



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#26-0137

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

FROM: Rickelle Williams, City Manager

DATE: March 19, 2026

TITLE: Resolution Approving an Application for a Dock Permit for Usage of Public Property by Roger and Mary Ann Edwards, adjacent to 823 SE 2 Street, Unit #A-6 for a Proposed Wood Marginal Dock and Authorizing Execution of a Declaration of Restrictive Covenants – **(Commission District 4)**

Recommendation

Staff recommends that the City Commission adopt a Resolution (1) granting a dock permit to Roger & Mary Edwards (applicant), for use by private persons of public property, adjacent to 823 SE 2 Street, Townhouse Unit #A-6, Fort Lauderdale, Florida for a proposed fourteen and ninety-one hundredths feet (14.91') long by six feet (6.0') wide wood marginal dock and three feet (3.0') wide access ramp through the mangroves on Himmarshee Canal and (2) authorizing execution of a Declaration of Restrictive Covenants relative to the dock permit. Pursuant to Code of Ordinances of the City of Fort Lauderdale, Florida (Code), Section 8-144, the City Commission may grant a dock permit for the use by private persons of certain public property abutting or touching a waterway, except at street ends or within a city park.

Background

The applicant is seeking a resolution granting a dock permit for use by private persons of public property in accordance with Section 8-144 of the Code for the construction, use, repair and maintenance of a proposed marginal dock and access ramp adjacent to 823 SE 2 Street/Richard Mancuso Greenway, Unit #A-6 ("Project Site"). Townhouse Unit #A-6 is one (1) of eight (8) townhouse units. The dock is directly adjacent to the Project Site on the Himmarshee Canal with direct access to the New River. The proposed dock is fourteen and ninety-one hundredths feet (14.91') long by six feet (6.0') wide wood marginal dock that includes a three foot (3.0') wide access ramp through the mangroves.

The mangroves on Himmarshee Canal adjoining the Project Site, under the Mangrove Trimming and Preservation Act ("Act"), require environmental permits from Broward County for the trimming and alteration (removal) of mangroves to facilitate the installation and use of the dock and ramp access. The Act confers standing to seek a license under the Act on the riparian owner. In this instance the Applicant's property line does not run to the waterway. It is the City that is therefore the riparian owner under the Act, not the

Applicant. Accordingly, the City bears ultimate responsibility for actions under the Act. The placement and construction of the proposed dock and access ramp necessitate the need, pursuant to the Act, for the City to be responsible for trimming the impacted mangroves and removing mangrove seedlings to accommodate the access ramp.

To construct, operate and maintain the dock and access ramp at the Project Site through the mangroves, the Act requires an Environmental Resource License relative to the needed trimming and removal of mangroves to accommodate the dock and access ramp. This is an obligation imposed on the riparian owner, i.e. the City, not on the Applicant. On November 20, 2025, the City was issued an Environmental Resource License DF25-1177 ("ERL") authorizing the trimming and alteration (removal) required for the construction and use of the dock and access ramp through the mangroves at the Project Site.

Independent of the current Application, the City had already, on September 11, 2025, voluntarily planted fifty (50) mangroves at Coontie Hatchee Park located at 1116 SW 115 Avenue. Were it not for the City's previous voluntary planting of the fifty (50) mangroves, there would have been a mitigation requirement imposed on the City for the Applicant's Project Site, requiring the planting of four (4) additional mangroves. Broward County has determined that the City's earlier voluntary planting of the fifty (50) mangroves more than adequately satisfied the mitigation requirements relative to the removal of a number of mangrove seedlings to accommodate the three feet (3.0') wide access ramp at this project site. Hence, the ERL did not require the additional planting of four (4) additional mangroves.

