

ORDINANCE NO. C-24

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA ESTABLISHING A ONE YEAR MORATORIUM ON THE SUBMITTAL, PROCESSING, REVIEW AND GRANTING OF WAIVERS UNDER THE CITY'S UNIFORM LAND DEVELOPMENT REGULATIONS ("ULDR") § 47-19.3 (E) AS TO THE PROVISIONS OF ULDR § 47-19.3 (C) & (D) AND § 47-39.A.1.B.(12).(A) & (B) AS APPLIED TO MOORING DEVICES AND MOORING STRUCTURES AS DEFINED IN ULDR § 47-19.3 (A) (1) & (2), SUCH AS BOAT DAVITS, HOISTS, BOAT LIFTS, DOCKS, SLIPS OR MOORING OR DOLPHIN PILES OR SIMILAR DEVICES FOR STRUCTURES SEEKING TO PLACE SUCH MOORING DEVICES OR MOORING STRUCTURES AS AFORESAID BEYOND THE MAXIMUM DISTANCE FROM THE APPLICANT'S PROPERTY LINE AS SET FORTH IN ULDR § 47-19.3 (C) & (D) AND ULDR § 47-39.A.1.B (12)(A) & (B) INTO THE ADJACENT WATERS OF WESTERN NEW RIVER, AS HEREINAFTER DEFINED; PROVIDING FOR A DEFINITION OF WESTERN NEW RIVER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OR CONFLICTING ORDINANCE PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, when the State of Florida was admitted into the Union on March 3, 1845, New River and the South Fork thereof was a major highway of commercial activity for the community and, since then, New River has pumped a unparalleled level of maritime vitality into the City of Fort Lauderdale which has flourished into becoming known as the Venice of America and Yachting Capital of the World; and

WHEREAS, the City's 165 miles of waterways constitute a commercial, industrial and recreational waterborne circulatory system for the City and, by comparison, New River and the South Fork thereof and Western New River (as hereinafter defined below and in Section 3 hereof) serve as the indispensable aorta for that commercial, industrial and recreational circulatory system; and

WHEREAS, with the growth of the community over the years, Western New River remains as a major highway of commerce, but the viability of the functional navigability of New River as a major artery of commerce is under increased pressure due to the (i) rapid development of the waterfront community, in terms of more residential and commercial properties on Western New River, (ii) the increased use of Western New River in conjunction with

commercial marine centers located approximately five (5) miles inland on Western New River, (a) West of the intersection of Sospiro Canal and New River and (b) East of the City limits along New River and the South Fork thereof (hereinafter, "Western New River"), (iii) the Mediterranean-style berthing of larger vessels along the banks of Western New River, (iv) and the granting of "waivers" pursuant to Uniform Land Development Regulations ("ULDR") § 47-19.3 (e) more particularly outlined below; and

WHEREAS, approximately thirteen commercial marine centers are located on the Westernmost portions Western New River used extensively for a wide range of marine activities including commercial and industrial traffic associated with major yacht maintenance and storage, painting, metal work, fiberglass work, carpentry, welding work, haul-outs for bottom painting, below-water through hull maintenance and other commercial work, generating commercial and industrial traffic, marine construction vessels, 50-foot wide barges and vessels over 200 feet in length navigating along Western New River many of which transit Western New River with two smaller tow-vessels, one tethered to the bow and one tethered to the stern of the large yachts, mega-yachts, or super-yachts to help ensure and maintain steerage through the diminished widths and narrow twists and turns on Western New River; and

WHEREAS, the Westernmost commercial marine centers on Western New River serve as hurricane evacuation locations for many large vessels, mega-yachts and super-yachts as most marine insurance companies require vessel owners to have an evacuation plan and location as a condition of insurance coverage making these marine centers a customary port-of-call for vessels from the entire U.S. Eastern seaboard and Caribbean as a safer refuge that along the coast; and

WHEREAS, the City's Uniform Land Development Regulations ("ULDR") § 47-19.3 (e) provides a mechanism which permits the City Commission, under "extraordinary circumstances," to grant waivers from the provisions of ULDR § 47-19.3.(c), 47-19.3.(d), 47-39.A.1.b.(12).(a) & (b) to permit the construction of mooring devices and mooring structures such as boat slips, docks, boat hoists, boat lifts, mooring piles or dolphin piles seeking to place such mooring devices, mooring structures beyond the maximum distance from the applicant's property line otherwise proscribed in ULDR § 47-19.3 (c) & (d) and § 47-39.A.1.b. (12) (a) or (b) into the adjacent waters of Western New River, as hereinafter defined; and

