ORDINANCE NO. O 2022-005

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12, LAND DEVELOPMENT CODE, BY ADOPTING ARTICLE XIX, TIDAL FLOOD PROTECTION; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes, the Town of Davie is authorized to protect the public health, safety and welfare of its residents and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law;

WHEREAS, the Town Council finds it periodically necessary to amend its Land Development Code in order to update regulations and procedures to implement planning goals and objectives;

WHEREAS, On January 7, 2020, Broward County approved an amendment to the Broward County Comprehensive Plan creating Policy 2.21.7, requiring tidally influenced municipalities to enact regionally consistent tidal flood barrier elevation standards within two years;

WHEREAS, at least thirty eight (38) parcels of land within the Town of Davie are tidally influenced;

WHEREAS, on March 31, 2020, Broward County adopted Chapter 39, Article XXV, Resiliency Standards for Tidal Flood Protection;

WHEREAS, at a public hearing on February 8, 2022, the Planning and Zoning Board reviewed this ordinance and made a recommendation to Town Council;

WHEREAS, following proper notice to the public and after having received input and participation from interested members of the public and staff, and having considered the

recommendation of the Planning and Zoning Board, the Town Council finds this proposed ordinance consistent with its Comprehensive Plan, as amended, as well as with Florida and Federal law;

WHEREAS, the Town Council finds that this Ordinance is necessary for the preservation of the public health, safety and welfare of the Town's residents;

WHEREAS, the Town Council has held two advertised public hearings in accordance with Florida Statutes; and

WHEREAS, the Town Council deems it to be in the best interest of the citizens and residents of the Town of Davie to adopt the proposed amendments to the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

Section 2. The Town of Davie Code of Ordinances, Chapter 12, Land Development Code, is hereby amended as set forth in Exhibit "A" (new language is underlined, deleted language is struck through).

Section 3. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 5. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS 2nd DAY OF MARCH, 2022.

PASSED ON SECOND READING THIS 16th DAY OF MARCH, 2022.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS 16th DAY OF MARCH, 2022

Approved as to Form and Legality:

TOWN ATTORNEY

EXHIBIT "A"

XIX. TIDAL FLOOD PROTECTION.

Sec. 12-620. Purpose and intent.

The purpose of this article is to establish a consistent minimum elevation for tidal flood barriers that will:

(a) Provide a standard for flood mitigation infrastructure that serves as a barrier to tidal flooding, not groundwater seepage, by accounting for water levels predicted under combined conditions of sea level rise, high tides, and high frequency storm surge through the year 2070; and

(b) Ensure new shoreline structures and major shoreline improvements are designed for use as tidal flood barriers through application of consistent standards that account for future predicted tidal flood conditions and coastal water levels associated with sea level rise in accordance with current regional sea level rise projections, as updated and adopted by the Broward County Board of County Commissioners.

Sec. 12-621. Applicability.

This article applies to all new tidal flood barriers, substantial repair or substantial rehabilitation to shorelines and shoreline structures, and the installation of any fixed infrastructure attached to tidal flood barriers (such as mooring structures). This article is not applicable to oceanfront beaches or shorelines seaward of the Coastal Construction Control Line.

Sec. 12-622. Definitions.

For the purposes of this article, the following terms, phrases, words, and their derivation shall have the meanings given herein, except when the context clearly indicates a different meaning. In the interpretation and application of this article, the definitions provided for herein shall control over definitions that may be included in other documents or manuals, including, but not limited to, the Florida Building Code. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and the word "may" is permissive.

Bank means the level space separating a waterway from an inland area, often elevated and constructed of compacted soil.

Berm means an earthen mound designed with impermeability to resist the flow of tidal waters through it to an adjacent property or public right-of-way.

Green-grey infrastructure or *green-grey materials* means a combination of engineered and natural features that provide environmental qualities and ecosystem value.

Mooring structure means a boat dock, slip, davit, hoist, lift, floating vessel platform, mooring pile, or similar structure attached to land or to a seawall, to which a vessel can be moored.

North American Vertical Datum (NAVD88) means the vertical control for datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988.

Public nuisance means a condition injurious to the public health or safety of the community or neighborhood, or injurious to any considerable number of persons, or a condition that obstructs the free passage or use, in the customary manner, of any public right-of-way.

Rip-rap means a foundation of unconsolidated boulders, stone, rubble, concrete without protruding rebar, or similar materials placed on or near a shoreline to mitigate wave impacts and prevent erosion.

Seawall means a vertical or near vertical (often interlocking) structure placed between an upland area and a waterway or waterbody for erosion and/or tidal flood control.

Seawall cap means a concrete box structure (usually reinforced) that connects seawall panels, piles, and anchoring system (if present) together at the top.

Shoreline means a tidally influenced area where land meets water.

Substantial repair or *substantial rehabilitation* means:

(a) Any modification to the shoreline or a shoreline structure along more than fifty percent (50%) of the length of the property's shoreline; or

(b) Any modification, alteration, or installation of an appurtenant structure (such as a mooring structure) that exceeds fifty percent (50%) of the cost of a tidal flood barrier along the property's shoreline.

Tidal flood barrier means any structure or shoreline feature including, but not limited to, banks, berms, green-grey infrastructure, seawalls, seawall caps, upland stem walls, or other infrastructure that impedes tidal waters from flowing onto adjacent property or public right-of-way, and located within or along a tidally influenced area. This definition is not meant to include rip-rap, derelict erosion control structures, or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding.

Tidally influenced area means the real property adjacent to, or affected by, a waterway with water level changes in response to the daily tide.

Sec. 12-623. Minimum elevations for tidal flood barriers.

(a) All new or substantially repaired or substantially rehabilitated banks, berms, green-grey infrastructure, seawalls, seawall caps, upland stem walls, or other similar infrastructure shall be designed and constructed to perform as tidal flood barriers. Tidal flood barriers shall 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 at 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.

(b) 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. The owner of the tidal flood barrier shall demonstrate progress towards repairing the cited defect within sixty (60) days after receiving a notice of violation from the Town, and shall complete repairs within three hundred sixty-five (365) days after receipt of such notice of violation. If the required repair or rehabilitation meets the substantial repair or substantial rehabilitation threshold, no later than three hundred sixty-five (365) days after receipt of the notice of violation, 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.

(c) 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. Causing, suffering, or allowing the trespass of tidal waters onto adjacent property or public right-of-way is hereby declared a public nuisance. After receiving a notice of violation from the Town, the owner shall demonstrate progress toward addressing the cited concern within sixty (60) days and complete the construction of an approved remedy no later than three hundred sixty-five (365) days after receipt of the notice of violation.

(d) Tidal flood barriers shall be designed and constructed to prevent tidal waters from flowing through the barrier, while still allowing for the release of upland hydrostatic pressure.

(e) 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.

(f) All tidal flood barriers undergoing substantial repair or substantial rehabilitation shall be constructed along the property's entire shoreline.

(g) All tidal flood barriers shall be constructed with natural limerock rip-rap, or other approved habitat enhancement, at the waterward face of the structure.

(h) Property owners are encouraged to consider approaches and materials that enhance the biological value of 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.

(i) This section shall not be construed to require the installation of a seawall where other flood protection measures serve as an equally effective tidal flood barrier.

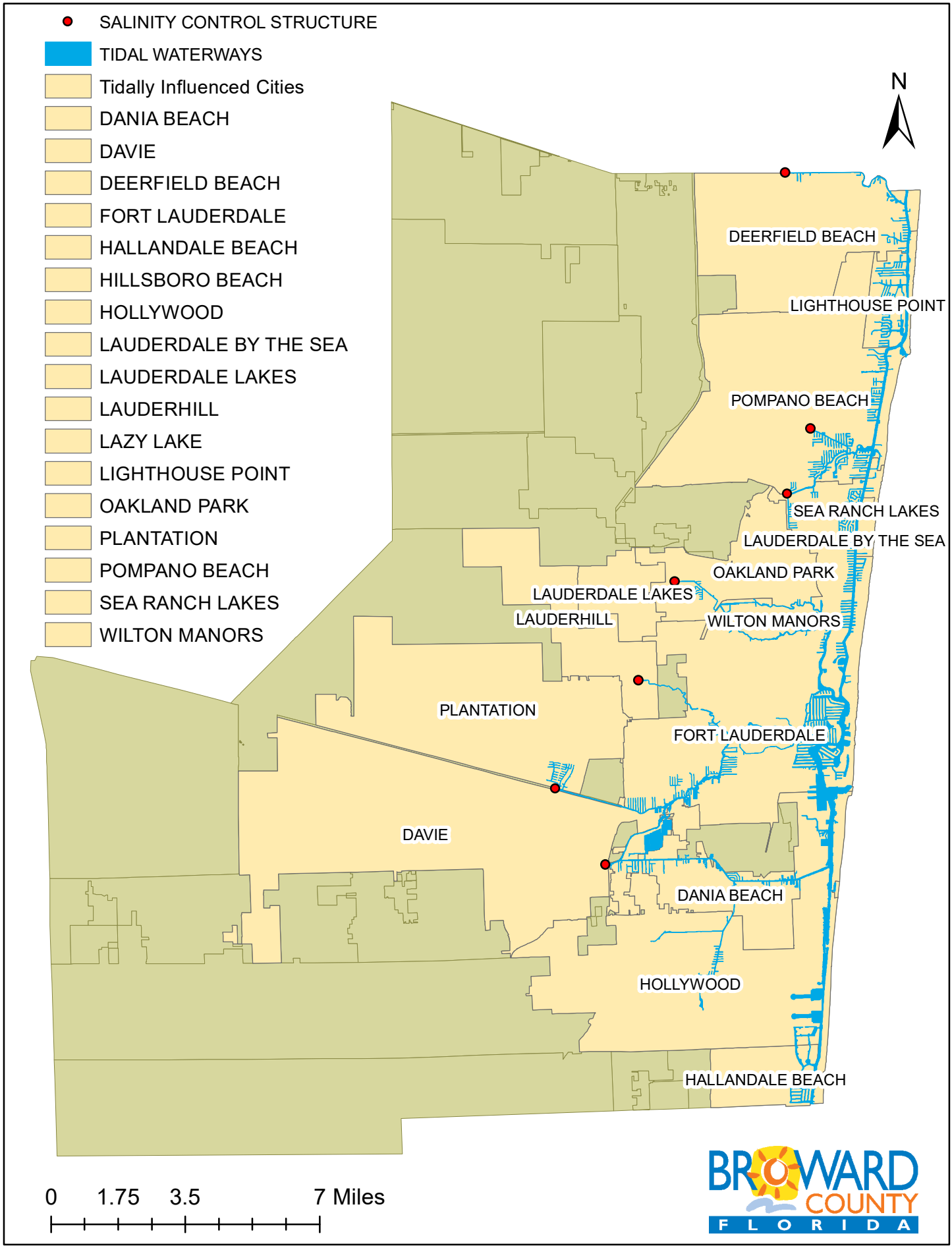
(j) Tidal flood barriers capable of automatically being elevated in advance of high tides to prevent tidal flooding are permissible, provided that automation cannot require daily human intervention.

