

ORDINANCE NO. 2018-\_\_\_\_\_

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR THE ADOPTION OF THE AMENDMENTS TO THE POMPANO BEACH COMPREHENSIVE PLAN BASED UPON THE EVALUATION AND APPRAISAL REPORT LETTER, WHICH ADDRESSES THE GOALS, OBJECTIVES AND POLICIES IN THE COASTAL MANAGEMENT ELEMENT OF THE COMPREHENSIVE PLAN; AND PROVIDES AN UPDATE TO THE COASTAL HIGH HAZARD AREA MAP; AUTHORIZING THE TRANSMITTAL OF THE COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 163.3191 of the Florida Statutes, local governments are required periodically to prepare and adopt Evaluation and Appraisal Report Letter related Comprehensive Plan amendments as one component of the local comprehensive planning process; and

**WHEREAS**, the City of Pompano Beach Development Services Department has proposed Amendments to the adopted Comprehensive Plan based upon the Evaluation and Appraisal Report Letter sent to the Department of Economic Opportunity on December 14, 2016, which addresses the Goals, Objectives and Policies and the Coastal High Hazard Area Map in the Coastal Zone Management Element pursuant to state regulations referred to as the *Perils of Flood* regulations adopted in 2015 in Ch. 163.3178 (2)(f) F.S.; and

**WHEREAS**, pursuant to law, the Planning and Zoning Board/Local Planning Agency held a duly noticed public hearing on the proposed Amendments to the Comprehensive Plan on November 15, 2017, and subsequently recommended approval of the proposed Amendments to the adopted Comprehensive Plan; and

**WHEREAS**, pursuant to law, the City Commission held public hearings on the proposed Amendments to the adopted Comprehensive Plan based upon the Evaluation and Appraisal Report Letter; and

**WHEREAS**, pursuant to law, two advertised public hearings on the proposed comprehensive plan amendment will be held in the City Commission Chambers of the City of Pompano Beach, Florida and advertised as follows: the first public hearing will be held at the transmittal stage on a weekday at least seven days after the day that the first advertisement is published pursuant to the requirements of Chapter 166, F.S. and the second public hearing shall be held at the adoption stage on a weekday at least five days after the day that the second advertisement is published pursuant to the requirements of Chapter 166 F.S.

**WHEREAS**, public hearings before the City Commission were held pursuant to the aforesaid notice at which hearings the parties in interest and all other citizens so desiring had an opportunity to be and were in fact heard; now therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That the proposed Amendments to the adopted Comprehensive Plan based upon the Evaluation and Appraisal Report Letter are hereby adopted by the City Commission. The proposed Amendments to the adopted Comprehensive Plan are attached and made a part thereof.

**SECTION 2.** The Development Services Director is hereby authorized to transmit the proposed Amendments to the adopted Comprehensive Plan to the Florida Department of Economic Opportunity and all other applicable agencies as required by Chapter 163, Florida Statutes.

**SECTION 3.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of

this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 4.** This Ordinance shall become effective upon receipt of final order from the Florida Department of Economic Opportunity determining that the adopted Amendments are found to be in compliance with Chapter 163, Florida Statutes.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

MEB:jrm  
2/23/18  
l:ord/2018-47

**ATTACHMENT A**  
**EAR BASED AMENDMENTS TO THE COASTAL ZONE ELEMENT**

**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 economic 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~~ continue to implement the current requirements and procedures to encourage boat users, through signage and encourage through education, for to reduce speeds in the City's waterways while driving through canals that are less than four feet deep in order to allow protect manatees and reduce erosion and related impacts to canal banks and seawalls from excessive wake. 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 a~~ 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.

10.06.10 The City will coordinate with Broward County, FDOT and other agencies and service providers that plan for, own, operate or maintain public facilities and infrastructure within or crossing proposed AAA.

10.06.11 The City will coordinate with FDOT in relation to identifying and addressing vulnerable/at risk transportation infrastructure using the best available data and tools to assist FDOT to implement the goal to provide an agile, resilient and quality transportation infrastructure system.

**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 evacuation clearance times or to mitigate the effects of sea level rise.

**Policies**

- 10.09.01    The coastal high hazard areas shall be those areas below the elevation of designated as the Category 1 storm surge line as established by the Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, consistent with Chapter 163.3178(2)(h), F.S. ~~Hurricane Evacuation Area 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.

## Coastal High Hazard Area

