



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#24-0173

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

FROM: Greg Chavarria, City Manager *Anthony Fajardo*

DATE: February 20, 2024

TITLE: **WALK-ON** - Ordinance Amending Section 8-55.5 to Implement Additional Mitigation Measures Related to High Impact Events on Beach Property–
(Commission Districts 1, 2 and 4)

Recommendation

It is recommended the City Commission amend an ordinance implementing mitigation measures related to High Impact Events on Beach Property to include up to the westernmost bank of the intracoastal waterway to the west, SE 17th Street to the south and NE 42nd Court to the north.

Background

In February of 2018, the City Commission adopted an ordinance implementing mitigation measures related to High Impact Events on beach Property due to an increased need for law enforcement intervention because of events and gatherings on Fort Lauderdale Beach. These events included Spring Break, national holidays, festivals, and concerts held throughout the year. The ordinance empowered the City Manager to take specific actions to protect beach property from damage, property degradation and unauthorized uses. These actions included the prohibition of coolers, inflatable devices, tents and tables, and consumption of alcohol. They also included limiting live or amplified music, traffic routes or occupancy on the beach. The ordinance sunset and was repealed on August 16, 2018.

In February of 2019, the City Commission approved Ordinance C-19-03 to provide the City Manager with the prior level of authority and to add that scooters and other forms of dockless mobility programs and devices may be prohibited or limited during High Impact Events on the beach.

The proposed ordinance amendment will provide the City Manager with additional authority to impose immediate mitigating measures for high impact events. The City Manager, if enacting the High Impact Event on Beach Property, is required to notify the City Clerk and to distribute information through the City communication channels and with local news sources.

The proposed mitigating measure is the implementation of a high impact event parking rate of up to \$100 per calendar day per vehicle.

Resource Impact

There are no negative fiscal impacts associated with this action and the potential positive impact(s) will be contingent on if the mitigating measures are implemented and the associated duration.

Strategic Connections

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

This item supports the Advance Fort Lauderdale 2040 Comprehensive Plan

- The Public Safety Focus Area
- The Coastal Management, Community Health and Safety Element
- Goal 2: Manage coastal areas to ensure public safety and to protect city investments and economic drivers.

Attachment

Exhibit 1 – Ordinance

Related CAM

24-0265

Prepared by: Ben Rogers, Transportation and Mobility Director

Department Director: Ben Rogers, Transportation and Mobility

ORDINANCE NO. C-24-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 8-55.5 OF ARTICLE III – PUBLIC BEACHES, ENTITLED “HIGH IMPACT EVENTS ON BEACH PROPERTY,” OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE CITY MANAGER’S AUTHORITY TO IMPOSE ADDITIONAL MEASURES TO PROTECT BEACH PROPERTY DURING HIGH IMPACT EVENTS, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the beach property and adjacent areas on the barrier island, as defined herein, in the City of Fort Lauderdale, Florida, are popular destinations in which many events occur on a regular basis; and

WHEREAS, on February 19, 2019, the City Commission adopted Ordinance No. C-19-03, amending Section 8-55.5 – High impact events on beach property, of the Code of Ordinances of the City of Fort Lauderdale, Florida to authorize the City Manager to implement mitigation measures; and

WHEREAS, the measures set forth in this ordinance are intended to regulate high impact events occurring on certain portions of beach property and affecting adjacent areas on the barrier island within the City of Fort Lauderdale, Florida, and to establish reasonable and uniform regulations in order to promote and ensure the health, safety, and general welfare of the residents of and visitors to the City of Fort Lauderdale; and

WHEREAS, the sizeable number of individuals attending high impact events in the City of Fort Lauderdale, Florida has posed various challenges for the City, including an escalation in the traffic demand, and the number of vehicles seeking parking spaces, which impacts the City’s parking costs and resources; and

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida wish to implement a high impact rate of up to \$100 per day, to manage and regulate the demand for limited parking and promote the use of available alternative transportation options, by individuals attending high impact events in the City of Fort Lauderdale, Florida; and

WHEREAS, the proposed amendment to the Code of Ordinances of the City of Fort Lauderdale, Florida, serves a public and municipal purpose;

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

SECTION 1. That Article III – Public Beaches, Section 8-55.5 – High impact events on beach property, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 8-55.5. - High impact events on beach property.