WHEREAS, the granting of such waivers under ULDR § 47-19.3 (e) may serve as a significant impingement on and to the safe functional navigation of larger vessels, mega-yachts (80-feet and above) and super-yachts (130-feet and beyond 200-feet) and large barges along Western New River which such impingement resulting from the granting of such waivers will have a significant negative economic impact on the commercial, industrial and recreational interests utilizing Western New River, yielding a set of "extraordinary circumstances" in counterbalance to

the “extraordinary circumstances” required under ULDR § 47-19.3 (e) for the granting of waivers; and

WHEREAS, the City’s Marine Advisory Board has recommended a moratorium on the submittal, processing, recommending and granting of waivers as applied to boat slips, docks, boat hoists, mooring piles or dolphin piles under ULDR § 47-19.3 (e) to provide more time to study the impact of such waivers on Western New River and methods by which such dock waivers could be administered going forward to minimize or eliminate impediments to the safe and functional navigational needs for large vessels, mega-yachts, super-yachts and barges along Western New River; and

WHEREAS, the purposes of this moratorium is to allow the City’s Marine Advisory Board and City staff time to thoroughly research and analyze the impacts of granting waivers under ULDR § 47-19.3 (e) on the functional navigational challenges for large vessels, mega-yachts, super-yachts, wide barges and tow-vessels in traversing Western New River, absent a moratorium, and studying and evaluating methods by which the provisions of ULDR § 47-19.3.(e) could be revised to better accommodate enhancement of functional navigability of Western New River of such vessels; and

WHEREAS, the City of Fort Lauderdale City Commission finds it to be in the best interests of the citizens of Fort Lauderdale to establish a one-year moratorium on the submittal, processing, recommended approvals, approvals and granting of any waivers pursuant to ULDR § 47-19.3 (e) as to mooring devices or mooring structures as defined in ULDR § 47-19.3 (a) (1) & (2), such as boat slips, docks, boat hoists, mooring piles or dolphin piles as set forth in ULDR § 47-39.A.1.b (12) (a) or (b);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance. These clauses represent the legislative findings of the City Commission to promote the health, safety and welfare of the commercial interests of the citizens of and visitors to the City of Fort Lauderdale.

SECTION 2. The City Commission hereby imposes a one-year moratorium from the effective date hereof on the submittal, processing, recommended approval and granting of any waivers pursuant to ULDR § 47-19.3 (e) as to the provisions of ULDR § 47-19.3 (c) & (d) and § 47-39.A.1.b.(12).(a) or (b) as to mooring devices and mooring structures as defined in ULDR § 47-19.3 (a) (1) & (2) such as boat slips, docks, boat hoists, dock slips or mooring piles or dolphin piles or similar devices or structures or vessels seeking to place such mooring devices or mooring

structures or vessels beyond the maximum distance from the applicant's property line as set forth in ULDR § 47-19.3 (c) & (d) and § 47-39.A.1.b (12) (a) & (b), recommending or authorizing extensions thereof (into the adjacent waters of Western New River beyond the maximum distance from the applicant's property line as set forth in ULDR § 47-19.3 (c) & (d) and § 47-39.A.1.b (12) (a) or (b).

SECTION 3. The term "Western New River" shall mean that segment of New River and the South Fork thereof within the City limits of the City of Fort Lauderdale, such Western New River being bounded on the East by the intersection of Sospiro Canal and the New River, just West of Mola Avenue (N 648716.0 E 942757.0) (approximate middle of New River) and bounded on the West by the City's Riverland Woods Park, 3950 Riverland Road, Fort Lauderdale, FL, just East of the Western City Limits along the South Fork of New River (approximate middle of the South Fork of New River) (N 638419.0 E 918465.0) Coordinates are based on NAD83, Florida State Plan, East Zone, US Foot.

SECTION 4. That if any clause, section or other part or application of this ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or application remaining in full force and effect.

SECTION 5. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. That this Ordinance shall become effective immediately upon its passage.

PASSED FIRST READING this ____ day of _____, 2024.

PASSED SECOND READING this ____ day of _____, 2024.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN