



RIOVISTA CIVIC ASSOCIATION, INC.

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FORT LAUDERDALE, FL 33346
www.riovistaonline.com

President: Christina Currie
Vice President: Mark Snead
Secretary: Julie Hough
Treasurer: Mark Snead

March 17, 2021

To: Nancy J. Gassman, Ph.D.
Email: ngassman@fortlauderdale.gov
CC: Commissioner Ben Sorensen, bsorensen@fortlauderdale.gov

Dear Dr. Gassman:

The Rio Vista Civic Association Board of Directors held a virtual meeting on 3/17/2021 and quorum requirements were met. The proposed changes to ULDR Section 47-19.3 Boat slips, docks, boat davits, hoists, and similar mooring structures was on the agenda and discussed by the Board.

The Board found that the proposed changes are consistent with what is already occurring in our neighborhood and as such we unanimously support the proposed changes. The following members were in attendance and voted in support of this position: Christina Currie, Mark Snead, Nancy Messing, Bill Kirk, Sam Koster, Lori Sterling, Julie Hough, William Kirk, and Jean-Jacques Rajter. Thank you and questions or comments should be directed to the undersigned.

Regards,

/s/ Christina M. Currie

[Christina M. Currie, Esq.](#)

President of Rio Vista Civic Association, Inc.



RESILIENT ENVIRONMENT DEPARTMENT

115 S. Andrews Avenue, Room 329 • Fort Lauderdale, Florida 33301 • 954-357-6612 • FAX 954-357-8655

August 17, 2022

Nancy Gassman
Assistant Director of Public Works
100 N Andrews Ave
Fort Lauderdale, FL 33301

Re: Tidal Barrier Ordinance

Dear Dr. Gassman,

Thank you for the opportunity to review and provide comment regarding the City's proposed Tidal Flood Barrier ordinance dated June 30, 2022. This draft proposal certainly reflects careful consideration and drafting in its development and anticipated implementation. I also appreciated the ability to discuss in detail specific provisions of the City's proposed ordinance in our conversation on August 8, 2022.

In summary of this conversation, we reviewed Section 2.D(1), second paragraph, on page 7 of the draft document, which pertains to the process by which the City Engineer could issue a waiver for properties with a habitable finished floor elevation below 4.0 feet NAVD88. This paragraph also includes the following text, "The waiver shall become void when the term expires" but contains no definition or reference for establishing the potential length of term. It is our agency's recommendation that City define and/or limit this length of term. We discussed limiting the term to a not-to-exceed date of January 1, 2035, consistent with the date referenced in the first paragraph of the same section. Additionally, it was suggested that the City incorporate language for expiration of the waiver at the time of title transfer or sale of the property.

With these anticipated amendments, the County's Resilient Unit (in consultation with the Office of the County Attorney) is prepared to find the City's ordinance substantially consistent with the County's Land Use Plan - Policy 2.21.7 within the review of any proposed land use amendments pertaining to properties within the City and falling within designated Priority Planning Areas. Please anticipate that, during such review, our agency would likely request additional information pertaining to the year-to-date total and location of any properties for which such waivers have been issued.

Thank you again for the opportunity to review the City's proposed ordinance and please do let know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer Jurado".

Dr. Jennifer Jurado
Deputy Director and CRO
Broward County

Tidal Barrier Ordinance Discussion Excerpt



CITY OF FORT LAUDERDALE

**MEETING MINUTES
CITY OF FORT LAUDERDALE
MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
CITY COMMISSION CHAMBERS
1ST FLOOR CITY HALL
THURSDAY, SEPTEMBER 1, 2022 – 6:00 P.M.**

**Cumulative Attendance
January-December 2022**

Ted Morley, Chair	A	5	2
Steve Witten, Vice Chair	A	5	2
Michael Boyer	P	1	0
Robyn Chiarelli	A	4	3
Bob Denison	P	5	2
Barry Flanigan	P	7	0
Robert Franks	P	4	0
James Harrison	P	7	0
Brewster Knott	P	1	0
Norbert McLaughlin	P	6	1
Noelle Norvell	P	5	2

As of this date, there are 11 appointed members to the Board, which means 6 would constitute a quorum.

Staff

Andrew Cuba, Marine Facilities Manager
Jonathan Luscomb, Marine Facilities Supervisor
Sergeant Travis O'Neil, Fort Lauderdale Police Department
Dr. Nancy Gassman, Assistant Director of Public Works
Carla Blair, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

The meeting was called to order at 6:03 p.m. and roll was taken.

As neither the Chair nor Vice Chair was present at tonight's meeting, it was noted that the Board would elect an Acting Chair (A/Chair) to preside in their absence. It was determined that Mr. Harrison would serve as A/Chair.

