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**ORDINANCE NO. 2020-**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 8, BUILDINGS, CONSTRUCTION AND CONDOMINIUMS, OF THE CODE OF ORDINANCES OF THE CITY OF HALLANDALE BEACH, FLORIDA, ARTICLE III, FLOODPLAIN MANAGEMENT, DIVISION 2, SECTION 8-80, DEFINITIONS; AMENDING DIVISION 3, FLOOD RESISTANT DEVELOPMENT, BY CREATING SECTION 8-88, RESILIENCY STANDARDS FOR TIDAL PROTECTION, SECTION 8-89, APPLICABILITY; SECTION 8-90, MINIMUM ELEVATIONS FOR COASTAL INFRASTRUCTURE WITHIN TIDALLY INFLUENCED AREAS, AND SECTION 8-91, REQUIRED DISCLOSURE IN CONTRACTS FOR THE SALE OF REAL ESTATE; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of Hallandale Beach, Florida, continues to improve resiliency standards for tidal protection in connection with development or redevelopment within the City of Hallandale Beach; and

**WHEREAS**, a consistent minimum elevation for tidal flood barriers is expected to provide a standard for flood mitigation infrastructure that serves as a barrier to tidal flooding, not seepage, by accounting for water levels predicted under combined conditions of sea level rise, high tides, and high frequency storm surge through the year 2070; and

**WHEREAS,** a consistent minimum elevation for tidal flood barriers is expected to ensure that new shoreline structures and major shoreline improvements are designed for use as tidal flood barriers through application of consistent standards that account for future predicted tidal flood conditions and coastal water levels associated with sea level rise in accordance with current regional sea level rise projections, as updated and adopted from time to time by the Broward County Board of County Commissioners; and

**WHEREAS**, the City of Hallandale Beach has determined it is in the best interest of the citizenry and general public to continue to improve resiliency standards for tidal protection for development within the City.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF  
HALLANDALE BEACH, FLORIDA:

**SECTION 1.** Chapter 8, of the Code of Ordinances of the City of Hallandale Beach,  
Florida, Article III, Floodplain Management, is hereby amended to read as:

**CHAPTER 8, BUILDINGS, CONSTRUCTION AND CONDOMINIUMS**  
**ARTICLE III, FLOOD PLAIN MANAGEMENT**

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**ARTICLE III, FLOOD PLAIN MANAGEMENT, Division 2**

Section 8-80. Definitions

Section 8-80 Definitions is hereby amended by adding the following definitions:

(a) For the purposes of this article, the following terms, phrases, words, and their derivation shall have the meanings given herein, except when the context clearly indicates a different meaning. In the interpretation and application of this article, the definitions provided for herein shall control over definitions that may be included in other documents or manuals, including, but not limited to, the Florida Building Code. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and the word "may" is permissive.

(1) Bank means the level space separating a waterway from an inland area, often elevated and constructed of compacted soil.

(2) Berm means an earthen mound designed with impermeability to resist the flow of tidal waters through it to an adjacent property or public right-of-way.

(3) Green-grey infrastructure or green-grey materials means a combination of engineered and natural features that provide environmental qualities and ecosystem value.

(4) Mooring structure means a boat dock, slip, davit, hoist, lift, floating vessel platform, mooring pile, or similar structure attached to land or to a seawall, to which a vessel can be moored.

(5) North American Vertical Datum (NAVD88) means the vertical control for datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988.

(6) Public nuisance means a condition injurious to the public health or safety of the community or neighborhood, or injurious to any considerable number of persons, or a condition that obstructs the free passage or use, in the customary manner, of any public right-of-way.

(7) Rip-rap means a foundation of unconsolidated boulders, stone, rubble, concrete without protruding rebar, or similar materials placed on or near a shoreline to mitigate wave impacts and prevent erosion.

(8) Seawall means a vertical or near vertical (often interlocking) structure placed between an upland area and a waterway or waterbody for erosion control.

(9) Seawall cap means a concrete box structure (usually reinforced) that connects seawall panels, piles, and anchoring system (if present) together at the top.

(10) Shoreline means a tidally influenced area where land meets water.

(11) Substantial repair or substantial rehabilitation means:

(a) Any modification to the shoreline or a shoreline structure along more than fifty percent (50%) of the length of the property's shoreline; or

(b) Any modification, alteration, or installation of an appurtenant structure (such as a mooring structure) that exceeds fifty percent (50%) of the cost of a tidal flood barrier along the property's shoreline.

(12) Tidal flood barrier means any structure or shoreline feature including, but not limited to, banks, berms, green-grey infrastructure, seawalls, seawall caps, upland stem walls, or other infrastructure that impedes tidal waters from flowing onto adjacent property or public right-of-way, and located within or along a tidally influenced area. This definition is not meant to include rip-rap, derelict erosion control structures, or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding.

(13) Tidally influenced area means the real property adjacent to, or affected by, a waterway with water level changes in response to the daily tide.

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**SECTION 2.** Chapter 8, Article III, Division 3, Flood Resistant Development of the Code of Ordinances of the City of Hallandale Beach, Florida, Article III, Floodplain Management, Division 2, is hereby amended to add:

Section 8-88. Resiliency Standards for Tidal Flood Protection

(1) Purpose and intent.

The purpose of this article is to establish a consistent minimum elevation for tidal flood barriers that will:

(a) Provide a standard for flood mitigation infrastructure that serves as a barrier to tidal flooding, not seepage, by accounting for water levels predicted under combined conditions of sea level rise, high tides, and high frequency storm surge through the year 2070; and

(b) Ensure new shoreline structures and major shoreline improvements are designed for use as tidal flood barriers through application of consistent standards that account for future predicted tidal flood conditions and coastal water levels associated with sea level rise in accordance with current regional sea level rise projections, as updated and adopted by the Broward County Board of County Commissioners.

