



REQUEST: Moratorium to the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-19.3, Boats Slips, Boat Davits, Hoists and Similar Mooring Structures

CASE NUMBER	UDP-T23009	
APPLICANT	City of Fort Lauderdale	
GENERAL LOCATION	City-Wide	
UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR) SECTIONS	Section 47-19.3(e)	
NOTIFICATION REQUIREMENTS	10-day legal ad	
SECTION 166.033, FLORIDA STATUTES	N/A	
ACTION REQUIRED	Recommend approval or denial to City Commission	
CASE PRESENTER	Robert B. Dunckel, Assistant City Attorney III and Andrew Cuba, Marine Facilities Manager	RBD AC

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 Unified Land Development Regulations (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

DATE	MEETING TYPE	NUMBER OF ATTENDEES	ATTENDEES GROUP
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	

The proposed moratorium is attached as **Exhibit 2**.

PLANNING & ZONING BOARD REVIEW OPTIONS

The Planning and Zoning Board, in its capacity as the Local Planning Agency, shall determine whether the proposed moratorium on Section 47-19.3 is consistent with the City of Fort Lauderdale's Comprehensive Plan and whether the Planning and Zoning Board recommends approval or denial of the moratorium to the City Commission.

EXHIBITS:

1. Location Map of New River Moratorium Area
2. Proposed Moratorium Ordinance