II. Approval of Minutes – July 7, 2022

Mr. McLaughlin noted the following change to P.5, paragraph 4 of the July 7, 2022 minutes: change “operation” to “opposition.”

A/Chair Harrison also noted a correction to P.6, paragraph 6: Mr. Piotrowski is not a member of the Marine Industries Association of South Florida (MIASF).

Motion made by Mr. Flanigan, seconded by Mr. McLaughlin, to approve the minutes with the amended items. In a voice vote, the **motion** passed unanimously.

III. Statement of Quorum

It was noted that a quorum was present at the meeting.

IV. Introduction of New Members – Michael Boyer / Brewster Knott

New Board members Michael Boyer and Brewster Knott introduced themselves at this time.

VI. Presentation – Modification of Fort Lauderdale’s Seawall Regulations to Come into Compliance with the Broward County Tidal Barrier Model Ordinance / Dr. Nancy Gassman

Dr. Nancy Gassman, Assistant Director of Public Works, explained that a set of changes and amendments have been proposed to the City’s Unified Land Development Regulations (ULDR) regarding what was previously referred to as the Seawall Ordinance.

The existing Seawall Ordinance was modified in 2016 to set the City’s minimum seawall elevation at 3.9 ft. It also recommended that the design of the seawall be supportive of future height adjustments of up to 5 ft. North American Vertical Datum (NAVD) 88, and allowed for the maximum height of a seawall and dock to be based upon the property’s base flood elevation. Key provisions within this Ordinance required homeowners to fully

reconstruct their seawalls to meet the new requirements if they met the City's threshold for substantial repair.

Owners are required to maintain their seawalls in a state of good repair in order to protect both their own and neighboring seawalls. Tidal waters must be prevented from entering either another person's property or the public right-of-way. Should an owner be cited for failure to meet the requirements of this Ordinance, a timeline of 365 days was established in which any issues must be remedied.

Since the Seawall Ordinance was enacted, the U.S. Army Corps of Engineers was engaged by Broward County in 2018 to conduct a flood risk management assessment. The outcome of this assessment was a County-wide tidal barrier standard, which will be incorporated into Broward County's Comprehensive Plan. All new seawalls, as well as those requiring substantial improvement, must meet a minimum top elevation of 5 ft. by the year 2050.

As part of this policy, the City of Fort Lauderdale is compelled to provide for a regionally consistent Ordinance. The Ordinance brought before the Board today will allow the City to come into compliance with the requirements of Broward County Land Use Code.

The 5 ft. elevation is based in part on the Unified Sea Level Rise projection as developed by the Southeast Florida Regional Climate Change Compact. This entity provides technical tools to municipalities to help them understand how to address and adjust to climate change. By the year 2070, it is expected that sea level will have risen within the range of 2.5 ft. to 4.6 ft. The required 5 ft. seawall elevation will help to protect upland properties and rights-of-way.

The 2016 Seawall Ordinance was included in ULDR Section 19.3, which addresses boat slips. In order to create a tidal barrier standard, the City has modified the definitions of the terms "mooring device" and "mooring structure" in this Section. All language related to the seawall elevation requirements has been removed from this Section, and the allowance for dock elevation has been changed from 10 in. to 12 in. above the associated tidal barrier or shoreline structure.

A new Code Section, 19.13, has been created to define resiliency standards for tidal flood protection. This new Section accomplishes the following:

- Establishes terms, phrases, definitions, and interpretations
- Extends elevation requirements not only to seawalls but to any type of tidal flood barrier
- Changes the top elevation requirement from 3.9 ft. to a minimum of 5 ft.
- Allows for structures permitted before January 2035 to be built at a 4 ft. elevation if their design permits a cap to be added to the structure to raise it to 5 ft. by 2050
- Establishes a maximum elevation for tidal barriers

Tidal structures built where there were previously none must provide habitat enhancement, such as riprap, at their waterward face, as Broward County Model Code encourages the incorporation of living shorelines wherever possible. Fort Lauderdale provides for a waiver from the top elevation requirement for waterward homes that have a lower finished floor elevation, and requires, per the County's model Ordinance, that there be disclosure at the time of sale if a house has a tidal barrier and whether or not that barrier meets requirements.

Should a seawall be cited or need substantial repair, a homeowner must upgrade or repair their seawall to the new elevation requirement. They will have 365 days to remedy a citation. Guidance is provided for both minimum and maximum elevations.

The proposed Ordinance was provided to Broward County for review. The County requested that additional language be added to the document to establish a clear time frame for a waiver. The County has found the proposed Ordinance to be substantially consistent with its policy mandating regional standards.

