



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#16-1414

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

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: December 6, 2016

TITLE: Ordinance Amending Unified Land Development Regulations (ULDR),
Section 47-19.3 Providing a Maximum Elevation for Seawalls, Docks and
Related Structures and the Criteria for Determining Whether an
Improvement Constitutes a Substantial Repair

Recommendation

It is recommended that the City Commission approve an ordinance to amend ULDR Section 47-19.3 *Boat slips, docks, boat davits, hoists and similar mooring structures* to providing a maximum elevation for seawalls, docks and related structures and criteria for determining whether an improvement constitutes a substantial repair.

Background

The City of Fort Lauderdale Commission adopted amendments to ULDR Section 47-19.3 on June 21, 2016 (CAM #16-0662) 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. Soon after the ordinance was adopted, the Department of Sustainable Development (DSD) building, planning, zoning, and engineering staff requested additional modifications to address dock elevations when a seawall was constructed to the maximum allowable elevation (Commission Memo 16-116). In select instances, applications submitted to DSD for staff's review reflected design interpretations of the adopted language which had the potential unintended consequence of increasing stormwater related flooding due to the proposed heights of docks attached to seawalls built to the maximum allowable elevation.

In addition, terms in the adopted ordinance including "adjacent" and "substantial repair" were open to interpretation and needed to be clarified. Finally, staff determined that a conflict exists between the adopted ordinance and Section 47-19.5 Fences, walls and hedges, which provides for the maximum height of specified structures. The proposed ordinance intends to resolve these concerns and conflicts by ensuring height of structures attached to a seawall is compatible with the elevation of the seawall.

The ordinance modification has been discussed with a variety of individual stakeholders representing the dock and seawall design and construction industry. In addition, the proposed changes have been presented to additional stakeholders including the Marine

Advisory Board (September 1, 2016) and the Sustainability Advisory Board (September 26, 2016). The proposed ordinance language has also been shared by e-mail with a stakeholder list compiled during the previous seawall ordinance modification process in the Spring of 2016. This list included the current president of the Council of Civic Associations, who recognized the need to make minor adjustments in the ordinance and agreed that additional stakeholder meetings targeting the neighborhood associations was not necessary (personal communication via email 9/29/2016).

The ordinance (Exhibit 1) being proposed includes the following key modifications:

- Clarifies the maximum allowable height of a seawall, dock or related structure;
- Replaces the term “adjacent” with the term “attached” to describe the context between a seawall and dock;
- Better defines the term “substantial repair”; and
- Notes that the seawall ordinance takes precedence over portions of Section 47-19.5.B of ULDR in the event of a conflict between the two ordinances.

On October 19, 2016, the Planning and Zoning Board (PZB), also in its capacity of Local Planning Agency (LPA), reviewed a substantially similar version of the proposed ULDR amendment for consistency with the Fort Lauderdale Comprehensive Plan and recommended approval of the ULDR amendment by a unanimous vote of 8 to 0.¹ To review the PZB staff report T16004 and meeting minutes, please refer to Exhibits 2 and 3.

The proposed ordinance supports the Coastal Management Element of the Fort Lauderdale Comprehensive Plan, Policy 3.1.2 by incorporating adaptation strategies into the land development regulations.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a *Commission Annual Action Plan* priority related to the Stormwater Management Plan.

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Neighborhood Enhancement Cylinder of Excellence, specifically advancing:

- Goal 2: Be a sustainable and resilient community.
- Objective 2: Reduce flooding and adapt to sea level rise.

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

Attachment(s)

¹ Subsequent to the LPA review the proposed language was slightly modified to clarify the intent of subordinating Section 47-19.5.B to the Seawall Ordinance.

Exhibit 1 – Proposed Ordinance (ULDR Sec. 47-19.3)

Exhibit 2 – PZB Staff Report Case Number: T16004

Exhibit 3 – Draft PZB Meeting Minutes

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