



# Broward County

## Legislation Text

File #: 20-462, Version: 1

### **Broward County Commission Regular Meeting**

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

**Department:** County Attorney

### Information

#### Requested Action

MOTION TO ADOPT Resolution No. 2020-087 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, March 31, 2020, at 10:00 a.m., in Room 422 of the Governmental Center to consider enactment of a proposed 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)

#### Why Action is Necessary

The proposed Ordinance was prepared by the Office of the County Attorney at the direction of the Board of County Commissioners at its meeting of June 4, 2019.

#### What Action Accomplishes

Enables the setting of a public hearing during which the Board may consider enacting an Ordinance pertaining to Tidal Flood Protection.

#### Is this Action Goal Related

No

#### 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**

The Fiscal Impact Statement by the Office of Management and Budget will be provided at the time of the public hearing, in compliance with Section 18.5(e)(7) of the Broward County Administrative Code.