Next steps include presentation of the proposed Ordinance to the City's Planning and Zoning Board later in September, as well as a second presentation to the Council of Fort Lauderdale Civic Associations by that organization's request. Staff hopes to bring the Ordinance to first reading before the City Commission in approximately November 2022, with a second reading anticipated in December. The Ordinance would be implemented within 10 days of approval.

Mr. Boyer requested clarification that homeowners are not required to make any elevation adjustments to their seawalls in the absence of required repairs to over 50% of the totality of the structure. Dr. Gassman confirmed this is the case.

A/Chair Harrison asked if the Ordinance could result in uneven seawalls at different maximum heights depending upon the elevation of a house's foundation. Dr. Gassman explained that the Ordinance is not intended to create "giant seawall[s]": the intent of a maximum height is to prevent the creation of a canyon effect along the City's canal systems, visual blockage of views by neighboring properties, or problems with stormwater runoff.

A/Chair Harrison requested clarification of the ratio between the elevation of a home's foundation and the maximum height of a seawall. Dr. Gassman replied that the maximum is the base flood elevation of the property rather than the finished floor elevation.

A/Chair Harrison also requested clarification of the permitted elevation for fixed docks. Dr. Gassman stated that fixed docks will now be permitted to be 12 in. above the top elevation of the seawall. The height of docks is not intended to affect how water moves onto and from a property.

A/Chair Harrison observed that the proposed 365-day time frame is consistent with the typical time frame in which the permitting and work phases take place. He asked if there might be a provision suggesting that the property be under contract within this time frame rather than a requirement to complete the work. Dr. Gassman advised that the County incorporated this time frame from Fort Lauderdale's Ordinance into its own model Ordinance, which means the City may not vary from this time frame. She noted, however, that as long as reasonable progress is being made toward the required seawall improvements, the City may grant extensions for the construction phase.

Mr. Franks observed that one major cause of flooding is the combination of high tides and rain events. He asked if there might be a way for the City, or a neighboring property owner, to provide financial assistance to a homeowner who is raising their seawall. Dr. Gassman replied that it is exclusively a homeowner's responsibility to protect the perimeter of their property. If a property is not consistent with City Code, it can be cited in order to prevent the creation of a nuisance situation in the community. Seawalls are seen as similar to fences, roofs, or any other aspect of private property that must be maintained in good condition.

Mr. Franks also addressed sea level rise, noting that several factors affect projections of this increase. He recommended that there be language clarifying that the expected sea level rise is a projection and may not be consistent with the actual rise, so actions can be based on reality rather than projections. Dr. Gassman explained that the Southeast Florida Regional Climate Change Compact updates its projections every four years, seeking input from local academic and regulatory experts who can help determine which projections are the most applicable to the area. These individuals will use the most recent scientific literature available to assist in these calculations.

With regard to consistency with actual sea level rise rather than projected rise, Dr. Gassman pointed out that in the last three years, the highest tide the City has experienced is 2.65 ft. Many existing seawalls are built to a height of less than 2 ft. Sea level continues to rise, and the infrastructure required to address this rise is meant to have a useful life of 30 to 50 years. The 2.65 ft. high tide is sufficient reason to compel homeowners to build new seawalls to a higher standard.

Mr. Franks requested clarification of the plan for improving City seawalls. Dr. Gassman recalled that in 2017, the City developed a Seawall Master Plan for the City's five miles of seawall, noting that this is a very small portion of the overall 165 miles of waterways in Fort Lauderdale. To date, the City has made over 0.5 mile of improvements. The City is following the recommendations of the Seawall Master Plan and prioritizing seawalls going forward by providing erosion prevention devices as well as tidal barriers.

Mr. McLaughlin commented that he would like to see the City adopt a standard for the use of sheet piles close to bedrock. He was not in favor of the use of panel walls instead of sheet piles. Dr. Gassman stated that a sheet pile seawall, driven to an appropriate depth and topped with concrete to an elevation of 5 ft., is the City's engineering

standard for all new seawalls. While this may not be possible in all locations, it is the standard for City-owned seawalls.

Mr. McLaughlin continued that he would also like to see the City require seawalls in all areas rather than the natural berms that exist in some locations. Dr. Gassman replied that one goal of the proposed Ordinance is to ensure that a seawall is not the only solution: a homeowner can achieve sufficient protection using a number of different types of tidal barriers. She added that at present, tidal impacts on inland properties are less severe than in coastal zones, which means properties without seawalls are not experiencing the tidal flooding associated with sea level rise. The Ordinance is intended to allow rising seas to dictate where it must be enforced.

