




REQUEST: Determine consistency with the adopted comprehensive plan of proposed amendments to City of Fort Lauderdale Unified Land Development Regulations (ULDR); Section 47-19.3 Boat slips, docks, boat davits, hoists and similar mooring structures; to create Section 47-19.13 Resiliency Standards for Tidal Flood Protection; and Section 47-39 Development Regulations for Annexed Areas

CASE NUMBER	UDP-T22010
APPLICANT	City of Fort Lauderdale
GENERAL LOCATION	City-Wide
ULDR SECTIONS	47-19.3. Boat slips, docks, boat davits, hoists and similar mooring structures. 47-19.13. Resiliency Standards for Tidal Flood Protection. Section 47-39.A.1.b General provisions.
NOTIFICATION REQUIREMENTS	10-day legal ad
ACTION REQUIRED	Recommend approval, approval with conditions, or denial to City Commission
AUTHORED BY	Nancy J. Gassman, Ph.D. Assistant Director, Public Works 

BACKGROUND

The City of Fort Lauderdale Commission adopted amendments to Unified Land Development Regulations (ULDR) Section 47-19.3 Boat slips, docks, boat davits, hoists and similar mooring structures on June 21, 2016 and again on December 6, 2016 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 adopted minimum height for new seawalls was 3.9 feet North American Vertical Datum (NAVD88).

Following the City's adoption of these ordinance amendments in 2016, the Southeast Florida Regional Climate Change Compact issued new sea level rise projections for the southeast Florida region in 2019. The City Commission adopted these projections for planning purposes in May, 2020. In addition, Broward County worked with the United States Army Corps of Engineers to determine an appropriate minimum height for seawalls and other structures at the interface between land and tidal waters which would provide adequate protection to address future sea level rise. Based on that determination, the Broward County Commission approved a county-wide tidal flood barriers standard on March 31, 2020. The adoption of the County ordinance provides the start date for the 24-month timeline relating to implementation of Policy 2.21.7 of the Broward Comprehensive Plan. This policy requires that, within 24 months, tidally-influenced municipalities adopt regionally-consistent top elevation of five (5) feet NAVD for seawalls, banks, and berms, consistent with Broward County Chapter 39, Article XXV. Therefore, the local governments are required to adopt a local ordinance implementing the regional standard by February 13, 2022. While work has been progressing toward amending our existing seawall ordinance, the City was unable to meet the required deadline for adoption. The City has been in regular contact with Broward County to keep them updated on our progress.

The proposed conceptual changes, intent, and draft ordinance were presented to the Marine Advisory Board on February 4, 2021 and to the Council of Fort Lauderdale Civic Associations (CFLCA) on March 9, 2021. Additional modifications were made following those meetings based on feedback and internal review. The proposed ULDR amendments were presented to the Marine Advisory Board on September 1, 2022 and the Board voted to support the ordinance moving forward. The September 1, 2022 MAB minutes are provided in **Exhibit 1**.

The ordinance amendments were presented to the Planning and Zoning Board (PZB) on September 21, 2022 to determine consistency of the proposed changes with the City's adopted Comprehensive Plan. Following the presentation, the Board discussion included concerns regarding mandates from other governmental entities, property rights, the amount of outreach previously performed, and an acknowledgement that sea level rise was a complex topic. Although a motion was made finding the ordinance consistent with the adopted Comprehensive Plan, it was defeated 3 – 6. Following the vote, the PZB sent a communication to the City Commission recommending formation of a Sea Level Rise Task Force. The City Commission took no action on the communication noting that the Sustainability Advisory Board (SAB) was tasked with reviewing issue related to sea level rise.

In response to PZB concerns related to outreach, the proposed ULDR amendments were presented to a well-attended CFLCA on October 11, 2022. An offer was made to provide the presentation to any HOA interested. No requests for presentations have been received. The CFLCA membership is schedule to vote on the ordinance amendments on November 8, 2022. SAB received the presentation on October 24 and voted to send a communication, attached here as **Exhibit 2**.

The proposed ULDR amendments are provided as **Exhibit 3**.

ULDR AMENDMENTS

Below is a detailed summary of the proposed ULDR amendment.

ULDR Section 47-19.3 Boat slips, docks, boat davits, hoists and similar mooring structures.

- Modifies the definitions of mooring device and mooring structure;
- Removes all language related to seawall elevation requirements from this section; and
- Allows docks to have a maximum elevation up to 12 inches above the associated tidal barrier or shoreline structure.

