhibit 10 – March 28, 2018 Planning and Zoning Board Advertisement
- Exhibit 11 – March 28, 2018 Draft Planning and Zoning Board Minutes
- Exhibit 12 – DEO Comments to the 2018 Transmitted Amendments to the Comprehensive Plan

Prepared by:

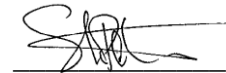


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