Motion made by Mr. McLaughlin, seconded by Mr. Franks, to make a motion to support. In a voice vote, the **motion** passed unanimously.

October 13, 2022

City Commission-City of Fort Lauderdale
c/o Ms. Nancy J. Gassman, Ph.D., CC-P, LEED Green Associate
Assistant Director of Public Works – Sustainability
City of Fort Lauderdale
100 N. Andrews Avenue
Fort Lauderdale, FL 33301

Subject: Support for Adoption of a Regionally Consistent Tidal Barrier Standard

To Whom It May Concern:

In 2014, I presented to the Marine Advisory Board the continued concern from residents and my clients the need to raise the seawall requirement of the code to accommodate for sea level rise and king tide events to protect their property from erosion and flooding. After meetings with staff and stakeholders a new ordinance was developed based on the current situation and needs of the residents. Based on these efforts, the City of Fort Lauderdale Commission adopted in 2016 amendments to ULDR Section 47-19.3 Boat slips, docks, boat davits, hoists and similar mooring structures to establish construction standards that ensured that seawalls and similar structures contributed to coastal resilience and mitigated the effects of tidal flooding and sea level rise. The City of Fort Lauderdale's current minimum top elevation for seawalls is 3.9 feet NAVD88.

Due to an increase in sea level rise and higher king tide events in recent years and a tidal study performed by U.S. Army Corps of Engineers of Broward County, it was evident a revision to the ordinance was necessary once again. On September 1, 2022, an ordinance amendment came before the Marine Advisory Board (MAB) to adopt a regionally consistent top elevation of five (5) feet NAVD88 for seawalls, banks, and berms, consistent with Broward County Chapter 39, Article XXV. The MAB voted to support recommending the ordinance for adoption.

With this letter, I, and most of the marine construction industry, wish to express our support for the new minimum tidal barrier elevation and related ordinance amendments to ULDR Section 47-19.3 and 46-19.13. In addition, I would support adding to this ordinance an amendment setting a max seawall cap elevation of six (6) feet NAVD to prevent "canyoning" of our waterways instead of the current code which allows for seawall caps to match base flood elevations of seven (7) feet NAVD and higher under the current code.

Broward County has worked with the United States Army Corp of Engineers to recommend a county-wide tidal flood barriers standard at five (5) feet NAVD88. Local governments are recommended to adopt a local ordinance implementing the regional standard. Much of the language in Broward County's ordinance was based on the City of Fort Lauderdale's 2016 seawall ordinance. The change to the code is consistent with the City's Comprehensive Plan Policy CC

2.2.3a: "...to adopt and update as necessary regionally consistent top elevations standards for seawalls, banks and berms, and other appurtenant coastal infrastructure..."

The proposed ordinance will continue to provide protection to waterway properties subject to sea level rise and improve community resilience. Therefore, I support adoption of this ordinance amendment and thank city staff for all their hard work on addressing this important issue for our community.

If you have any questions or comments, please do not hesitate to contact my office at (954) 782-1908.

Sincerely,

THE CHAPPELL GROUP, INC.



Tyler Chappell
Vice President

**CITY OF FORT LAUDERDALE
SUSTAINABILITY ADVISORY BOARD
Regular Meeting
October 24, 2022 – 6:00 PM**

Cumulative Attendance					
1/2022 through 12/2022					
	Members	Appt by	Attendance	Present	Absent
1	Sofia Thordin	M	P	3	1
2	Douglas Brinkley	I	P	5	0
3	Robert Daoust (at 6: 16 p.m)	II	P	3	-
4	Kelly Charles	IV	P	8	0
5	David Blattner, Chair	I	P	7	1
6	Matthew McIntosh	C	P	2	1
7	Whitney Dutton	IV	P	6	2
8	Carolann Mazza	III	P	6	2
9	Vacant Position	II	-	-	-
10	Vacant Position	III	-	-	-
11	Vacant Position	M	-	-	-

Staff Present

Public Works Department

Glen Hadwen, Sustainability Manager

Stefan Perritano, Sustainability Coordinator, Temporary Staff Liaison

Joan Starr, Parks and Recreation

Jamie Opperlee, Prototype, Inc.

Guests Present

Leann Barber, Made in Broward

Call to Order/Roll Call

The meeting was called to order by Chair Blattner at 6:02 p.m. The roll was called, and it was determined a quorum was present.

Proposed Communication

The Sustainability Advisory Board (SAB) provides the following Communication to the City Commission:

The SAB received a presentation on October 24, 2022, from Stefan Perritano, Sustainability Coordinator in the Public Works Department, on the proposed modifications to the Unified Land Development Regulation (ULDR) Section 47-19.3 Boat slips, docks, boat davits, hoists, and similar mooring structures and the creation of Section 47-19.13 - Resiliency Standards for Tidal Flood Protection.