Sec. 12-624. Required disclosure in contracts for sale of real estate.

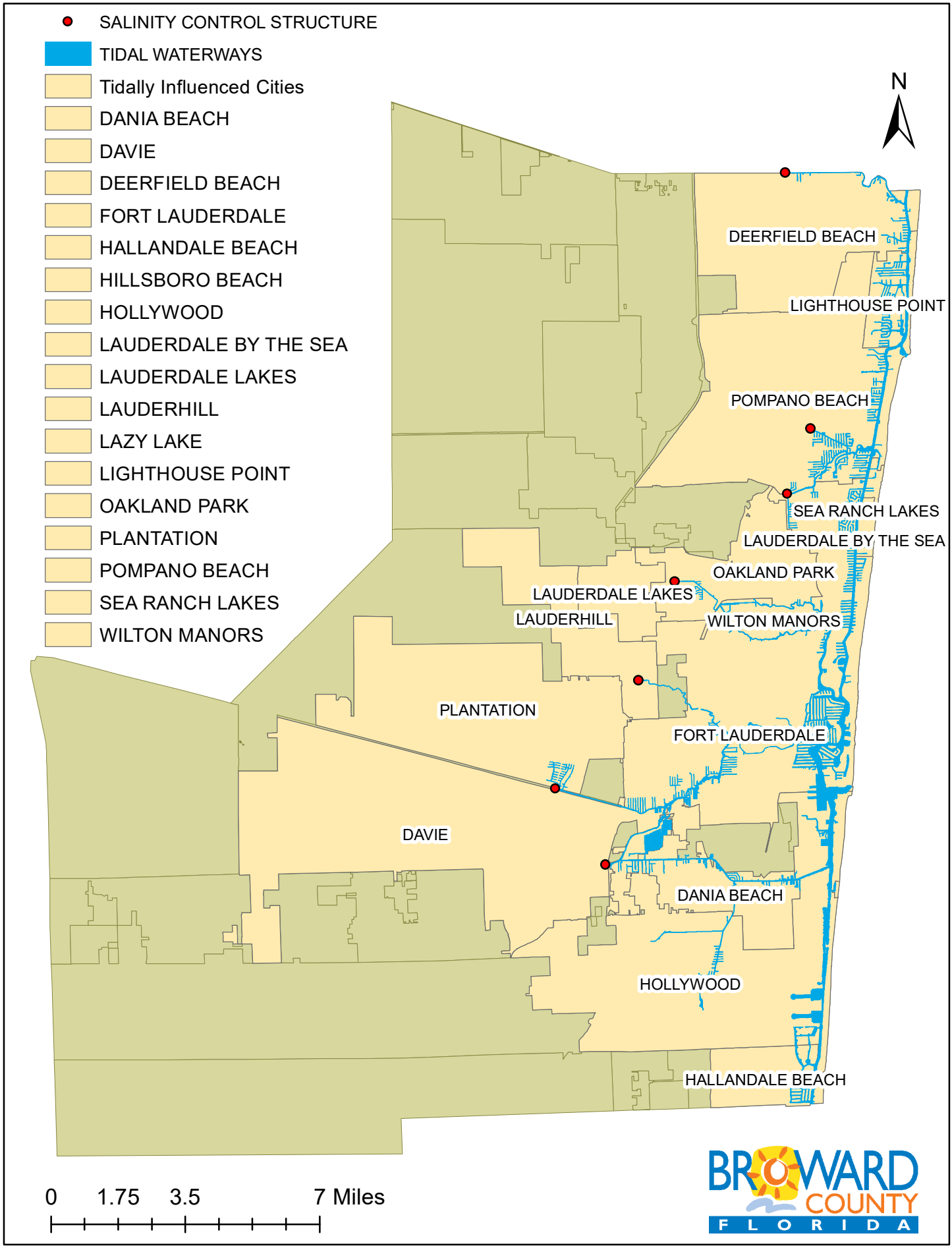
In any contract for the sale of real estate located in tidally influenced areas of Broward County executed after December 31, 2020, the seller shall include in the contract or a rider to the contract the following disclosure in not less than fourteen-point, capitalized, bold-faced type:

THIS REAL ESTATE IS LOCATED IN A TIDALLY INFLUENCED AREA. THE OWNER MAY BE REQUIRED BY COUNTY OR MUNICIPAL ORDINANCE TO MEET MINIMUM TIDAL FLOOD BARRIER ELEVATION STANDARDS DURING CONSTRUCTION OR SUBSTANTIAL REPAIR OR SUBSTANTIAL REHABILITATION OF SEAWALLS, BANKS, BERMS, AND SIMILAR INFRASTRUCTURE OR WHEN REQUIRED TO ABATE NUISANCE FLOODING.

Municipalities with Tidally Influenced Waterways



Municipalities with Tidally Influenced Waterways



FOLIO	NAME_LINE_	ADDRESS_LI	CITY	STATE	ZIP	SITUS_ST	SITUS_S	SITUS_ST_4	SITUS_C	SITUS_ZIP_
504219000014	FLYHOPCO LLC	4210 MUIRFIELD CIR	PRESTO	PA	15142	3051	W	STATE ROAD 84	DV	333124821
504219000010	FLYHOPCO LLC	4210 MUIRFIELD CIR	PRESTO	PA	15142	3051	W	STATE ROAD 84	DV	33312
504220000180	FLYHOPCO LLC	4210 MUIRFIELD CIR	PRESTO	PA	15142	3051		STATE ROAD 84	DV	333124821
504219000011	SOUTH FLORIDA ASSETS &	6275 LANIER ISLANDS PKWY	BUFORD	GA	30518	3201	W	STATE ROAD 84	DV	33312
504219250010	SOUTH FLORIDA ASSETS &	6275 LANIER ISLANDS PKWY	BUFORD	GA	30518	3225		STATE ROAD 84	DV	33312
504219010140	OBEY,RICK PAUL	2827 BANYAN BOULEVARD CIR NW	BOCA RATON	FL	33431	3541	W	STATE ROAD 84	DV	33312
504219010180	MARINE PROPERTY MANAGEMENT INC	257 OLD CHURCHMANS RD	NEW CASTLE	DE	19720	3621	W	STATE ROAD 84	DV	33312
504219010190	JACKSON FAM TR	10836 NW 26 ST	SUNRISE	FL	33322	3641	W	STATE ROAD 84	DV	33312
504219010201	ROSENBERG,HOWARD	3661 W STATE ROAD 84	DAVIE	FL	33312	3661	W	STATE ROAD 84	DV	333124809
504219010210	SCG ATLAS NEW RIVER COVE LLC	400 GALLERIA PKWY #1450	ATLANTA	GA	30339	3701	W	STATE ROAD 84	DV	33312
504219000061	TR NO 2401-2925-00	100 PINE ST #3000	SAN FRANCISCO	CA	94111	3701	W	STATE ROAD 84	DV	33312
504219240010	SCG ATLAS NEW RIVER COVE LLC	400 GALLERIA PKWY #1450	ATLANTA	GA	30339	3711	W	STATE ROAD 84	DV	33312
504219000094	BROWARD COUNTY	115 S ANDREWS AVE RM 501-RP	FORT LAUDERDALE	FL	33301			I595	DV	33312
504219000091	BROWARD COUNTY	115 S ANDREWS AVE RM 501-RP	FORT LAUDERDALE	FL	33301			I595	DV	33312
504219000095	BROWARD COUNTY	115 S ANDREWS AVE RM 501-RP	FORT LAUDERDALE	FL	33301			I595	DV	33312
504219000097	BROWARD COUNTY	115 S ANDREWS AVE RM 501-RP	FORT LAUDERDALE	FL	33301			I595	DV	33312
504219000103	BROWARD COUNTY	115 S ANDREWS AVE RM 501-RP	FORT LAUDERDALE	FL	33301			I595	DV	33312
504219000098	BROWARD COUNTY	115 S ANDREWS AVE RM 501-RP	FORT LAUDERDALE	FL	33301			I595	DV	33312
504219000099	BROWARD COUNTY	115 S ANDREWS AVE RM 501-RP	FORT LAUDERDALE	FL	33301			I595	DV	33312
504219000102	BROWARD COUNTY	115 S ANDREWS AVE RM 501-RP	FORT LAUDERDALE	FL	33301			I595	DV	33312
504219010010	BROWARD COUNTY	115 S ANDREWS AVE RM 501-RP	FORT LAUDERDALE	FL	33301			STATE ROAD 84	DV	33312
504219010010	BROWARD COUNTY	115 S ANDREWS AVE RM 501-RP	FORT LAUDERDALE	FL	33301			STATE ROAD 84	DV	33312
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504219010010	BROWARD COUNTY	115 S ANDREWS AVE RM 501-RP	FORT LAUDERDALE	FL	33301			STATE ROAD 84	DV	33312
504219010010	BROWARD COUNTY	115 S ANDREWS AVE RM 501-RP	FORT LAUDERDALE	FL	33301			STATE ROAD 84	DV	33312
504219010010	BROWARD COUNTY	115 S ANDREWS AVE RM 501-RP	FORT LAUDERDALE	FL	33301			STATE ROAD 84	DV	33312
504219010010	BROWARD COUNTY	115 S ANDREWS AVE RM 501-RP	FORT LAUDERDALE	FL	33301			STATE ROAD 84	DV	33312
504219000092	FLORIDA DEPT OF TRANSPORTATION	3400 W COMMERCIAL BLVD	FORT LAUDERDALE	FL	33309			I595	DV	33312
504115010080	SOUTH FLORIDA WATER MANAGEMENT	PO BOX 24680	WEST PALM BEACH	FL	33416			STATE ROAD 84	BC	33317
504115010080	SOUTH FLORIDA WATER MANAGEMENT	PO BOX 24680	WEST PALM BEACH	FL	33416			STATE ROAD 84	BC	33317
504219000170	TIITF/STATE OF FLORIDA	3900 COMMONWEALTH BLVD M/S 115	TALLAHASSEE	FL	32399			STATE ROAD 84	DV	33312
504219000170	TIITF/STATE OF FLORIDA	3900 COMMONWEALTH BLVD M/S 115	TALLAHASSEE	FL	32399			STATE ROAD 84	DV	33312