ULDR Section 47-19.13 Resiliency Standards for Tidal Flood Protection.

- Establishes terms, phrases, words for definition and interpretation purposes of this section;
- Extends the elevation requirement from only seawalls to all tidal flood barriers;
- Requires a minimum elevation of five (5) feet National American Vertical Datum (NAVD88) for new or substantially repaired tidal barriers;
- Allows for structures permitted before Jan 1, 2035 to be built at four (4) feet NAVD88 but they must be designed to be elevated to five (5) feet NAVD88 by Jan 1, 2050;
- Establishes a maximum elevation for tidal barriers in related to the base flood elevation of the property;
- Requires tidal structures built where no previous seawall existed to provide habitat enhancement at the waterward face of the bulkhead or seawall;
- Encourages incorporation of living shoreline features;
- Provides for the City Engineer's ability to issue a waiver from the top elevation requirement for waterfront properties containing a principal structure with a habitable finished floor elevation of less than 4.0 feet NAVD88; and
- Required disclosure of the county-wide tidal flood barriers standard in contracts for sale of real estate after December 31, 2022.

ULDR Section 47-39.A.1.b General provisions.

- Requires all property located in the annexed areas to comply with tidal flood protection measured outlined in ULDR Section 47-19.3.

STRATEGIC ALIGNMENT

This item is a 2022 Top Commission Priority, advancing the Infrastructure and Resilience initiative.

This item supports the Press Play Fort Lauderdale 2024 Strategic Plan, specifically advancing:

- The Infrastructure Focus Area
- Goal 1: Build a sustainable and resilient community.
- Objective: Reduce flooding and adapt to sea level rise.

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

COMPREHENSIVE PLAN CONSISTENCY

The proposed amendments align with the City's Comprehensive Plan Future Land Use Element, Goal 2, Objective 2.2: Neighborhood Resilience - *Implement strategies to create more resilient neighborhoods that can adapt to climate change and sea level rise.*

The proposed ordinance also aligns with Coastal Management, Community Health and Safety Element 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.*

More specifically, the proposed ordinance aligns directly with Climate Change Element 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.*

PUBLIC OUTREACH

Broward County conducted extensive outreach at public meetings before adopting the model ordinance. Much of the Broward County ordinance was based on the City of Fort Lauderdale 2016 seawall ordinance. Table 1 provides a summary of the stakeholder engagement.

Table 1: Summary of Stakeholder Engagement

Date	Stakeholder Meeting
February 4, 2021	City of Fort Lauderdale Marine Advisory Board
March 9, 2021	The Council of Fort Lauderdale Civic Associations
March 17, 2021	Rio Vista Civic Association Board of Directors
September 1, 2022	City of Fort Lauderdale Marine Advisory Board
October 11, 2022	The Council of Fort Lauderdale Civic Associations
October 24, 2022	Sustainability Advisory Board
November 8, 2022	The Council of Fort Lauderdale Civic Associations
November 17, 2022	PENDING – Lauderdale Isles Civic Association

As noted earlier, the Marine Advisory Board (MAB) voted to recommend adoption of the changes. Following the MAB meeting, Tyler Chappell provided a letter of support included here as **Exhibit 4**. A letter of support from Rio Vista Civic Association, Inc. is included as **Exhibit 5**. A letter from Broward County noting substantial compliance with the model ordinance is provided as **Exhibit 6**. The outcome of the vote from CFLCA November 8, 2022 meeting will be shared at the November 16, 2022 PZB meeting.

PLANNING & ZONING BOARD REVIEW OPTIONS:

The Planning and Zoning Board, in its capacity as the Local Planning Agency, shall determine whether the proposed amendments are consistent with the City of Fort Lauderdale's Comprehensive Plan and whether the Planning and Zoning Board recommends approval of the proposed amendments to the City Commission.

EXHIBITS:

1. September 1, 2022 Marine Advisory Board Minutes
2. October 24, 2022 Communication from the Sustainability Advisory Board in favor of the Proposed ULDR Amendment
3. Proposed ULDR Amendments to 47.19-3, 47.19-13, and 47-39.A.1.b.
4. Tyler Chappell Letter of Support dated October 13, 2022
5. Rio Vista, Civic Association, Inc, Letter of Support dated March 17, 2021
6. Broward County Letter of Compliance Tidal Barrier Ordinance dated August 17, 2022