



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

FROM: Greg Chavarria, City Manager

DATE: May 7, 2024

TITLE: Public Hearing – Ordinance Imposing a Moratorium for a One (1) Year Period for the Submittal, Processing, and Granting of any Waivers to Construct Docks, Boat Slips, Mooring Piles, etc., that Extend Beyond the Maximum Distance from the Applicant’s Property into the New River – Case No. UDP- T23009 (**Commission Districts 2 and 4**)

Recommendation

Staff recommends the City Commission consider adopting an ordinance imposing a moratorium for one (1) year for the submittal, processing, and granting of any waivers to construct docks, boat slips, mooring piles, etc., that extend beyond the maximum distance from the applicant’s property into the New River pursuant to the City Unified Land Development Regulations (ULDR) Section 47-19.3.

Background

On May 16, 2023, the City Commission and Marine Advisory Board (MAB) held a Joint Workshop to discuss the granting of "waivers" to allow property owners to construct docks, boat slips, mooring piles, etc. that extend into the most narrow waters of the New River, predominantly in the western portions of the river.

Pursuant to ULDR Section 47-19.3 (c) and (d), a property owner may not construct a boat slip, dock, boat hoists, hoists, mooring or dolphin pile that either extends in excess of 25-feet from the property line into the adjacent waters or extend in excess of 25% of the width of the waterway as measured from the property line, whichever is less; and in the annexation area off Riverland Road those distances are modified such that no dock may project more than five feet from the property line, Section 47-39.A.1.b.(12)(a), and mooring pilings may not project more than 33% of the width of the waterway or 25-feet, whichever is less, Section 47-39.A.1.b.(12)(b). However, ULDR Section 47-19.3 (e) and Section 47-39.A.1.b.(12) (j) permits the City Commission, upon presentation of “extraordinary circumstances,” to grant a “waiver” to the provisions of Sections 47-19.3 (c) & (d) and 47-39.A.1.b.(12) (a) & (b). Unfortunately, the granting of such waivers is burdening the functional navigability along those narrower portions of the New River. More specifically, impacting the navigability of commercial and recreational traffic of larger vessels, mega-yachts, and super-yachts that access marinas located to the western, periphery of the City’s limits.

At the Joint Workshop, the City Commission and MAB directed staff to draft a moratorium ordinance to pause the granting of such waivers along the portion of the New River bound on the East by the intersection of the Sospiro Canal and the New River, and bound on the West by the City limits. The rationale and purpose of the moratorium is to allow the MAB to hold public hearings, obtain feedback from the community, and study various waiver methodologies that balance the functional navigability of the river and property owner’s ability to enhance their waterfront property. It should be noted that since the Joint Workshop there have been seven wavier applications and several dock permits granted; however, none are located within the geographic area of concern. A location map of the New River Moratorium Area is attached as Exhibit 1.

Public Participation

Since the Joint Workshop, the MAB has had monthly meetings to discuss New River navigational concerns, potential moratorium language, and overall process for granting waivers. The MAB held 10 meetings regarding this topic. Furthermore, the meeting agendas were sent to the all the City’s recognized neighborhood associations as well as posted online on the City’s website. **Table 1** provides a summary of the MAB meetings that occurred.

Table 1: Marine Advisory Board Meeting Summary

<i>DATE</i>	<i>MEETING TYPE</i>	<i>NUMBER OF ATTENDEES</i>	<i>ATTENDEES GROUP</i>
December 1, 2022	Marine Advisory Board	9 MAB members plus 5 General Public (GP)	Board Member, General Public
January 5, 2023		10 MAB members plus 6 GP	
February 2, 2023		8 MAB members plus 7 GP	
March 2, 2023		11 MAB members	
April 6, 2023		12 MAB members plus 7 GP	
June 1, 2023		12 MAB members plus 23 GP	
July 6, 2023		9 MAB members plus 5 GP	
Sept 7, 2023		11 MAB members plus 7 GP	

October 5, 2023		12 MAB members plus 12 GP	
November 2, 2023		9 MAB members plus 3 GP	

On December 20, 2023, the Planning and Zoning Board (PZB), acting as the local planning agency, reviewed the application and recommended approval by a vote of 9-0. December 20, 2022, PZB Staff Report and meeting minutes are attached as Exhibit 2 and 3 respectively.

The proposed moratorium is attached as Exhibit 4.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item supports the Press Play Fort Lauderdale 2029 Strategic Plan, specifically advancing:

- The Business Development Focus Area.
- Goal 5: Build a sustainable and resilient community.

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan* specifically advancing:

- The Business Development Focus Area
- The Economic Development Element
- Goal 2: Recognize and include in economic development planning the role of Port Everglades and the Fort Lauderdale-Hollywood International Airport and Fort Lauderdale Executive Airports
- Objective ED 3.1(Marine Industry Support): Provide support to marine based industries to enhance local job growth for working waterfronts, the pleasure boat industry and to support tourism.
- Policy ED3.1.4: The City shall regularly evaluate and implement programs and necessary support for the development of the pleasure boat industry.

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

Attachments

- Exhibit 1 – Location Map
- Exhibit 2 – December 20, 2023, PZB Staff Report
- Exhibit 3 – December 20, 2023, PZB Meeting Minutes
- Exhibit 4 – Code Sec. 47-19.3
- Exhibit 5- ULDR Sec. 47-39.A.1.b
- Exhibit 6 – Ordinance

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