Proposed Minimum Seawall Height Policy

Broward County Environmental Planning and Community Resilience Division



Current Need for a Range of Investments

Increased Free Board



Sea Walls and Flood Barriers



Tidal Valves



Regional Water Storage



Elevating Roads and Critical Infrastructure



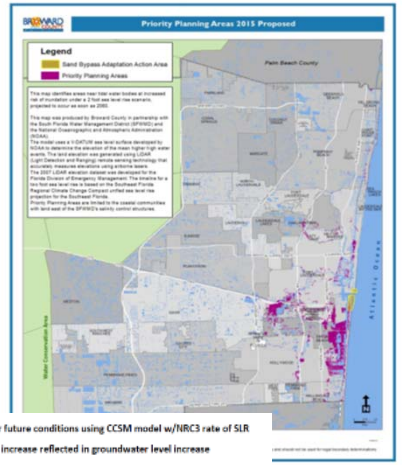
Stormwater Systems

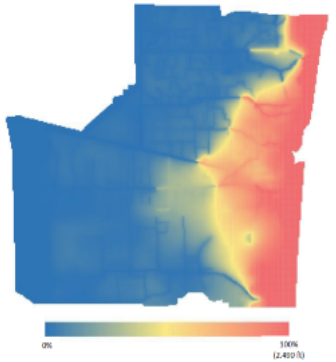


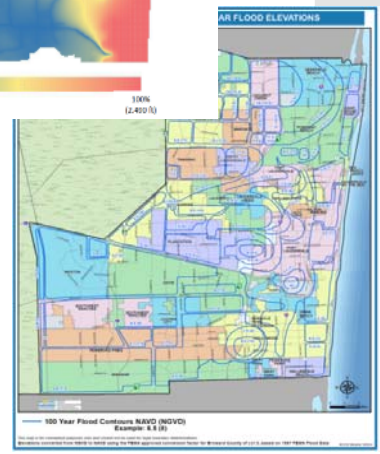
Broward Resilience from Planning to Implementation



- Planning Requirements
  - Land Use Planning
  - Comprehensive Planning
  - Unified Sea Level Rise Projection
- Updating Standards
  - Drainage infrastructure (2017)
  - Tidal flood barriers (2018/2019)
  - Finished floor elevations (2019)
- Countywide Resilience Plan (2020-2022)







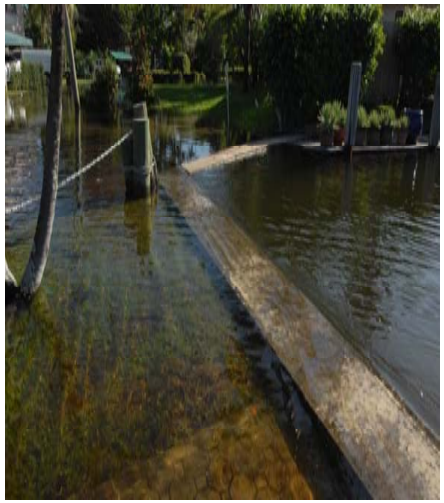
Tidal Flooding and Existing Shorelines











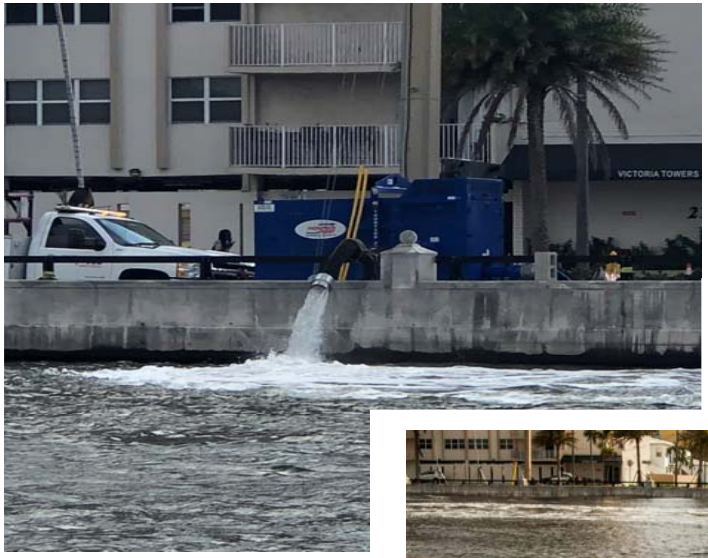


Water Management

Ensure safety and level of service of roads,

Protect property and local economy,

Minimize volume of water that must be pumped out of neighborhoods at greater cost





Proposed Policy

- Uniform standard for seawalls and flood barriers to mitigate high tide flooding through 2070

- Require **5 feet NAVD by 2050**
  - High frequency storm surge protection provided (~1 foot)
  - Some economic losses avoided.

- Allow for **4 feet NAVD until 2035**
  - Future tidal flooding avoided, through 2070
  - Limited or no surge protection

Proposed Land Use Plan Policy 2.21.7

Requires:

- Municipalities to adopt regionally consistent top elevations for seawalls, banks and berms
- Adoption **within 2 years** of effective date
- Standards to be consistent with model ordinance
  - Chapter 39, Article XXV County Code of Ordinances
- **Not applicable to oceanfront beaches**

Model Ordinance, Ch. 39-XXV

Application:

- Intertidal waterways, **not oceanfront**
- New construction or substantial rehabilitation (more than 50% in length/cost)
- Permitting of fixed infrastructure
- Water trespass onto adjacent property or public right-of-way
- Requires remedy of "public nuisance"

Model Ordinance, Ch. 39-XXV

- Applicable to new and improvements to more than 50% of length of shoreline structures
- Permit applications before Jan 1, 2035 →
  - 4 ft NAVD if designed to adapt to 5 ft NAVD by 2050
- If cited, must demonstrate repair progress within 60 days and complete within 1 year
- Constructed to adjoin and prevent gaps
- Constructed with rip-rap or habitat enhancement
- **Installation of seawall not required,** must prevent flood trespass
- Allows automated barriers, but automation cannot require daily human intervention.

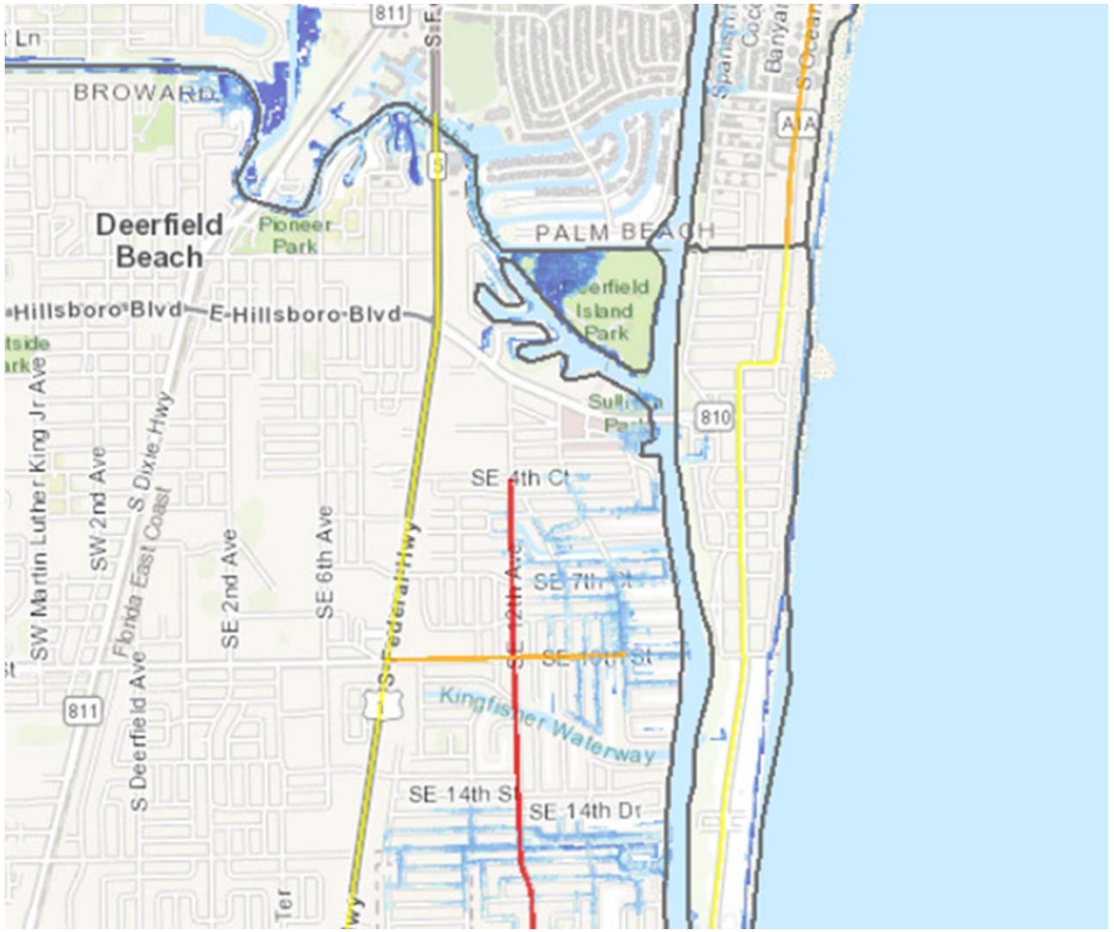
Water Levels

Today			Year 2060		
Typical High Tide	**King Tide**	**Surge (33% occurrence annually)**	**Typical High Tide**	**King Tide**	**Surge (33% occurrence annually)**
0.4	1.5 to 1.8	< 2.5	2.6	3.7 to 4	< 4.7

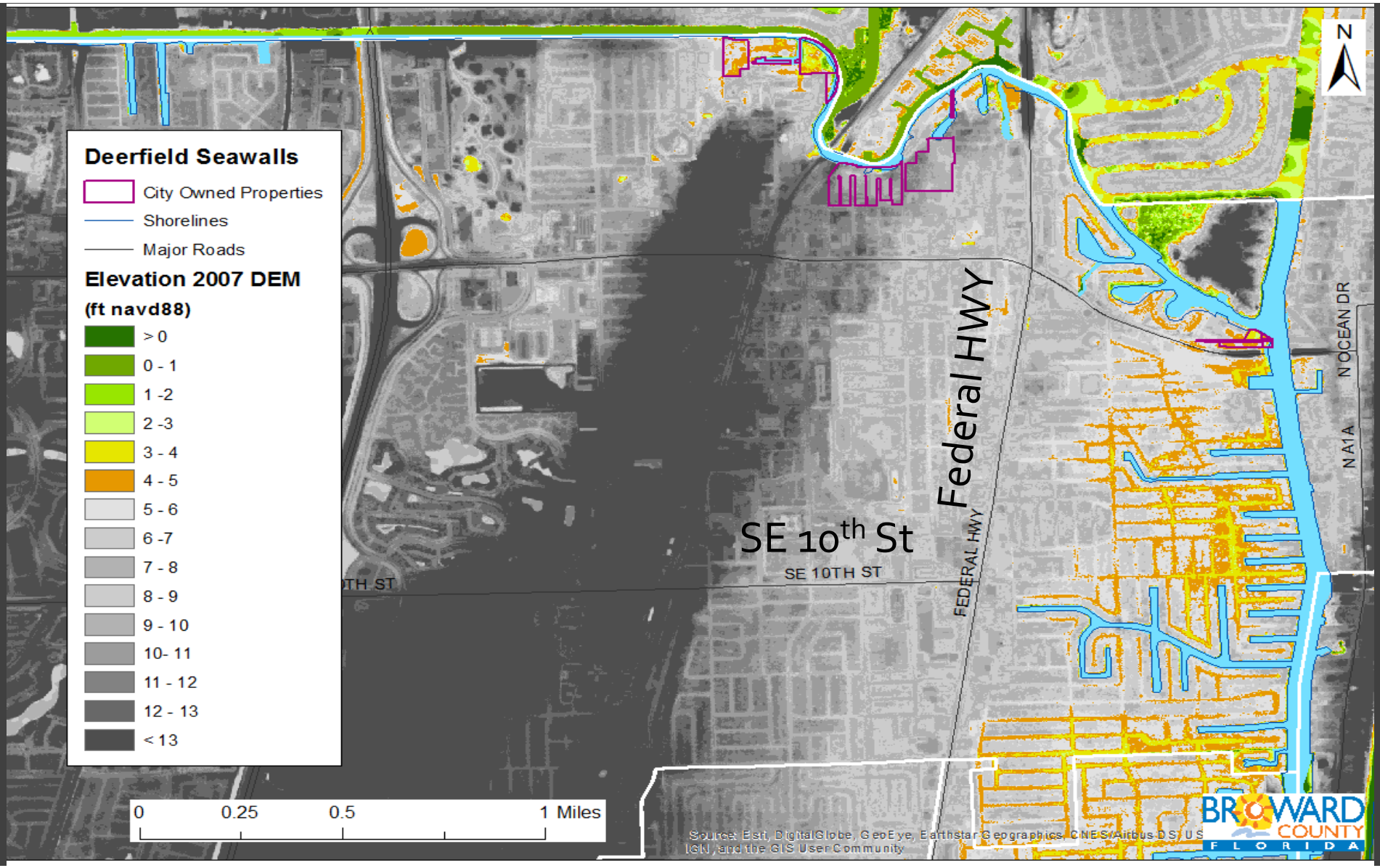
Units in Feet NAVD88

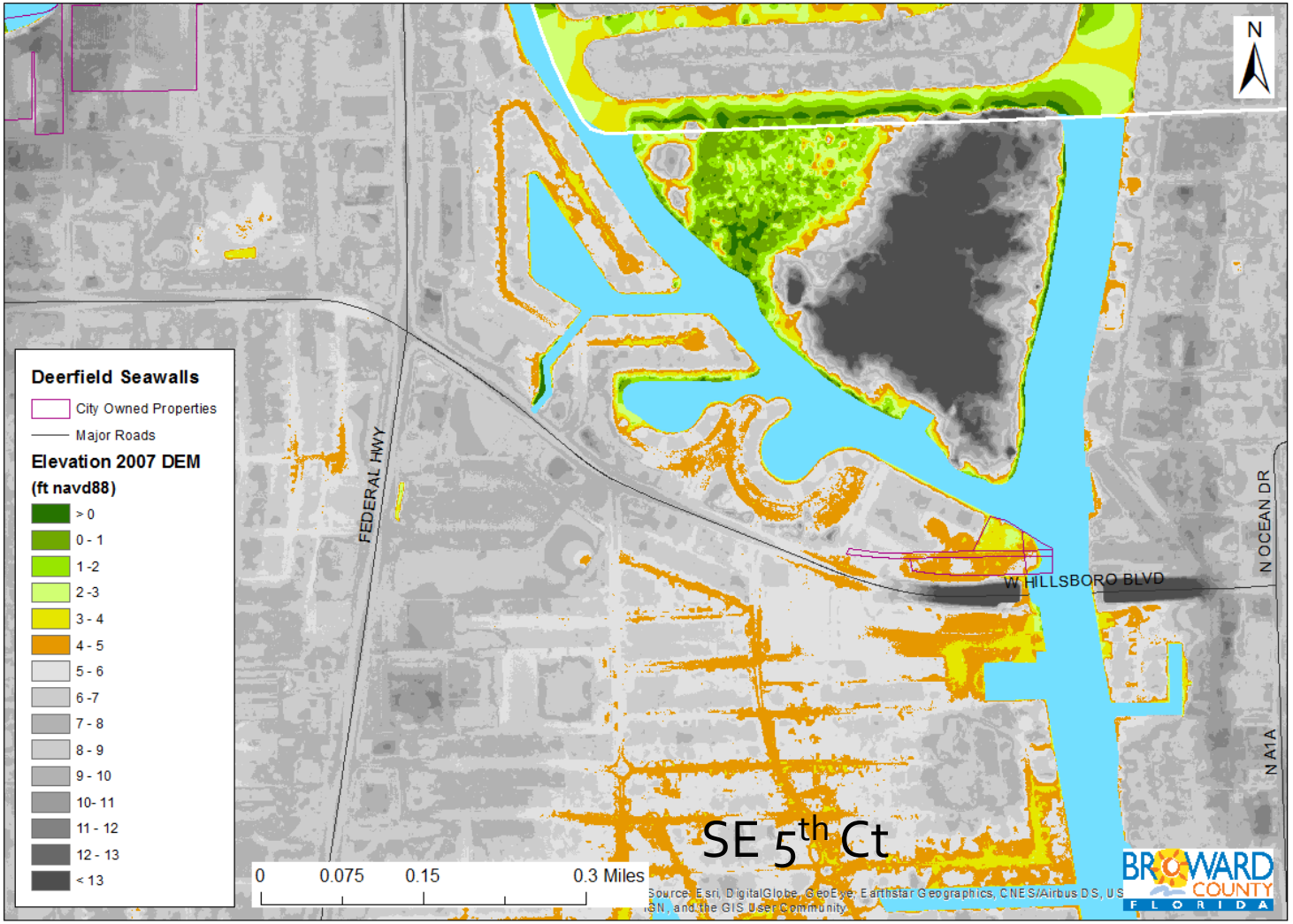
(North American Vertical Datum, fixed reference point)

