

ORDINANCE NO. C-16-27

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-19.3, "BOAT SLIPS, DOCKS, BOAT DAVITS, HOISTS AND SIMILAR MOORING STRUCTURES" OF THE CITY OF FORT LAUDERDALE, FLORIDA, UNIFIED LAND DEVELOPMENT REGULATIONS PROVIDING A MAXIMUM ELEVATION FOR SEAWALLS, DOCKS AND RELATED STRUCTURES; PROVIDING CRITERIA FOR DETERMINING WHETHER AN IMPROVEMENT CONSTITUTES A SUBSTANTIAL REPAIR; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the City of Fort Lauderdale modified Section 47-19.3 of the Unified Land Development Regulation by in June 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; and

WHEREAS, City of Fort Lauderdale Ordinance No. C-10-44 dated December 7, 2010, set only a maximum height standard which included the dock height in the calculation of allowable seawall height resulting in a lower elevation for the seawall; and

WHEREAS, City of Fort Lauderdale Ordinance No. C-16-13 dated June 21, 2016, included both a maximum and a minimum seawall elevation and allowed for dock heights to exceed the seawall elevation by not more than ten (10) inches above the adjacent seawall's elevation to ensure that the seawall would meet the minimum elevation standard; and

WHEREAS, concrete docks installed ten (10) inches above a seawall built to the maximum allowable elevation may cause stormwater run-off concern on the owner's property and the adjacent property; and

WHEREAS, the term "adjacent" seawall, as used in the June 2016 ordinance, is open to interpretation and needed to be clarified; and

WHEREAS, the term "substantial repair", as used in the June 2016 ordinance, is open to interpretation and needed to be more clearly defined; and

WHEREAS, Section 47-19.5 of the Unified Land Development Regulations (ULDR) mandated that opaque fences and walls be constructed as a height that in some

circumstances would not be compatible with the elevation of seawalls as required by Section 47-19.3 of the ULDR, as drafted in the June 2016 Ordinance;

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

**SECTION 1.** That Subsection 47-19.3(f), Boat slips, docks, boat davits, hoists and similar mooring structures, of the Unified Land Development Regulations (hereinafter referred to as "ULDR") of the City of Fort Lauderdale, Florida, is amended to read as follows:

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

. . .

(f) The top surface of a seawall shall have a minimum elevation of 3.9 feet NAVD88 (see table). The elevation of a seawall or dock shall not exceed a maximum of the base flood elevation (BFE) as identified in the corresponding FEMA Flood Insurance Rate Map (FIRM) for the property, except as specifically set forth herein. For properties with a BFE of 4.0 feet NAVD88, the minimum seawall elevation shall meet 3.9 feet NAVD88 and the maximum seawall or dock elevation shall be 5.0 feet NAVD88. For waterfront properties with a habitable finished floor elevation of less than 3.9 feet NAVD88, a seawall may be constructed at less than the stated minimum elevation if a waiver is granted by the City Engineer. For properties within an X zone, the minimum seawall elevation shall meet 3.9 feet NAVD88 and the maximum seawall or dock elevation shall meet the definition of grade as determined by Section 47-2.2 (g)(1)(a). The maximum height of related structures attached to a seawall shall not exceed the elevation of the seawall to which the structure is attached. In the event of a conflict between Section 47-19.5.B.Table 1, Note G: Subsection 1.a.ii. and the requirements of this section, this section shall govern. Property owners choosing to construct seawalls at less than 5.0 feet NAVD88 are strongly encouraged to have the foundation designed to accommodate a future seawall height extension up to a minimum elevation of 5.0 feet NAVD88.

| Property's FEMA Flood Insurance Rate Map Location                                    | Minimum Allowable Seawall Elevation | Maximum Allowable Seawall <u>or Dock</u> Elevation |
|--|-------------------------------------|--|
| In a floodplain with a base flood elevation greater than or equal to 5.0 feet NAVD88 | 3.9 feet NAVD88                     | Base Flood elevation of the property               |

|  |                 |  |
|--|-----------------|--|
| In a floodplain with a base flood elevation equal to 4.0 feet NAVD88 | 3.9 feet NAVD88 | 5 feet NAVD88  |
| In an X zone, not in a floodplain                                    | 3.9 feet NAVD88 | Meet the definition of grade as determined by Section 47-2.2 (g)(1)(a) |

(1) Seawalls must be designed and built in a substantially impermeable manner to prevent tidal waters from flowing through the seawall while still allowing for the release of hydrostatic pressure from the upland direction.

(2) Fixed docks may be constructed at an elevation less than the elevation of the adjacent seawall to which it is attached but shall not be constructed at an elevation more than 10 inches above the adjacent seawall's elevation. The dock elevation may not exceed the maximum elevation as described in 47 -19.3 (f). Floating docks shall be allowed and must be permitted and permanently attached to a marginal dock, finger pier, mooring pilings, or seawall.

(3) ~~Seawalls~~ Seawall improvements constituting substantial repair at the time of permit application shall meet the minimum elevation and consider the design recommendations (see 47-19.3 (f)) of this section for the continuous seawall for the length of the property. For the purposes of this section, the substantial repair threshold shall mean any improvement to a structure as defined in Section 47-3.6.B.3. the following:

- (1) any improvement to the seawall of more than 50% of the length of the structure, which for the purposes of this section, shall include both the seawall and cap; or
- (2) any improvement to the seawall which results in an elevation change along more than 50% of the length of the structure.

(4) All property owners must maintain their seawalls in good repair. A seawall is presumed to be in disrepair if it allows for upland erosion, transfer of material through the seawall or allows tidal waters to flow unimpeded through the seawall to adjacent properties or public Right-of-Way. Property owners failing to maintain their seawalls may be cited. The owner of the property on which the seawall is constructed is required to initiate a process, including but not limited to hiring a contractor or submitting a building permit, and be able to demonstrate progress toward repairing the cited defect within 60 days of receiving notice from the City and complete the repair within 365 days of citation. If the required repair meets the substantial repair threshold, the property owner shall design, permit, and construct the seawall to meet the

minimum elevation requirement and design requirement (see 47-19.3 (f)) within 365 days of citation.

(5) Property owners with seawalls below the minimum elevation, or permeable erosion barriers such as rip rap, or a land/water interface of another nature shall not allow tidal waters entering their property to impact adjacent properties or public Rights-of-Way. Property owners failing to prevent tidal waters from flowing overland and leaving their property may be cited. The owner of the property is required to initiate a process, including but not limited to, hiring a contractor or submitting a building permit, and be able to demonstrate progress toward addressing the cited concern within 60 days of receiving notice from the City and complete the proposed remedy within 365 days of citation.

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, be and the same are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect ten days from the date of final passage.

PASSED FIRST READING this the 15<sup>th</sup> day of November, 2016.

PASSED SECOND READING this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

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City Clerk  
JEFFREY A. MODARELLI

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CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.