City of Hallandale Beach City Commission
Agenda Cover Memo

Meeting Date:	Item Type:		1st Reading	2nd Reading
11/18/2020	☐**Resolution** ☒**Ordinance** ☐**Other**	Ordinance Reading	**10/14/2020**	**11/18/2020**
		Public Hearing	☒	☒
File No.:		Advertising Required	☒	☒
20-080		Quasi Judicial:	☐	☐

Fiscal Impact ($):	Account Balance ($):	Funding Source:	Project Number:
N/A	**N/A**	**N/A**	**N/A**

Contract/P.O. Required		RFP/RFQ/Bid Number:	Sponsor Name:	Department:
☐ **Yes**	☒ **No**	**N/A**	**Vanessa Leroy, Development Services Director**	**Development Services Department**

Strategic Plan Focus Areas:			
☒**Financial**	☐ **Organizational Capacity**	☒ **Infrastructure**	☒ **Development, Redevelopment and Economic Development**

Implementation Timeline
Estimated Start Date: 10/21/2020 Estimated End Date: 11/18/2020

Short Title:

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 32-91, MINIMUM ELEVATIONS FOR COASTAL INFRASTRUCTURE WITHIN TIDALLY INFLUENCED AREAS, AND SECTION 8-92, REQUIRED DISCLOSURE IN CONTRACTS FOR THE SALE OF REAL ESTATE; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Second Reading)

Staff Summary:

Summary

Broward County recently amended the Broward County Land Use Plan to ensure coordination, and consistency standards for maximum effectiveness of coastal improvements necessary to mitigate high tide flooding associated with additional sea level rise. The County Land Use Plan amendment requires coastal cities to adopt the County's model ordinance's resiliency standards for flood protection by February 13, 2022.

The attached ordinance, for City Commission consideration on Second Reading, amends the Flood Plain Management Section in Chapter 8 of the Hallandale Beach Code of Ordinances, to adopt resiliency standards for flood protection, including top elevations for seawalls, banks, and other coastal infrastructures, as required by the Broward County Land Use Plan.

Background

On January 7, 2020, Broward County adopted an ordinance creating resiliency standards for tidal protection and minimum elevations for coastal infrastructure within tidally influenced area. The Ordinance was the result of the County's adoption in late 2019 of Policy 2.21.7 of the BrowardNext- Broward County Land Use Plan which states:

POLICY 2.21.7 of the BrowardNext-Broward County Land Use Plan states: In order to ensure coordination, consistency and maximum effectiveness of coastal improvements necessary to mitigate high tide flooding associated with realized and additional sea level rise through the year 2070, coastal tidally-influenced municipalities shall adopt within 24-months of the effective date (February 13, 2020) this Policy regionally consistent top elevations for seawalls, banks and berms, and other appurtenant coastal infrastructure (e.g., boat ramps) consistent with the findings and recommendations of the United States Army Corps of Engineers/Broward County Flood Risk Management Study for Tidally Influenced Coastal Areas. These standards shall be consistent with Chapter 39, Article XXV – Resiliency Standards for Flood Protection - of the Broward County Code of Ordinances, which shall serve as the model ordinance, and shall not be applicable to oceanfront beaches or shorelines seaward of the Coastal Construction Control Line.

The County's Ordinance provides for uniformity in hardened shorelines to protect against tidal and sea-level rise flooding.

Once adopted by the County Commission, coastal municipalities have 2 years (until February 13, 2022) to also adopt an Ordinance consistent with the County Ordinance.

The Broward County Ordinance is based on a study conducted by the U.S. Army Corps of Engineers (USACE) in evaluating the impacts of sea level rise on coastal flood risk and recommendation of resiliency measures for coastal flood protection. This led to the joint USACE-Broward Flood Risk Management Study for Tidally Influenced Coastal Areas, inclusive of extensive data collection, complex hydrodynamic modeling, and performance of economic evaluations. The findings of the Study were shared at numerous stakeholder workshops in late 2018 during the County's adoption of Land Use Plan amendments on this matter. The modeling report used to develop the standard was performed by Taylor Engineering for the U.S. Army Corps of Engineers in a report entitled Storm Event Modeling for Broward County Flooding Study was completed in August 2018 (Exhibit 2). In addition, Broward County consulted with Risk

Management Solutions, Inc. (RMS) to undertake an economic impact assessment of potential economic losses caused by flood events and conducted a flood risk management Study for Fort Lauderdale and Hollywood. RMS developed an exposure database of assets and operations potentially impacted by flooding and an assessment of hurricane storm surge hazard frequency and severity in the two study areas. The report, entitled RMS Coastal Storm Surge Risk Assessment, is attached as Exhibit 3.

The proposed regional resilience standards for seawalls are intended to address a critical need to mitigate existing and future tidal flooding, with consistency. These standards are part of a series of solutions which include: establishment of a future conditions map series to support project design and permitting; update of drainage requirements based on future groundwater table elevations; and update of the 100-year Community Flood Map to account for level rise on flood elevations. Collectively, this modernization of standards will help reduce flood and economic risks, delivering benefits for current and future residents.

On October 21, 2020 the City Commission approved First Reading of the subject ordinance by a vote of 5 to 0.

Analysis

The intent of the proposed Ordinance is to establish a consistent minimum elevation for tidal flood barriers will provide a standard for flood mitigation structures that serve as a barrier to tidal flooding. The proposed regulations will also ensure new shoreline structures and improvements are designed as tidal flood barriers through the application of consistent standards that account for future predicted tidal conditions and coastal water levels associated with sea level rise per current regional projections on sea level rise.

The attached Ordinance is proposed with consideration of the following:

1. Amends Chapter 8, Buildings, Construction and Condominiums by creating Article III, Flood Plain Management Section to the Hallandale Beach Code of Ordinances.

2. Provides definition of terms related to the floodplain management.

3. The ordinance applies to all new tidal flood barriers or substantial repairs to shorelines and shoreline structures and fixed structures attached to tidal barriers such as mooring piles.

4. The ordinance is not applicable to oceanfront beaches or shorelines seaward of the Coastal Construction Control Line.

5. Tidal flood barriers are required to have a minimum elevation of five (5) feet NAVD88. Applications for new or substantially repaired or substantially rehabilitated tidal flood barriers submitted prior to January 1, 2035, may be permitted a minimum elevation of four (4) feet NAVD88, if designed and constructed to accommodate a minimum elevation of five (5) feet NAVD88 by January 1, 2050.

6. All property owners must maintain a tidal flood barrier in good repair. A tidal flood barrier is presumed to be in disrepair if it allows tidal waters to flow unimpeded through or over the barrier and onto adjacent property or public right-of-way. Failure to maintain a tidal

flood barrier in good repair would be issued a notice of violation. The owner of the tidal flood barrier shall demonstrate progress within 60 days of citation towards repairs and must complete repairs within three hundred sixty-five (365) days after receipt of the citation.

If the required repair or rehabilitation is a substantial repair, no later than three hundred sixty-five (365) days after receipt of the citation, the property owner shall design, obtain permits, cause to be constructed, and obtain final inspection approval of seawall improvements that meet the minimum elevation and design requirements.

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

8. To the extent practicable, tidal flood barriers shall be designed and constructed to adjoin immediately proximate tidal flood barriers to close gaps and prevent trespass of tidal water.

9. Tidal flood barriers undergoing substantial repair shall be constructed along the property's entire shoreline. Tidal flood barriers shall be constructed with natural limerock rip-rap, or other approved habitat enhancement, at the waterward face of the structure.

10. Traditional (flat surface) seawalls and flood barriers with the incorporation of living shoreline features, use of hybrid green-grey materials, and the use of biological forms, where practicable are encouraged.

11. Clarifies that installation of a seawall is not required where, in the opinion of the City, other flood protection measures serve as an equally effective tidal flood barrier.

12. 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.

13. Owners must comply with Broward County Ordinance requiring disclosure in contracts for the sale of real estate located in tidally influenced areas of the City.

Why Action is Necessary

Pursuant to Article V, Division I, Section 5.01 of The City of Hallandale Beach City Charter, a City Ordinance is to be adopted to amend an existing Ordinance.

Cost Benefit

The proposed code amendment, required by Broward County for coastal communities, will promote community resilience and climate adaptation strategies in the City of Hallandale Beach as well as on a regional level. In addition, the requirements should also reduce personal flood losses, preserve property values, and improve flood insurance affordability in Hallandale Beach.

Staff Recommendations:

Staff recommends the City Commission approve the Ordinance on Second and Final Reading.

Attachment(s):

Exhibit 1 - Proposed Ordinance
Exhibit 2 -Storm Event Modeling for Broward County Flooding Study
Exhibit 3 -RMS Coastal Storm Surge Risk Assessment Study