Vulnerable Shorelines



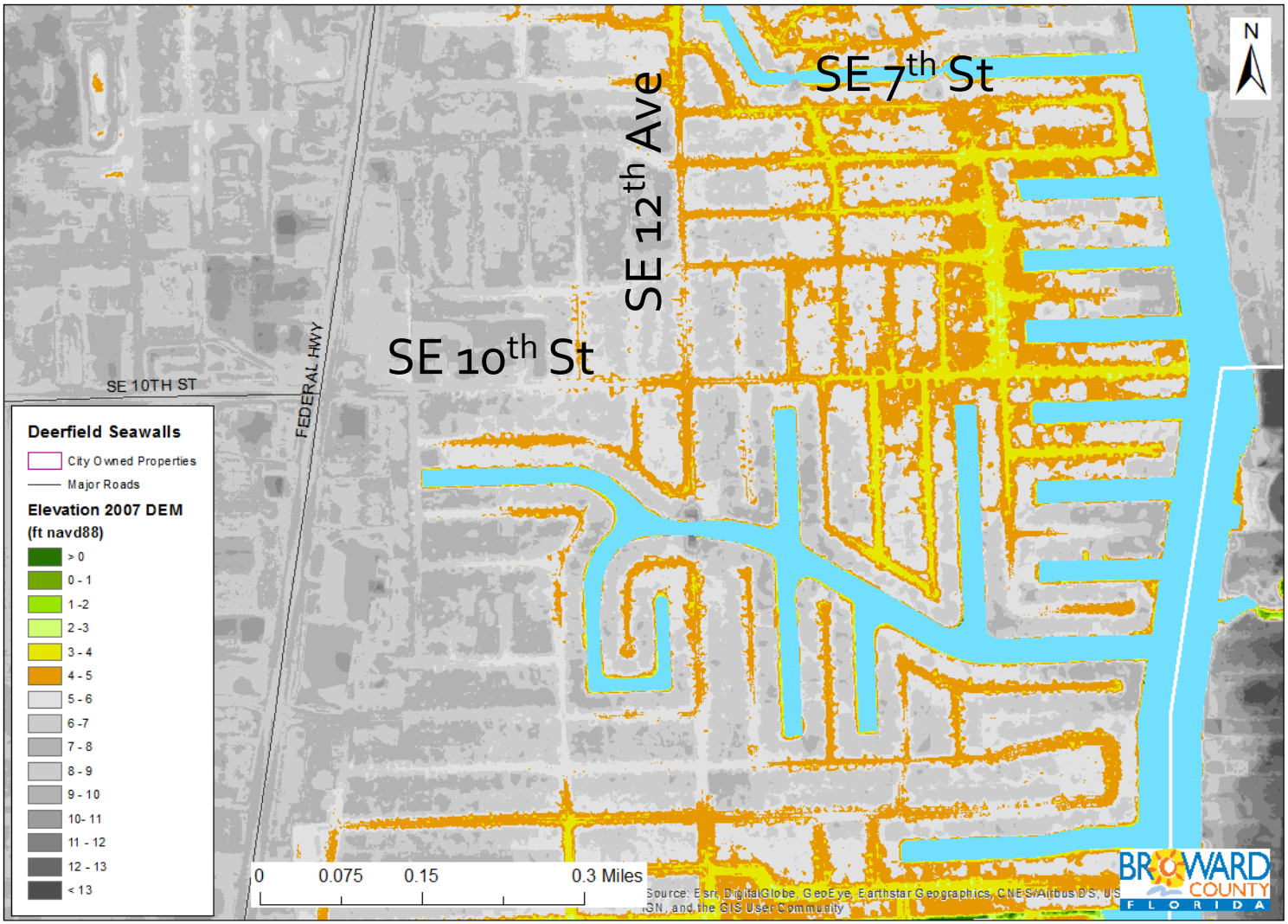
https://sls.geoplan.ufl.edu/beta/viewer/


Deerfield Seawalls
City Owned Properties
Shorelines
Major Roads
Elevation 2007 DEM
(ft navd88)
> 0
0 - 1
1 -2
2 -3
3 - 4
4 - 5
5 - 6
6 -7
7 - 8
8 - 9
9 - 10
10- 11
11 - 12
12 - 13
< 13
0
0.25
0.5
1 Miles
SE 10th St
SE 10TH ST
Federal HWY
FEDERAL HWY
N OCEAN DR
N A1A
N
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USGS, AeroGRID, IGN, and the GIS User Community
BROWARD COUNTY
FLORIDA



Shaded **yellow/green** represents elevations below 4 feet NAVD where water could trespass **if** connected to intracoastal.

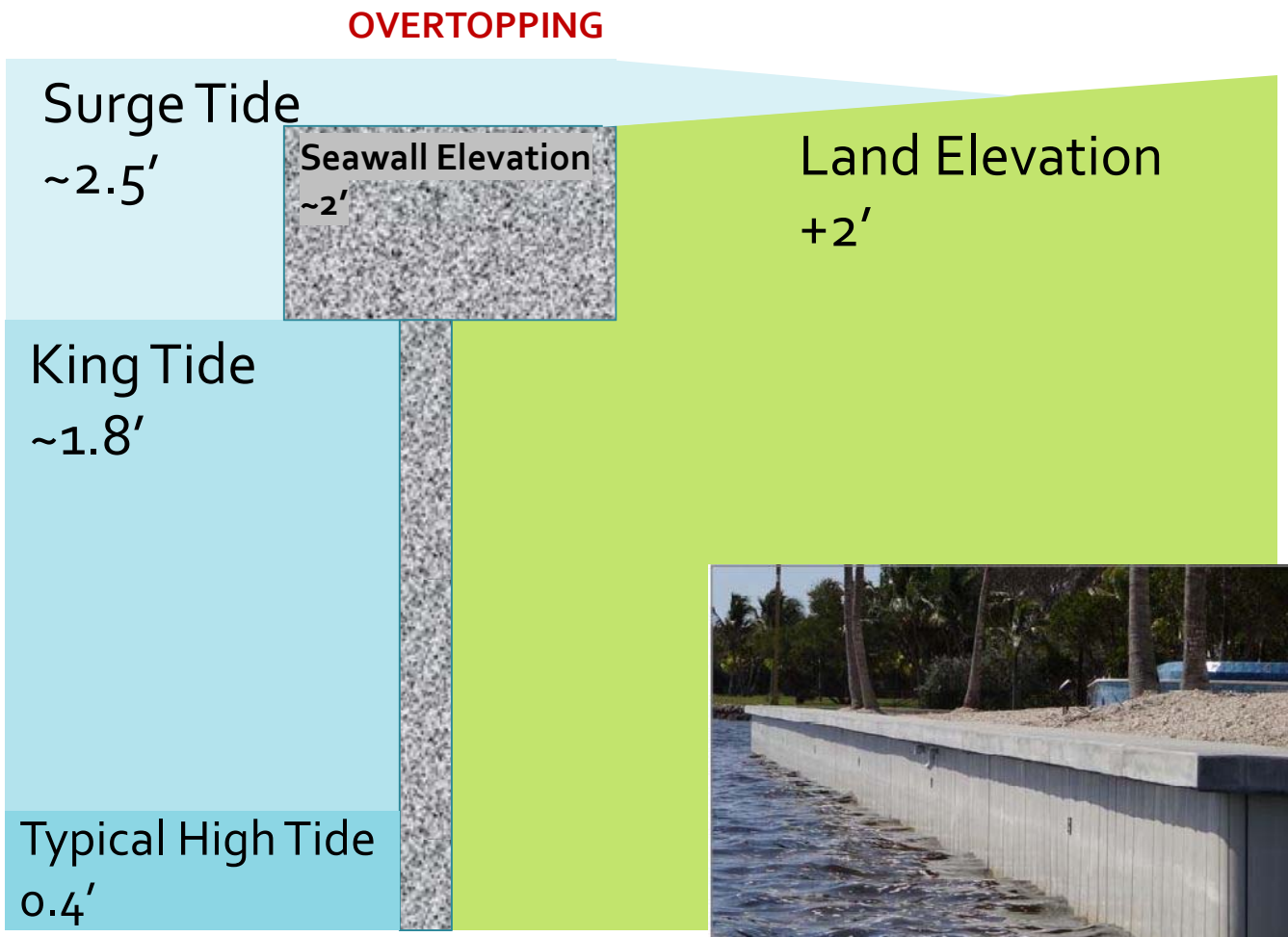
https://sls.geoplan.ufl.edu/beta/viewer/



Shaded **yellow/green** represents elevations below 4 feet NAVD where water could trespass **if** connected to intracoastal.

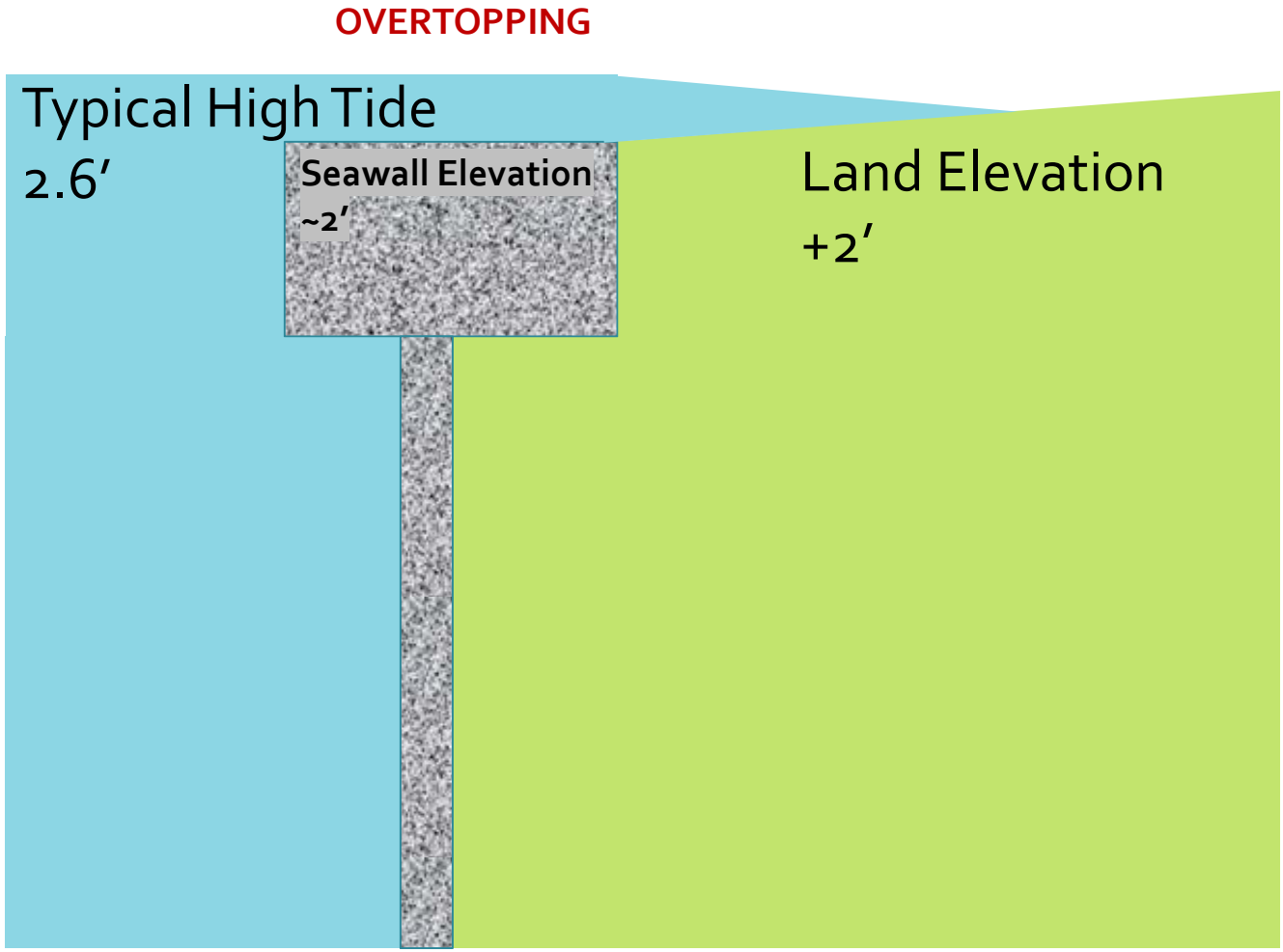
https://sls.geoplan.ufl.edu/beta/viewer/

Seawall Height Diagram



Units in Feet NAVD88

Overtopping in 2060



Units in Feet NAVD88

Future Coastal Flood Modeling

USACE, 2018

Water level Scenarios

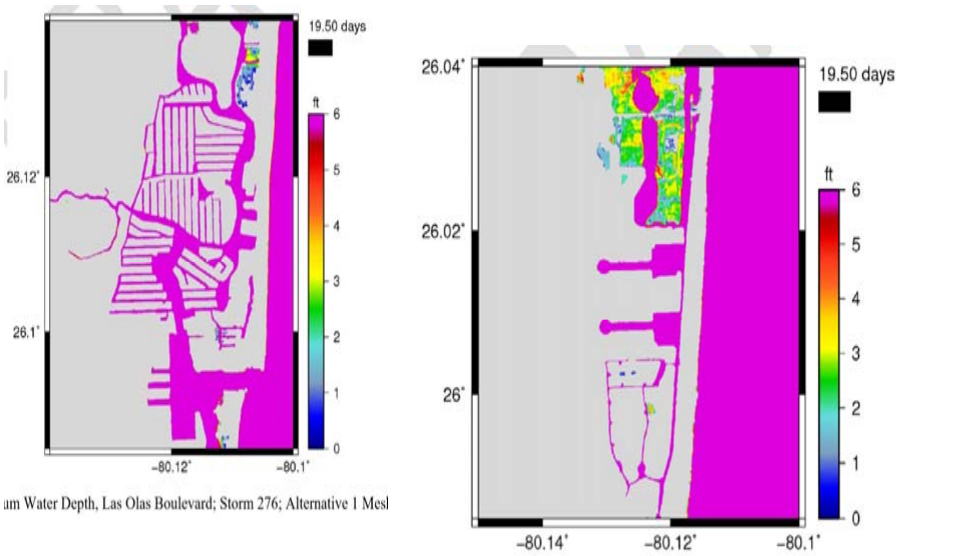
- King Tide in 2060
  - **3- 4 feet NAVD**
- King Tide in 2060 plus 3 year return interval storm surge
  - **5 feet NAVD**
- King Tide in 2060 plus 20 year return interval storm surge
  - **6 feet NAVD**

Seawall Adaptation

- Existing
  - **Minimum -1.6 ft to 1 ft NAVD**
  - **Average 2.5 to 3 feet NAVD**
- **Fill gaps** to average or city ordinance
- Raise all walls to **4 feet** NAVD
- Raise all walls to **6 feet** NAVD

Raise seawalls to 4 feet NAVD

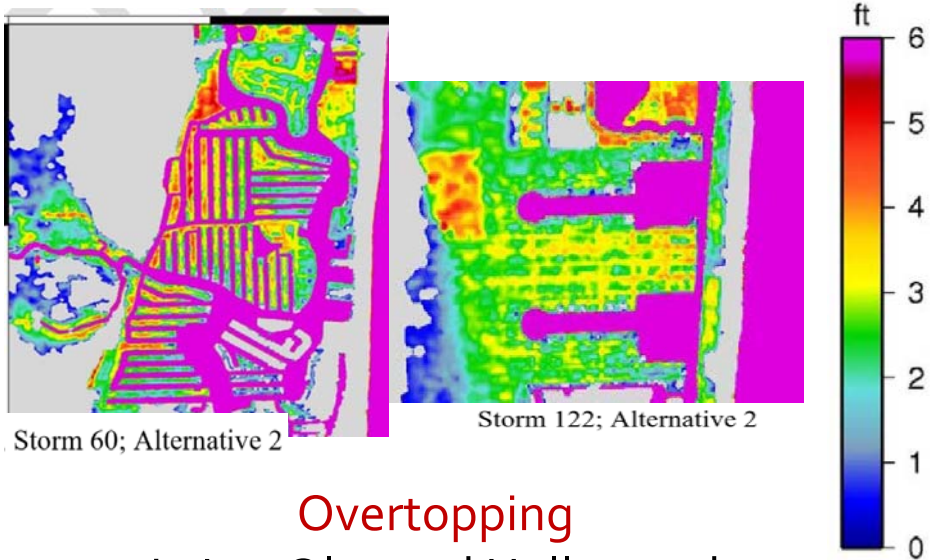
*Seawalls raised to 4' NAVD



um Water Depth, Las Olas Boulevard; Storm 276; Alternative 1 Mesl

Figure 5.30 Maximum Water Depth, Hollywood Lakes; Storm 276; Alternative 2 Mesh Configuration