Section 8-89 Applicability.

This article applies to all new tidal flood barriers, substantial repair or substantial rehabilitation to shorelines and shoreline structures, and the installation of any fixed infrastructure attached to tidal flood barriers (such as mooring structures). This article is not applicable to oceanfront beaches or shorelines seaward of the Coastal Construction Control Line.

113 Sec. 8-90. Minimum elevations for coastal infrastructure within tidally influenced areas.

114 (a) All new or substantially repaired or substantially rehabilitated banks, berms, green-  
115 grey infrastructure, seawalls, seawall caps, upland stem walls, or other similar  
116 infrastructure shall be designed and constructed to perform as tidal flood barriers. Tidal  
117 flood barriers shall have a minimum elevation of five (5) feet NAVD88. Applications for  
118 new or substantially repaired or substantially rehabilitated tidal flood barriers submitted  
119 prior to January 1, 2035, may be permitted a minimum elevation of four (4) feet NAVD88,  
120 if designed and constructed to accommodate a minimum elevation of five (5) feet NAVD88  
121 by January 1, 2050.

122 (b) All property owners must maintain a tidal flood barrier in good repair. A tidal flood  
123 barrier is presumed to be in disrepair if it allows tidal waters to flow unimpeded through or  
124 over the barrier and onto adjacent property or public right-of-way. Failure to maintain a  
125 tidal flood barrier in good repair shall be a citable offense. The owner of the tidal flood  
126 barrier shall demonstrate progress towards repairing the cited defect within sixty (60) days  
127 after receiving a citation and shall complete repairs within three hundred sixty-five (365)  
128 days after receipt of the citation. If the required repair or rehabilitation meets the  
129 substantial repair or substantial rehabilitation threshold, no later than three hundred sixty-  
130 five (365) days after receipt of the citation, the property owner shall design, obtain permits,  
131 cause to be constructed, and obtain final inspection approval of seawall improvements  
132 that meet the minimum elevation and design requirements.

133 (c) Tidal flood barriers below a minimum five (5) feet NAVD88 elevation shall be improved,  
134 designed, and constructed so as to prevent tidal waters from impacting adjacent property  
135 or public right-of-way. Causing, suffering, or allowing the trespass of tidal waters onto  
136 adjacent property or public right-of-way is hereby declared a public nuisance and a citable  
137 offense requiring abatement. Side containment barriers shall be added as necessary by  
138 each seawall owner to maintain the rainwater within the owner's property. The owner shall  
139 demonstrate progress toward addressing the cited concern within sixty (60) days after  
140 receipt of the citation and complete the construction of an approved remedy no later than  
141 three hundred sixty-five (365) days after receipt of the citation.

142 (d) Tidal flood barriers shall be designed and constructed to prevent tidal waters from  
143 flowing through the barrier, while still allowing for the release of upland hydrostatic  
144 pressure.

145 (e) To the extent practicable, tidal flood barriers shall be designed and constructed to  
146 adjoin immediately proximate tidal flood barriers to close gaps and prevent trespass of  
147 tidal water.

148 (f) All tidal flood barriers undergoing substantial repair or substantial rehabilitation shall be  
149 constructed along the property's entire shoreline.

150 (g) All tidal flood barriers shall be constructed with natural limerock rip-rap, or other  
151 approved habitat enhancement, at the waterward face of the structure.

152 (h) Property owners are encouraged to consider approaches and materials that enhance  
153 the biological value of traditional (flat surface) seawalls and flood barriers with the  
154 incorporation of living shoreline features, use of hybrid green-grey materials, and the use  
155 of biological forms, where practicable.

(i) This section shall not be construed to require the installation of a seawall where, in the opinion of the City, other flood protection measures serve as an equally effective tidal flood barrier.

(j) Tidal flood barriers capable of automatically being elevated in advance of high tides to prevent tidal flooding are permissible, provided that automation does not require daily human intervention.

Sec. 8-91. County Required disclosure in contracts for sale of real estate.

All real property owners and purchasers shall abide by Section 39-408, Broward County Code of Ordinances, requiring disclosures in contracts for sale of real estate located in tidally influenced areas of the City of Hallandale Beach.

**SECTION 3. Conflict.** All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

**SECTION 4. Codification.** It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

**SECTION 5. Severability.** In the event that any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

**SECTION 5. Effective Date.** This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED on 1<sup>st</sup> reading on September \_\_\_\_, 2020.

PASSED AND ADOPTED on 2<sup>nd</sup> reading on October \_\_\_\_, 2020.

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JOY COOPER  
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

FILE NO. 20-  
080

RESO NO. 2020-

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193 JENORGEN GUILLEN, CMC  
194 CITY CLERK  
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196 APPROVED AS TO LEGAL SUFFICIENCY  
197 AND FORM  
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200 JENNIFER MERINO  
201 CITY ATTORNEY  
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**FIRST READING VOTE ON ADOPTION**

Mayor Cooper	_____
Vice Mayor Javellana	_____
Commissioner Butler	_____
Commissioner Lazarow	_____
Commissioner Lima-Taub	_____

**FINAL VOTE ON ADOPTION**

Mayor Cooper	_____
Vice Mayor Javellana	_____
Commissioner Butler	_____
Commissioner Lazarow	_____
Commissioner Lima-Taub	_____

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