(a) *Definitions.*

- (1) Barrier island means and includes beach property as defined herein, up to and including the westernmost bank of the intracoastal waterway to the west, Southeast 17th Street to the south and Northeast 42nd Court to the north.
- (2) Beach property means and includes the public bathing beach or beaches on the waters of the Atlantic Ocean in the city extending from the north line of Government Lot 3, Section 12, Township 50 South, Range 42 East extended to the Atlantic Ocean on the south to the northern boundary line of Section 31, Township 49 South, Range 43 East on the north and from North Atlantic Boulevard (State Road A-1-A) on the west to the waters of the Atlantic Ocean on the east, save and except therefrom that area bounded on the east by the waters of the Atlantic Ocean, on the west by the easternmost right-of-way of State Road A-1-A, with the northern and southern boundaries thereof as described in those instruments recorded at Deed Book 372, Page 360 and Official Records Book 1213, Page 643 of the Public Records of Broward County, Florida, said instruments being on file in the office of the city clerk, and said area generally known as Bonnet House Private Beach, being seven hundred (700) feet of privately owned beach, unencumbered by any public beach easement rights and further excepting therefrom that area shown as Sand Beach on the plat of Lauderdale Beach as recorded in Plat Book 4, Page 2, of the Public Records of Broward County, Florida, which extends from the northern boundary line of Section 31, Township 49 South, Range 43 East on the south to the north boundary line of Oakland Park Beach Boulevard extended to the waters of the Atlantic Ocean on the north and from the east boundary line of Blocks 12, 13, Vista

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Park, 14, C, D, 15, 16, 17, 18 and 19 of Lauderdale Beach Subdivision as recorded in Plat Book 4, Page 2 of the Public Records of Broward County, Florida, on the west to the waters of the Atlantic Ocean on the east, and it is hereby known and designated as "Fort Lauderdale Beach" and is hereby declared to be a public municipal beach and recreational area for the use of the public in general, including the westernmost sidewalk of State Road A-1-A.

- (3) Cooler means a container designed for or capable of carrying or storing foods and beverages in cans or bottles.
- (4) High impact event means an event or gathering on beach property in the City of Fort Lauderdale during which one (1) or more of the following occur:
 - a. An event, activity or period of time that generates a significant spike in social media conversations, increasing audience impressions, and attention on the city, which is expected to generate attendance by more than five thousand (5,000) people for an area of beach property;
 - b. City parking lots and garages in an area within a 15-block radius of an event that is held on beach property pursuant to a special event permit, or otherwise, are at full capacity;
 - c. An event is held pursuant to a special event permit which is expected to result in attendance by more than twenty-five thousand (25,000) people on beach property;
 - d. A maintenance of traffic plan would be required, or is required (e.g., including, but not limited to, street closures, lane closures, shuttle service) based upon the high impact event, or pursuant to a special event permit;
 - e. Hotel occupancy levels are anticipated to be greater than eight-five (85) percent in the city; or
 - f. Law enforcement mutual aid or other assistance from outside law enforcement agencies is required to provide for the safety and well-being of residents and visitors to the beach property.

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(b) *City manager's authority to impose immediate measure(s) for high impact events.* Whenever the city manager determines that a high impact event on beach property will occur, or is in progress, one (1) or more of the following immediate measures may be imposed for beach property and the barrier island or a portion thereof, to protect the beach property from damage and property degradation and in order to protect the health, safety, and welfare of the general public:

- (1) The prohibition of coolers.
- (2) The prohibition of any inflatable devices.
- (3) The prohibition of tents, tables, and similar structures.
- (4) The limitation of live or amplified music.
- (5) The limitation of traffic routes to prohibit vehicular access to non-residents, and permit access only for residents and those patrons and employees of businesses located in the specific area where traffic routes have been limited.
- (6) The establishment of occupancy limits for different segments of beach property, and prohibiting access to those areas that have reached those occupancy limits.
- (7) The prohibition of any consumption of alcohol on the beach property.
- (8) Notwithstanding Chapter 27, Article VII, Division 2 of the Code, the prohibition or limitation of dockless scooters and other dockless mobility programs on the barrier island as defined herein.
- (9) Notwithstanding Chapter 26, Article IV, Division 4, Section 161 of the Code, the implementation of a high impact event parking rate of up to \$100 per calendar day.

- (c) *Notification of high impact event measures.* When one (1) or more immediate measures are implemented by the city manager pursuant to subsection b., above, such measures, the charges or rates, and their duration, shall be filed with the city clerk and delivered ~~to~~ through all appropriate City communication methods, and news and social media for publication and ~~to~~ through local radio and television stations for broadcast. If practicable, signs may be posted in the impacted area(s) advising of the measures during the duration of such measures.
- (d) *Enforcement penalty.* Any refusal to comply with the measures imposed pursuant to subsection 8-55.5(b)(1-8), above, may be punished as provided in section 1-6 of this Code. Any refusal to comply with the measures imposed pursuant to subsection 8-55.5(b)(9), above, may be punished as provided in section 26-91 of this Code.

SECTION 2. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. That this Ordinance shall be in full force and effect, upon final 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

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