



# Broward County

## Legislation Details (With Text)

**File #:** 20-576      **Version:** 1

**Status:** Agenda Ready

**In control:** PUBLIC HEARING

**On agenda:** 3/31/2020      **Final action:** 3/31/2020

**Title:** MOTION TO ENACT Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO TIDAL FLOOD PROTECTION; CREATING ARTICLE XXV OF CHAPTER 39 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); ESTABLISHING TIDAL FLOOD BARRIER INFRASTRUCTURE STANDARDS THAT ACCOUNT FOR PROJECTED SEA LEVEL RISE; PROVIDING FOR ABATEMENT OF NUISANCE FLOODING; PROVIDING FOR REAL ESTATE SALE DISCLOSURES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.  
(Sponsored by Vice-Mayor Steve Geller)

**Sponsors:**

**Indexes:** Established Commission Goals

**Code sections:**

**Attachments:** 1. Exhibit 1 - Copy of Proposed Ordinance, 2. Additional Material - Information, 3. Additional Material - Information

Date	Ver.	Action By	Action	Result
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### Broward County Commission Regular Meeting

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

### Information

#### Requested Action

MOTION TO ENACT Ordinance, the title of which is as follows:

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(Sponsored by Vice-Mayor Steve Geller)

#### Why Action is Necessary

A Resolution directing the County Administrator to publish notice of public hearing to consider enactment of the Ordinance was adopted by the Board of County Commissioners at its meeting of March 10, 2020.

### **What Action Accomplishes**

Allows the Board to consider enacting an Ordinance pertaining to Tidal Flood Protection.

### **Is this Action Goal Related**

Yes

### **Previous Action Taken**

### **Summary Explanation/Background**

THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT (EPGMD) AND THE ENVIRONMENTAL PLANNING AND COMMUNITY RESILIENCE DIVISION (EPCRD) RECOMMEND APPROVAL OF THE ABOVE MOTION.

This item supports the Board's Value of "Encouraging investments in renewable energy, sustainable practices, and environmental protection" and Goal 2: "Proactively lead in the planning, design, and construction of projects supporting resilience and climate adaptation, including coordination with other entities to foster resilient design as part of local and regional projects, especially shore protection efforts."

This Ordinance establishes regionally consistent standards for the design, construction, maintenance, substantial repair, substantial rehabilitation, and elevation of seawalls, banks, berms, and similar infrastructure ("tidal flood barriers") in tidally influenced areas for flood protection consistent with projections of sea level rise. It also provides for abatement of nuisance flooding, enforcement, and real estate disclosures for affected real property.

This Ordinance requires all new, substantially repaired, or substantially rehabilitated tidal flood barriers to be constructed along the property's entire shoreline and, to the extent practicable, to connect to immediately adjacent tidal flood barriers to close gaps for the prevention of tidal flooding. Tidal flood barriers also must be designed and constructed to allow for the release of upland hydrostatic pressure, have natural limerock rip-rap, or other approved habitat enhancement, at the waterward face, and have a minimum elevation of five (5) feet NAVD88. However, prior to January 1, 2035, tidal flood barriers may be permitted at a minimum elevation of four (4) feet NAVD88, if designed and constructed to accommodate a minimum elevation of five (5) feet NAVD88. Tidal flood barriers capable of being automatically elevated are allowed if the automation does not require daily human intervention.

This Ordinance is applicable within the unincorporated area of Broward County and also establishes the standards necessary for municipal compliance with the BrowardNext - Broward County Land Use Plan Policy 2.21.7, enacted on January 7, 2020, requiring municipalities with tidally influenced areas to enact regionally consistent minimum elevation standards for such infrastructure within two (2) years.

### **Source of Additional Information**

Michael C. Owens, Senior Assistant County Attorney, 954-357-7600

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

Per the Office of Management and Budget, the estimated impact on the budget does not exceed the threshold required for a Fiscal Impact Statement.