No Overtopping
during King Tide 2060



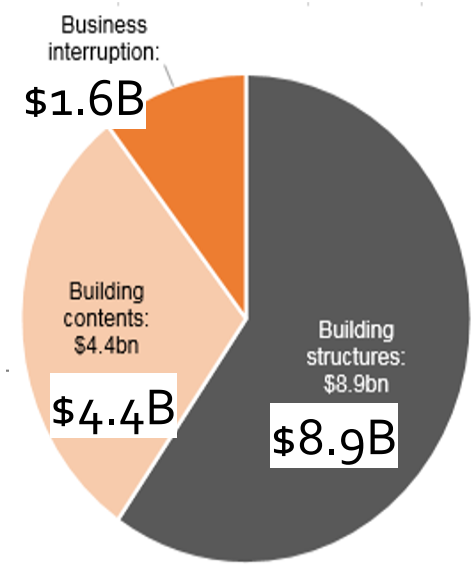
Storm 60; Alternative 2

Storm 122; Alternative 2

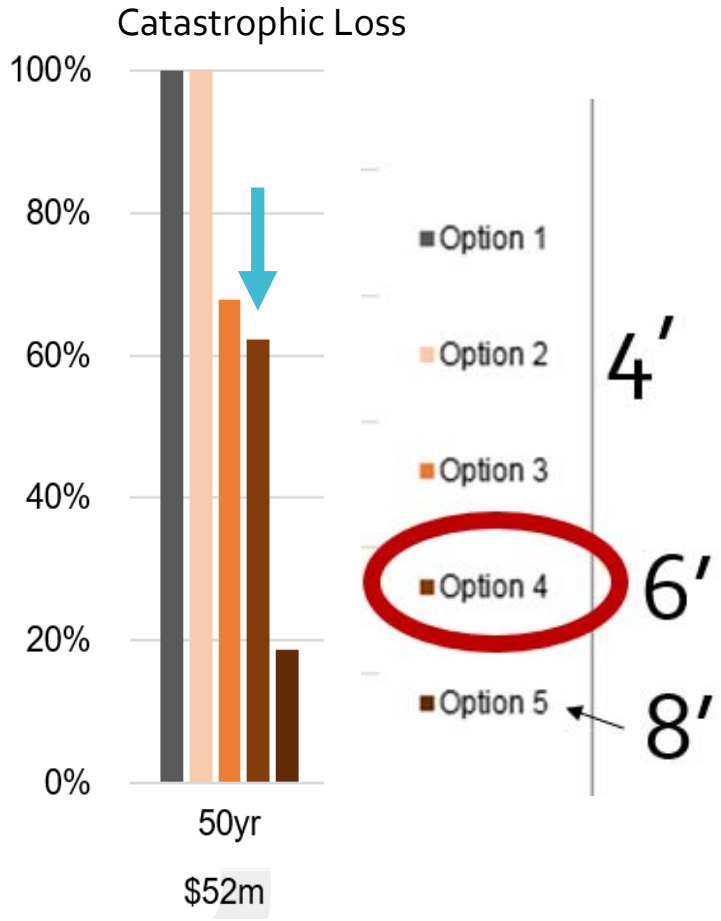
Overtopping
in Las Olas and Hollywood
with small storm surge

Economic Risk

$Billions



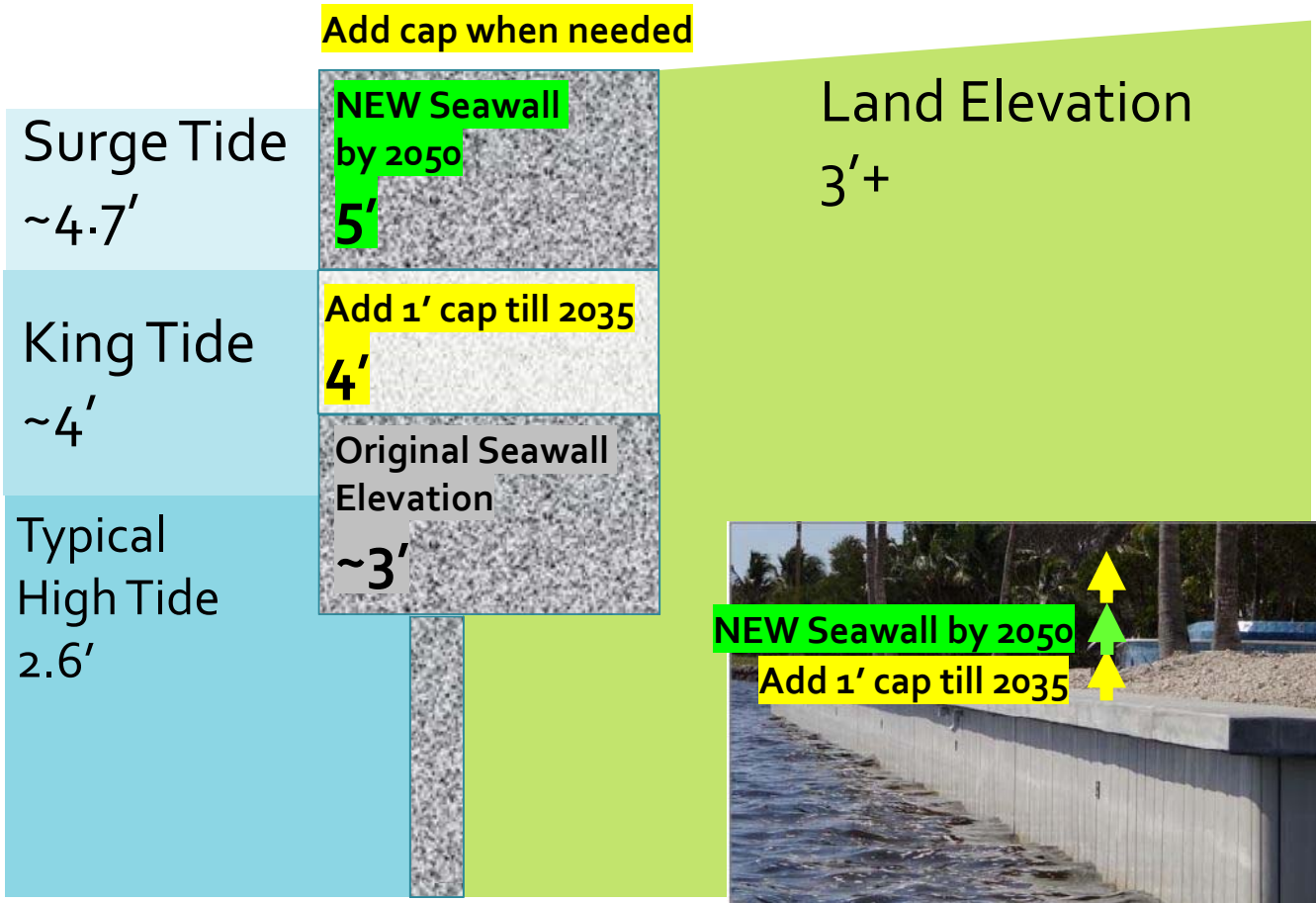
Seawalls >4′ provide some economic loss protection even from catastrophic storms today



Information was provided by the County's Consultant, Risk Management Solutions, Inc. (RMS). In no event shall RMS (or its affiliated companies) be liable or direct, indirect, special, incidental or consequential damages with respect to any decisions or advice made or given as a result of the contents of the Information or use thereof. The full report (once complete) with the complete disclaimer statement, will be available on the County's webpage located at http://www.Broward.org/NaturalResources/Pages/Default.aspx.

Example Adaptation

NO OVERTOPPING



Units in Feet NAVD88

Potential Costs

- **Concrete Cap**
  - $60- 120/ linear foot of shoreline
- **New Seawall**
  - $450-2150/ linear foot of shoreline
- **Reinforced Berms/ living shorelines**
  - $850-1300/ linear foot of shoreline
- **Drainage infrastructure to manage stormwater**

Resilient Shorelines

BROWARD COUNTY FLORIDA

SEAWALL REPLACEMENT ALTERNATIVES THAT ENHANCE FLOOD PROTECTION, HABITAT, AND YOUR PROPERTY VALUE







By the year 2060, sea level is expected to increase over 2 feet

Replace wall with resilient living shoreline rather than seawall only

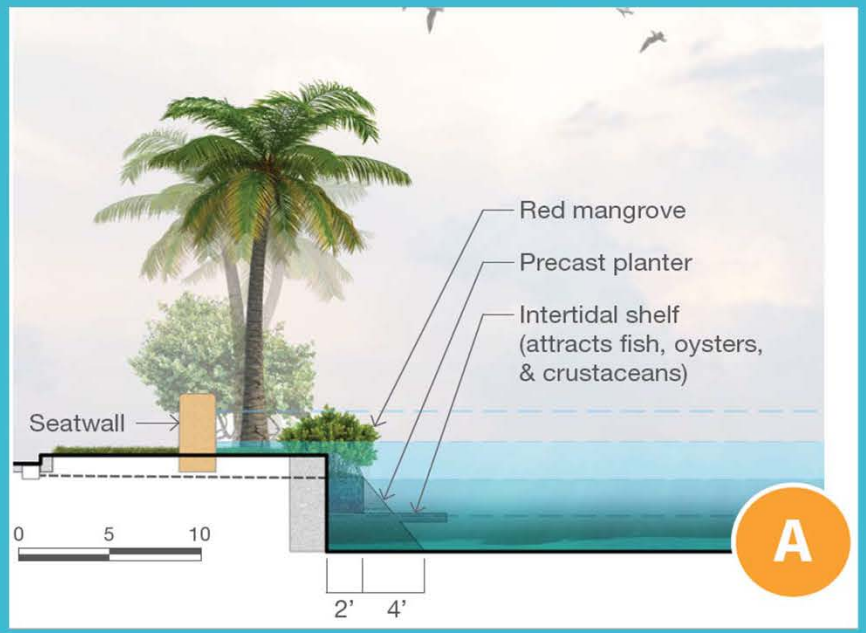
Improve local water quality, fishing and environment

