



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#19-0778

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: August 20, 2019

TITLE: Ordinance Amending the Code of Ordinances of the City of Fort
Lauderdale Section 8-144 - Private Use of Public Property Abutting
Waterways – **(Commission Districts 1, 2, 3 and 4)**

Recommendation

It is recommended that the City Commission approve on first reading an ordinance amending Section 8-144 of the Code of Ordinances of Fort Lauderdale, Florida, ("Code of Ordinances") entitled Private Use of Public Property Abutting Waterways to establish eligible applicants, exclude issuance of dock permits on specified City right of ways, define permit terms and conditions, require recording of the permit resolution and administrative renewals, incorporate protection of the City's seawalls and address sea level rise.

Background

Under City of Fort Lauderdale Code of Ordinances Section. 8-143. - Rights of City on Property Abutting Public Waterways (see Exhibit 1), the City is responsible for right of ways and seawalls that are adjacent to public streets or street ends. This part of the code establishes the City's riparian rights appurtenant to such public streets and the right to regulate these locations including the construction of private docks. The City has approximately five miles of public properties with seawalls or natural shorelines.

Sea level rise is causing impacts on City roads abutting waterways. To address this, the City adopted a new seawall elevation standard in June 2016. To comply with the new standard, the City is raising several public seawalls including the one along Cordova Road to protect the public right of way from erosion and tidal flooding. Cordova Road is one of the main City rights of way for which private dock permits have been issued. Private docks constructed on the City seawall along Cordova Road have highlighted concerns with the dock permit ordinance.

Issues include: non-compliance with the conditions in the dock permit resolutions, no definition of eligible applicants, timeframe of the dock permit, the abandonment of the private docks at point of sale, allowable width of the dock, responsibilities related to seawall and landscaping upkeep, damage of the City seawall by permit holders and use of the docks by non-permit holders.

After taking input from a focus group from the Cordova Road area, a public discussion draft of the ordinance was presented to the Marine Advisory Board on February 6, 2019 (Exhibit 2). Staff incorporated feedback and presented the update to the Cordova Road Stakeholders on February 26, 2019. The proposed ordinance and a set of frequently asked questions were posted on a dedicated City website. After meeting with additional stakeholders and soliciting input from other dock permit holders, the amended ordinance was presented to the Marine Advisory Board on May 2, 2019. The Marine Advisory Board recommended the City Commission approve the draft ordinance with specific modifications related to removal of parking restrictions and special conditions for applicants with existing access to waterways on their upland property.

A team including Public Works, Parks and Recreation, and the City Attorney's Office reviewed the major issues and presented an amended ordinance which features the following key provisions:

1. Definition of the Upland Property owner as the only eligible dock permit applicant;
2. Outline of which public parcels are eligible for a dock permit
 - a. Prohibiting street ends and parks;
 - b. Exempting lands falling within the ambit of the Florida Supreme Court Case of *Burkart v. City of Fort Lauderdale* (Idlewyld Drive);
3. Establishment of a five-year initial permit term and ongoing requirements for renewals of the permit every five years;
4. Establishment of the length and width of the dock;
5. Provisions to record the permit resolution and renewals to ensure that the dock permit holder is responsible for removal of the dock when the permit is abandoned, terminated, expired or revoked;
6. Prohibition of penetrating a City seawall or attaching to it unless meeting certain conditions;
7. Removal of the prohibition to make the dock area private or post signage;
8. Clarification on the public nature of the swale area;
9. Requirements of an administrative fee for permit application and permit renewal;
10. Provisions that docks must either be floating or built to such a height as to address sea level rise;
11. Guidance on how the dock permit holder may or may not use the swale area;

12. Limitation on the ownership of boats moored under a dock permit and requirement to register the boat with the City; and
13. Requirement of upland property owners with existing riparian rights applying for a dock permit to raise the City seawall to the meet current elevation requirements.

The proposed ordinance clarifies guidance on dock permit terms and conditions, reduces the liability on the City to address abandoned docks, increases compliance through regular renewals of the dock permit, highlights the role of the City seawalls to serve the function of protecting the right of way and supports the resilient City vision described in Fast Forward Fort Lauderdale 2035.

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 Vision Plan 2035: We Are Ready*.

Attachments

Exhibit 1 – City Code Sec. 8-143

Exhibit 2 - MAB Communication May 2, 2019

Exhibit 3 - Proposed Ordinance Amendments to City Code Sec. 8-144

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