The proposed modifications strengthen coastal resilience, mitigate the effects of tidal flooding and sea level rise, and promote the health of coastal ecosystems. In addition, the revised ordinance would bring the City into compliance with existing Broward County regulations and is consistent with the City's Comprehensive Plan and Press Play Fort Lauderdale. The Sustainability Advisory Board urges the City Commission to adopt the proposed modifications supporting regionally-consistent top elevations standards for seawalls, banks and berms, and other tidal barriers.

These ordinance modifications support the following strategic connections:

Comprehensive Plan

- POLICY CC 2.2.3: Ensure that adaptation to climate change impacts, especially sea level rise and flooding, is incorporated into the planning, siting, construction, replacement, and maintenance of public infrastructure in a manner that is cost-effective, captures co-benefits of the investment and that maximizes the use of the infrastructure throughout its expected service life.
 - POLICY CC 2.2.3a: To ensure coordination, consistency and maximum effectiveness of coastal improvements necessary to mitigate high tide flooding associated with realized and additional sea level rise through the year 2070, the City will adopt and update, as necessary, regionally consistent top elevations standards for seawalls, banks and berms, and other appurtenant coastal infrastructure (e.g., boat ramps) consistent with the findings and recommendations of the United States Army Corps of Engineers/Broward County Flood Risk Management Study for Tidally Influenced Coastal Areas. These standards shall be consistent with Chapter 39, Article XXV – Resiliency Standards for Flood Protection - of the Broward County Code of Ordinances.
- POLICY CM 4.2.3: Continue to foster effective collaborations, partnerships (including P3), and coordination with national, state, regional, and local partners to identify risks, vulnerabilities, and opportunities associated with coastal hazards and the impacts from sea level rise.

Press Play Fort Lauderdale

- Infrastructure Focus Area: Goal 1: Build a sustainable and resilient community
 - Objective: Ensure climate change resiliency and implement local and regional strategies to reduce our carbon footprint

- Objective: Reduce flooding and adapt to sea level rise
- Public Places Focus Area: Goal 3: Build a healthy and engaged community
 - Objective: Improve water quality and our natural environment

A motion to approve the Communication to the City Commission as discussed was made by Ms. Charles and seconded by Ms. Mazza. In a voice vote, the motion passed unanimously.



December 6, 2022

Dear Mayor Trantalis and Honorable Commissioners,

At the Council of Fort Lauderdale Civic Associations Board meeting on November 28th the following motion was unanimously passed regarding the proposed modification to the City ULDR for tidal flood protection.

Motion supporting changes to the City of Fort Lauderdale Unified Land Development Regulations to come into compliance with Broward County by adopting a regionally-consistent standard for tidal flood protection and related amendments. (Sections 47-19.3, 47-19.13 and 47-19.39)

Dr. Nancy Gassman presented the proposal to the CFLCA General Membership on October 11th. The proposal is also on the Council's website CLFCA.org. Additionally, Dr. Gassman attended the CFLCA Board meeting on November 28th to provide a final review of the ordinance and answer any remaining questions. We thank her for her thoroughness in her responses to the questions by the Council's Board.

Sincerely,

Mary C. Peloquin
President, CFLCA

Cc: City Manager Greg Chavarria
Dr. Nancy Gassman



LAUDERDALE ISLES CIVIC IMPROVEMENT ASSOCIATION, Inc.

PO Box 121255, Fort Lauderdale, Florida 33312
www.ourlicia.com

Nonprofit
Organization
Since 1959

December 16, 2022

Dr. Nancy J. Gassman
Assistant Public Works Director - Sustainability
City of Fort Lauderdale
100 North Andrews Avenue
Fort Lauderdale, FL 33301

Dear Dr. Gassman:

On behalf of the Lauderdale Isles Civic Improvement Association, we would like to thank you for your presentation at our General Meeting on November 17th.

Our waterfront neighborhood has over 2 miles of waterways, all of which are bordered by seawalls, and the standards for those seawalls are extremely important to all our 554 waterfront homeowners.

We are pleased to advise that the Board of Directors of our Association voted to fully support the adoption by the City Commission of the proposed changes to ULDR 47-19.3, as discussed at the meeting.

We appreciate all your efforts to bring the City's Tidal Barrier Standards into compliance with the County's new Regional Standards.

Sincerely,

Earl Prizlee
President

Geoff Rames
Vice President

Deborah Dedek
Secretary

Diana Steeger
Treasurer