Pick the best option based on space, depth and waves

Enhance an existing seawall, if in good condition

resilience@broward.org

www.broward.org

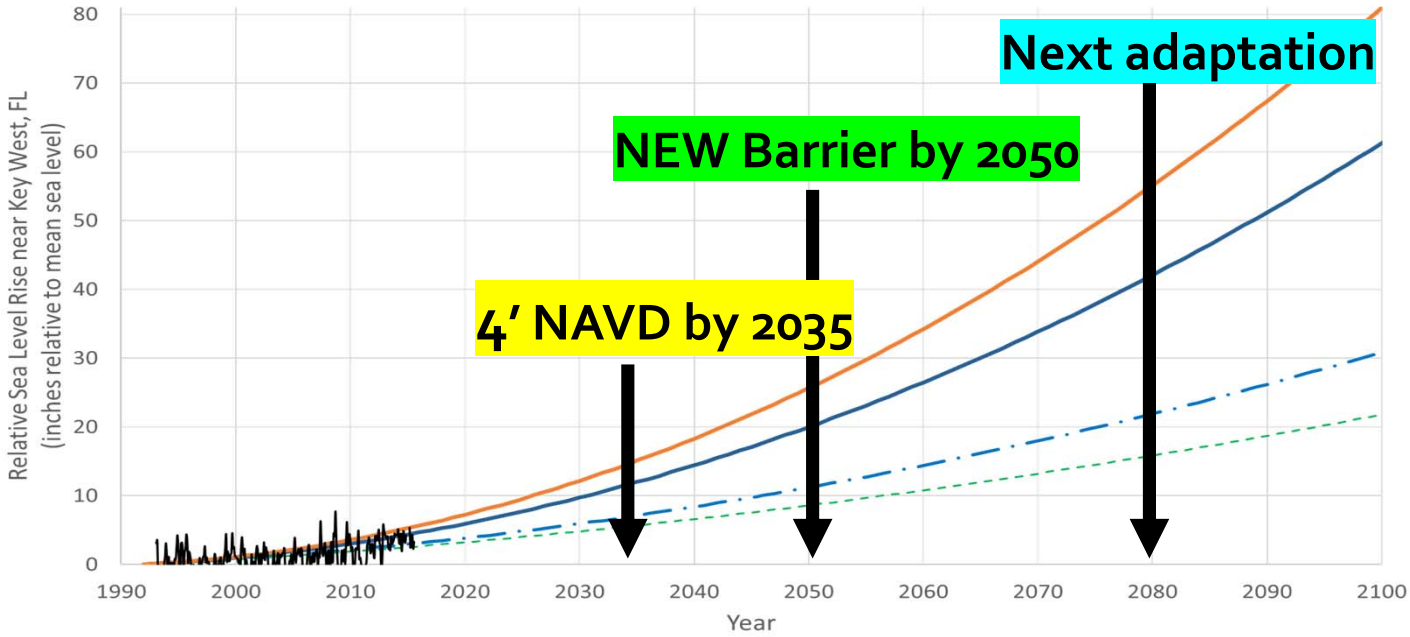






Sea level rise after 2060

*Reminder: further adaptation will be needed



Proposed Policy

- Uniform standard for seawalls and flood barriers- **5 feet NAVD**
- Allow for **4 feet NAVD until 2035**
  - Future tidal flooding avoided, through 2070
  - Limited or no surge protection
- Require **5 feet NAVD by 2050**
  - High frequency storm surge protection provided (~1 foot)
  - Some economic losses avoided.

Public Outreach and Process

- Public comment period – May 31, 2019
- Planning Council Hearing – August 22, 2019
- County Commission Agenda Item to Set Hearing – Sept. 10
- County Commission Public Hearing – Sept. 24
- Planning Council Second Hearing – Sept. 26
- Transmittal to DEO for review – Oct. 15
- Present to WAB for recommendation – Nov. 8
- BOCC Public Hearing – Jan 7
- Effective Date – January 2020

- FDOT LIDAR Deliverable and Shoreline Elevation Mapping – Spring 2020
- Real Estate Industry Communications – Spring 2020
- Municipal ordinance adoption - Jan 2022

Additional Presentations

November 9, 2016	USACE Study Initial Stakeholder Meeting: Ft Lauderdale (52 participants); Hollywood (25)
September 4, 2018	Climate Change Task Force Briefing
September 10, 2018	USACE Study Final Stakeholder Meeting (16 participants and available on Broward Video Central)
October 12, 2018	Feature Article in EPCRD's Climate Resilience Newsletter
November 9, 2018	Water Advisory Board Briefing
November 9, 2018	Broward Commercial Realtors Midyear Conference
November 11, 2018	Presentation Materials for Pompano Beach Marine Advisory Group
November 16, 2018	Municipal Workshop
November 27, 2018	Feature Article in EPCRD's Climate Resilience Newsletter
December 3, 2018	Local Mitigation Strategy Quarterly Meeting with Municipalities
January 11, 2019	Water Advisory Board Discussion
February 5, 2019	CREW Fort Lauderdale Chapter (Commercial Real Estate)
February 12, 2019	Tower Club Real Estate Luncheon
February 28, 2019	Hollywood Community Meeting
March 3, 2019	Draft Policy Email to Municipal Resilience Contacts and Industry with Survey
March 21, 2019	Industry Workshop
March 29, 2019	Water Advisory Board Presentation
April 2, 2019	Opening of 60-Day Draft Policy Public Comment Period on Broward.org/climate
April 5, 2019	Twitter and Facebook Posts
April 25, 2019	Twitter and Facebook Posts
May 30, 2019	Twitter and Facebook Posts
September 13, 2019	Water Advisory Board Update

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

Item Number: 10.

To:	Mayor and Councilmembers
From:	David Quigley, AICP, Planning and Zoning Manager (954-797-1075)
Prepared By:	David Quigley, AICP, Planning and Zoning Manager (954-797-1075) - Planning Zoning
Subject:	Ordinance
Affected District:	Town Wide
Item Request:	Schedule for Council Meeting
Title of Agenda Item:	**CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12, LAND DEVELOPMENT CODE, BY ADOPTING ARTICLE XIX, TIDAL FLOOD PROTECTION; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. (**Approved on first reading on March 2, 2022. In a roll call vote: Councilmember Whitman - yes; Vice Mayor Whitman - yes; Mayor Paul - yes; Councilmember Starkey - yes; Councilmember Luis - yes.) (Motion carried 5-0)**
Executive Summary:	On January 7, 2020, Broward County approved an amendment to the Broward County Comprehensive Plan creating Policy 2.21.7, requiring tidally influenced municipalities to enact regionally consistent tidal flood barrier elevation standards within two years. The proposed ordinance would set the minimum tidal flood barrier height as required by County ordinance.
Key Points:	• On January 7, 2020, Broward County approved an amendment to the Broward County Comprehensive Plan creating Policy 2.21.7, requiring tidally influenced municipalities to enact regionally consistent tidal flood barrier elevation standards within two years. • On March 31, 2020, Broward County adopted Chapter 39, Article XXV, Resiliency Standards for Tidal Flood Protection. Article XXV provides a uniform elevation standard for flood mitigation infrastructure that accounts for the projected cumulative effect of high tides, storm surge and sea level rise through the year 2070. Article XXV specifically applies wherever a new tidal flood barrier or substantial improvement to an existing barrier is proposed, whether in the form of a seawall, berm, rip-rap or green-grey infrastructure (combinations of engineered and natural features). • In September of 2021, Broward County released a Model Ordinance suitable for adoption by the affected municipalities. • The proposed Town ordinance is consistent with the Broward County Model Ordinance. • While the Town of Davie is among the tidally influenced municipalities, the proposed ordinance would only affect 38 parcels located adjacent to the New River, all but 13 of which are government owned. • In addition to other required notice, the Town provided courtesy notices by mail to all 38 of the affected parcels. • The proposed ordinance would set the minimum tidal flood barrier height at 5ft NAVD88, while allowing applications submitted prior to 2035 to provide an elevation of 4ft NAVD88 if designed and constructed to accommodate a minimum elevation of 5ft NAVD88 by 2050. These standards would apply wherever a new tidal flood barrier or substantial improvement to an existing barrier is proposed or wherever trespass of tidal waters onto neighboring property or right-of-way creates nuisance conditions. The ordinance would also require sales contracts for tidally influenced areas to include a disclosure concerning tidal flood barrier requirements. • Additional background on sea level rise and tidal flooding risk assessment is available from the Broward County Environmental Planning and Community Resilience Division.
Previous Actions:	None.
Concurrences:	On February 8, 2022, the Planning and Zoning Board took the following action: Motion made by Mr. Breslau, seconded by Mr. Crowley, to approve ZBTXT21-341 and make such recommendation to Town Council . In a roll call vote, the vote was as follows: Chair Evans – yes; Vice Chair Donzella – yes; Ms. Alvarez – yes; Mr. Aucamp – yes; Mr. Breslau – yes; Mr. Crowley – yes. (Motion carried 6-0).

Fiscal Impact:

Has request been budgeted? N/A

If yes expected cost:

Account name and number:

If no, amount needed**:**

Account name funds will be appropriated from

Additional Comments

Recommendation: Motion to approve

Strategic Goals This Item Supports:

Nurturing the health, safety, and welfare of the community

ATTACHMENTS:

File Name	Description
1.0_Ord_seawall_10-09-22.pdf	Ordinance
1.1_Ex_A_tidal_flood_protection_12-08-21.pdf	Ordinance Exhibit A
2_Map_Tidally_Influenced_Municipalities.pdf	Map of Tidally Influenced Municipalities
3.1_Tidally_Infuenced_Parcel_Map_-_All_12-09-21.pdf	Map of Tidally Influenced Parcels
3.2_Tidally_Influenced_Parcels_12-09-21.pdf	List of Tidally Influenced Parcels
4_Broward_Co_Presentation_2019.pdf	Broward County Presentation 2019