



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#19-0962

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: October 2, 2019

TITLE: Ordinance Amending the Code of Ordinances of the City of Fort
Lauderdale Section 8-144 - Private Use of Public Property Abutting
Waterways – **(Commission Districts 1, 2, 3 and 4)**

Recommendation

It is recommended that the City Commission adopt an ordinance amending Section 8-144 of the Code of Ordinances of Fort Lauderdale, Florida, entitled Private Use of Public Property Abutting Waterways to establish eligible applicants, exclude issuance of dock permits on specified City rights-of-way, define permit terms and conditions, require recording of the permit resolution, incorporate protection of the City's seawalls and address sea level rise.

Background

Section 8-144 Private Use of Public Property Abutting Waterways allows neighbors to construct private docks adjacent to public seawalls. Under the current ordinance, certain issues are highlighted: non-compliance with the conditions in the dock permit resolutions, no definition of eligible applicants, ambiguity related to the timeframe of the dock permit, the abandonment of the private docks at point of sale, allowable width of the dock, responsibilities related to seawall and landscaping upkeep, damage of the City seawall by permit holders and use of the docks by non-permit holders.

Public Works, Parks and Recreation, and the City Attorney's Office reviewed the major issues. Input was solicited from numerous stakeholder groups and the draft ordinance was presented to the Marine Advisory Board (MAB). On May 2, 2019, MAB recommended that the City Commission approve the amended ordinance with minor modification. At first reading on August 20, 2019 (CAM#19-0778), the City Commission provided additional direction for ordinance modification related to the term of the permit and waived the proposed requirement for permit renewals. This item was deferred from the September 12 Commission agenda (CAM#19-0622) to the October 2, 2019 Commission meeting. The amended ordinance under consideration for adoption features the following key provisions:

1. Definition of the Upland Property owner as the only eligible dock permit applicant;
2. Outline of which public parcels are eligible for a dock permit;
 - a. Prohibition on dock permits on street ends and in City parks;
 - b. Exempting lands falling within the ambit of the Florida Supreme Court Case of Burkart v. City of Fort Lauderdale (Idlewyld Drive);
3. Definition of the permit term;
4. Establishment of the length and width of the dock;
5. Mandate to record the permit resolution to ensure that the dock permit holder is responsible for removal of the dock when the permit is abandoned, terminated, expired or revoked;
6. Prohibition of penetrating a City seawall or attaching to it unless meeting certain conditions;
7. Removal of the prohibition to make the dock area private or post signage;
8. Clarification on the public nature of the swale area;
9. Requirements of an administrative fee for permit application;
10. Requirement that docks must either be floating or built to such a height as to address sea level rise;
11. Guidance on how the dock permit holder may or may not use the swale area;
12. Limitation on the ownership of boats moored under a dock permit and requirement to register the boat with the City; and
13. Requirement of upland property owners with existing riparian rights applying for a dock permit to raise the City seawall to the meet current elevation requirements.

The amended ordinance clarifies guidance on dock permit terms and conditions, reduces the liability on the City to address abandoned docks, highlights the role the City seawalls serve to the function of protecting the right of way and support the resilient City vision described in Fast Forward Fort Lauderdale 2035.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a Press Play Fort Lauderdale Strategic Plan 2018 initiative, included within the Neighborhood Enhancement Cylinder of Excellence, specifically advancing:

- Goal 2: Be a sustainable and resilient community.
 - Objective 2: Reduce flooding and adapt to sea level rise.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are Ready*.

Attachment

Exhibit 1 - Ordinance

Prepared by: Nancy J. Gassman, Ph.D., Public Works

Department Directors: Paul Berg, Public Works