




ADMINISTRATIVE MEMORANDUM NO. 17- 385

DATE: November 2, 2017

TO: Planning and Zoning Board

VIA: David Recor, Acting Director of Development Services 
Jennifer Gomez, AICP, Assistant Director of Development Services 

FROM: Jean E. Dolan, AICP, Principal Planner 

RE: Evaluation and Appraisal Report (EAR)-Based Comprehensive Plan
Amendments to the Goals, Objectives and Policies
Coastal Zone Management Element
Planning and Zoning Board Hearing - November 15, 2017

Background

Chapter 163.3191 Florida Statutes requires the City to provide an Evaluation and Appraisal Report (EAR) letter to the State every 5-years to identify any changes to State legislation in that period that would cause the City to amend their Comprehensive Plan. That letter was provided to the State in advance of the statutory deadline of January 1, 2017 and was received by the Department of Economic Opportunity on December 14, 2016. The City has one-year from the December 14, 2016 date to transmit to the State the amendments identified in the EAR letter.

The only changes made to the Florida Statutes that required an amendment to the City's plan can be found in Chapter 163.3178(2)(f) F.S. These regulations address the perils of flood associated with sea level rise and require policies related to redevelopment in the coastal zone. Amendments to the City's Coastal Zone Element have been prepared to address these legislative requirements.

It must be noted that the City is in the process of hiring a consultant to prepare a complete update to the City's Comprehensive Plan to incorporate the changes recently adopted in the County's Broward Next Land Use Plan update, which were adopted in June of 2017, and to update the population projections and needs analysis for the next 15-year planning horizon. The amendments associated with the EAR based amendments to the Coastal Zone Element, therefore, will be fully incorporated into the other Plan elements, as necessary, as part of the overall Comprehensive Plan update project. The complete Comprehensive Plan update is expected to be adopted in late 2018 or early 2019.

Coastal Zone Element Text Amendments

The text amendments provided for the Coastal Zone Management Element are attached. The majority of the new policies come directly from the language in the Broward Next Land Use Plan and represent requirements that the City will be subject to by the County. Adding these policies to the City's Comprehensive Plan, therefore, not only address the requirements of the State law but also with the adopted Broward County Land Use Plan.

Staff Request

Staff is requesting the Board approve the recommended amendments to the Coastal Zone Goals, Objectives and Policies to comply with the EAR based amendments required by Section 163.3191 F.S. This recommendation will be presented to the City Commission when they consider transmittal of the attached Ordinance to DEO and the other State review agencies.

II. COASTAL ZONE MANAGEMENT GOALS, OBJECTIVES AND POLICIES

Goal

- 10.00.00 Manage development and redevelopment efforts in the City of Pompano Beach Coastal Zone to maximize aesthetic, environmental, recreational and economical resources while enhancing resilience to sea level rise impacts.

Objective Resource Protection

- 10.01.00 The City shall protect and enhance the City's waterways, canals, lakes, remaining coastal wetlands, living marine resources and wildlife habitat.

Policies

- 10.01.01 The City shall require the mitigation of all adversely impacted coastal wetlands.
- 10.01.02 The City will ~~regulate~~ require boat users, through signage and ~~encourage through~~ education, ~~for~~ to reduce speeds ~~while driving through~~ in canals that are less than four feet deep in order to allow manatees to avoid boat propellers.
- 10.01.03 The City shall coordinate and participate with Broward County in the sea turtle program including beach lighting regulations.
- 10.01.04 The City will cooperate with Broward County in requiring all marinas to have pump-out facilities and prohibit the discharge of sanitary waste from boats into surface waters.
- 10.01.05 The City will cooperate with Broward County in prohibiting the discharge of untreated wastewater into canals and the Intracoastal Waterway.
- 10.01.06 The City will enforce stormwater discharge water quality standards as established by Broward County, specifically Article V, Chapter 27 of the Broward County Code of

Ordinances, and as specified in the National Pollution Discharge Elimination System (NPDES) permit.

Objective Off Shore Reef Protection

10.02.00 The City will strive to preserve the coral and artificial reef resources off the shore of Pompano Beach.

Policies

10.02.01 The City shall assure that turbidity control measures be considered along as part of any major operations (e.g., beach renourishment in the vicinity of the coral reef).

10.02.02 The City will continue to encourage the sinking of large boats and ships to add to the artificial reefs already off the shore of Pompano Beach.

10.02.03 The City will encourage the Broward County Environmental Protection and Growth Management Department (and or successor agency) to provide buoy floats for boat moorings along coral reef areas, thus lessening impacts caused by boat anchors.

Objective Support and Protect Water Dependent Uses

10.03.00 Water dependent and water related uses will be protected and encouraged within the coastal area; this shall include retaining commercial zoning so that private residential redevelopment does not displace such uses.

Policies

10.03.01 ~~Shoreline~~ Waterfront uses shall be designed in a manner compatible with the environment and be compatible with existing surrounding land uses and are prioritized according to the following criteria:

1. Water dependent commercial and municipal uses.
2. Water related uses in conjunction with water dependent uses.

3. Public accessibility
4. Non-water related uses.

- 10.03.02 Other than in areas designated with residential land use categories, intrusions of land uses unrelated to marine activities, provision of public access to the waterfront, or not having coastal dependency shall be discouraged from locating in areas on the coast or adjacent to navigable waterways.
- 10.03.03 Land zoned for marine and water dependent commercial activities shall be preserved.
- 10.03.04 The City will encourage that the Hillsboro Inlet Improvement and Maintenance District keep the navigational canal of the Hillsboro Inlet open and as safe as possible by dredging out the impound sand on a regular and thorough basis.
- 10.03.05 The City shall seek additional beach access in redevelopment.
- 10.03.06 The City shall develop a capital improvement program to improve the beach access locations.

Objective Beach Protection

- 10.04.00 The City will continue to actively work toward stabilizing the beach area and /or decreasing the amount of erosion taking place along the shoreline; beach renourishment shall be undertaken only if the sand dynamics (current accretion) changes.

Policies

- 10.04.01 The City will not allow the construction of any groins on any portion of the beach within the City's municipal boundaries.

- 10.04.02 ~~Modify~~ Continue to implement the Land Development Regulations to require beachfront properties to ~~construct~~ protect the existing sand dune system along the beach frontage as part of redevelopment.
- 10.04.03 The City will require the planting of sand dune vegetation coupled with the construction of dune walkovers or other approved access design at all beach access points as a part of the site plan review process. The City shall encourage the planting of vegetation such as sea oats (*Uniola paniculata*).
- 10.04.04 The City will continue to participate in the Broward County Beach Renourishment Program when the sand dynamics so require. The projects shall be designed to have a life of at least ten years.
- 10.04.05 The City shall prohibit vehicles on the beach with the exception of maintenance and emergency vehicles.
- 10.04.06 The City shall support continued operation of the Hillsboro Inlet sand transfer plant to re-supply beach sand to the City.
- 10.04.07 The City shall seek grant programs to other opportunities to implement on-going beach protection activities.

Objective Beach Maintenance

- 10.05.00 The City will take steps to improve the built environment of the coastal area and beach by cleaning it up and planning general improvements.

Policies

- 10.05.01 The City will encourage greater public use of the coastal area and beach through maintenance and planning general improvements such as sitting and observation areas, and where feasible, additional parking.

- 10.05.02 Glass bottles will continue to be prohibited on all beaches within the City's municipal boundaries and the City will discourage the use of polystyrene (styrofoam) products at the beach and at all events held at City recreational facilities.
- 10.05.03 The City will actively participate in semi-annual beach and reef cleanups.
- 10.05.04 The City will establish programs to maintain the existing beach access points.
- 10.05.05 The City will continue to contract for beach raking on a daily basis.

Objective Minimize Storm and Sea Level Rise Impacts

- 10.06.00 The City shall ensure that building, ~~and~~ development and redevelopment activities are conducted in a manner that minimizes damage to life and property from tropical storms or hurricanes and considers the potential for flood related impacts from projected sea level rise.

Policies

- 10.06.01 All new construction and redevelopment shall conform to the standards set forth in the Florida Building Code and the City's Flood Regulations (Chapter 152) which may establish flood protection requirements that are more stringent than the Florida Building Code and/or the National Flood Insurance Program (NFIP) regulations.
- 10.06.02 Any development of structures lying partially on, or seaward of the Coastal Construction Control Line, shall be subject to the provisions set forth in Chapter 161 Florida Statutes.
- 10.06.03 Incorporate Federal Emergency Management Agency (FEMA) Floodplain Management Regulations, or higher regulatory standards, into the City's ~~Coastal Construction Code contained in the City's Building Code~~ Floodplain Management

Regulations (Chapter 152) to guide development activity where applicable, to reduce future flood losses and flood insurance claims. The City will continue to participate in the Community Rating System (CRS) program using these higher regulatory standards as one means by which to achieve points for the City's CRS rating.

10.06.04 The City will coordinate with Broward County to adopt Adaptation Action Areas (AAAs) within the City, per Florida State Law, in order to: a. Identify areas of significance that are vulnerable to the impacts of rising sea level; b. Identify and implement adaptation policies to increase community resilience; and c. Enhance the funding potential of infrastructure adaptation projects.

10.06.05 The City will coordinate and participate with Broward County on updates to climate related policies and maps, including updates to the Priority Planning Areas for Sea Level Rise Map, in the Broward County Land Use Plan, which will be updated at a minimum every 5 years based on best available data including the findings of the Broward County and USGS Joint Climate Change Inundation Modeling effort, which seeks to achieve a better understanding of the impacts of climate change and rising sea level on water supplies, drainage and flood control systems.

10.06.06 The City will, prior to approving land use plan amendments in the areas prone to flooding and/or the impacts of sea level rise, as identified on the City's Sea Level Rise and Flood GIS map layer, as well as the County's Coastal High Hazard Areas and Priority Planning Areas for Sea Level Rise Maps, determine how the proposed development will be served by adequate storm water management and drainage facilities and that it will not adversely affect area-wide flooding.

10.06.07 The City will support the goals and will implement to the maximum extent feasible in coordination with affected stakeholders, the recommended actions of the Climate Action Plan, as approved by the Broward County Climate Change Task Force, and adopted by the Broward County Board of County Commissioners.

10.06.08 In accordance with Resolution 2016-134, the City will continue to utilize the 2015 "Unified Regional Sea Level Rise Projection for Southeast Florida", authored by the Southeast Florida Regional Climate Change Compact ("Compact"), as may be amended from time to time and updated based on best available data, as the basis for sea level rise adaptation planning activities. These projections will be used until such time as this data source is replaced with another regionally accepted source of sea level rise projections.

10.06.09 To reduce future flood losses and claims made under the flood insurance policies issued in the City and to improve community resiliency, the City will coordinate with Broward County to determine appropriate minimum floor elevations; minimum crown of road elevations; and optimal seawall heights and deadlines for retrofitting to those heights; based on projected conditions from sea level rise.

Objective Hurricane Evacuation

10.07.00 Persons within the Coastal Zone will be protected as much as possible from the effects of a tropical storm or hurricane.

Policies

10.07.01 The Broward County Hurricane Evacuation Plan shall continue to be the effective evacuation plan for the City of Pompano Beach.

10.07.02 The Pompano Beach Fire Rescue Hurricane Procedures (revised annually in May) shall continue to be the emergency operations plans for the City of Pompano Beach.

10.07.03 The evacuation times set forth in the Broward County Coastal Hurricane Evacuation Plan (CHEP) shall be maintained throughout the procedures set forth in the Pompano Beach Fire Rescue Hurricane Procedures.

10.07.04 The City shall work with the Broward County to secure ~~that~~-emergency shelter facilities for 100 percent of the vulnerable population.~~in accordance with the South Florida Regional Planning Council Regional Policy Plan.~~

10.07.05 The City will continue to prohibit the use of flex and redevelopment units on the barrier island by excluding it from the City's flex and redevelopment unit receiving area map.

Objective Post-Disaster Redevelopment

10.08.00 The City of Pompano Beach will adopt Broward County's Post Disaster Redevelopment Plan to reduce or eliminate the exposure of human life and public and private property to natural hazards.

Policies

10.08.01 That portion of a structure seaward of the Coastal Construction Line which has been shown to be susceptible to storm damage and which suffers repeated damage to pilings, foundations, or load bearing walls shall be modified.

10.08.02 In accordance with the City's more stringent flood plain regulations, structures which are damaged in excess of fifty 49 percent of their replacement appraised value shall be required to be rebuilt to meet all current construction and floodplain regulations. requirements.

10.08.03 The City shall consider public acquisition of land and property in post-disaster redevelopment situations.

10.08.04 The City shall use the East CRA redevelopment plan implementation process to help achieve certain objectives and policies of the post disaster redevelopment plan.

Objective Infrastructure Phasing in the Coastal Zone

- 10.09.00 The provision of infrastructure within the coastal zone will be done in a manner which ensures public health, safety and welfare and limits the use of public funds in coastal high hazard shoreline areas unless necessary to enhance public beach access, hurricane evaluation clearance times or to mitigate the effects of sea level rise.

Policies

- 10.09.01 The coastal high hazard areas shall be those areas designated as the Category 1 Hurricane Evacuation Area as defined in the Broward County Coastal Hurricane Evacuation Plan (CHEP). ~~in the South Florida Regional Planning Council's Strategic Regional Policy Plan (SRPP)~~
- 10.09.02 The level of service standards adopted elsewhere in this comprehensive plan shall, where applicable, be the level of service standards within the coastal zone.
- 10.09.03 City funded public facilities shall not be built in the coastal ~~shoreline~~ area unless the facility provides public access, ~~or~~ enables resource restoration, ~~or~~ replaces existing infrastructure, ~~or~~ is necessary to protect the public health, safety and welfare, will enhance hurricane evacuation clearance times or will mitigate the effects of sea level rise.
- 10.09.04 ~~In accordance with the South Florida Regional Planning Council Policy Plan,~~ The City shall coordinate with Broward County to provide temporary emergency housing for displaced residents.

Objective Historic Resources

- 10.10.00 The City of Pompano Beach shall preserve and protect its historic resources in the coastal area.

Policy

- 10.10.01 The City shall encourage the preservation of historic and archaeological sites in the coastal area.