The City, as riparian owner under the Act and as Licensee under the County's ERL, and not the Applicant, is obligated to meet the survivability standards as to the voluntarily planted fifty (50) mangroves. To that end, restoration and mitigation must result in at least eighty percent (80%) survival for the fifty (50) voluntarily planted mangroves for a period of one (1) year after the planting. Relative thereto the City must monitor the fifty (50) mangroves annually for a period of five (5) years with reporting requirements to the County detailing the health of the mangroves required for maintenance and photos of the area. In the event Broward County determines that the mitigation area is not achieving the listed criteria during any portion of the reporting period, the City shall determine the reasons for failure and prepare plans that demonstrate clearly how the problem(s) will be corrected. Those plans must be implemented within thirty (30) days of Broward County's written approval.

There is an ongoing cost to the City of these reporting requirements. Since the four (4) mitigating mangroves that would have otherwise been required for the Project Site constitutes eight percent (8%) of the fifty (50) mangroves, the Applicant will be obligated to reimburse the City eight percent (8%) of the City's expense in the reporting and required remedial actions over the mandated five (5)-year period. As to the City's cost of prosecuting any future applications with the County for the ERL for this Project Site, the Applicant will be obligated to reimburse the City one-hundred percent (100%) for those expenses. Similarly, the City will incur expenses relative to trimming and removing

mangroves to accommodate the Project. The Applicant will be obligated to reimburse the City one-hundred percent (100%) of those expenses. Likewise, in the event there is future mangrove growth that needs to be trimmed or altered for the use of the dock and access ramp, the City will need to apply for another ERL from Broward County. The City's costs associated with any future applications and issuance of ERL for such actions shall be the responsibility of the Applicant who will be invoiced for one-hundred percent (100%) of the associated expenses.

It should be noted that City anticipates construction of a seawall on both banks of Himmarshee Canal within the next four (4) years. This will necessitate the removal of the permitted dock and access ramp during construction of the seawall. The Applicant is aware of this. Once the construction of the new seawall is complete, the Applicant will have to apply for a Code Section 8-144 dock permit and bear the expense of constructing a new dock.

ULDR Sec. 47-19(c) allows for mooring structures, including docks, to extend to no more than twenty-five feet (25') or twenty-five percent (25%) of the width of the waterway, whichever is less. The canal width is +/- fifty-three feet and five inches (53.5'), allowing for a maximum dock distance of +/- thirteen point four feet (13.4'). The dock extends twelve feet and five inches (12.5') into Himmarshee Canal meeting the requirements of ULDR Sec. 47-19.3(c). Per Resolution No. 19-205, an application fee of \$1,500 is associated with obtaining a dock permit.

Pursuant to Code Section 8-144(1)(a) the Applicant is required to execute a Declaration of Restrictive Covenants relative to the Dock Permit, to ensure compliance with the rules set forth within the Code. The resolution authorizes the proper City officials to countersign the Declaration. As a requirement of City Code 8-144, approval of the application is contingent upon all improvements to the property being maintained in accordance with City Engineering standards and in full compliance with building and zoning regulations including construction permits required for any future electrical and water feed to the property.

The Marine Advisory Board (MAB) recommended approval of the Application 9-5 at the January 7, 2026, MAB meeting. Concerns were expressed specific to the survivability of the transplanted mangroves at the mitigation site as well as the health of the Himmarshee Canal. It was noted that this location is on the City's Seawall Master Plan.

Resource Impact

Revenue related to the application fee is included in the Fiscal Year 2026 Operating Budget in the account listed below.

Funds available as of January 22, 2026					
ACCOUNT NUMBER	COST CENTER NAME (Program)	ACCOUNT/ ACTIVITY NAME	AMENDED BUDGET (Character)	AMOUNT RECEIVED (Character)	AMOUNT
10-111-6201-000-347- 200-PKR189	Marine Facilities Administration	Service Charge – Parks and Recreation / Private Dock Fees	\$15,000	\$0	\$1,500
TOTAL AMOUNT ►					\$1,500

Strategic Connections

This is a 2026 Commission Priority, advancing Public Spaces and Cultural initiatives.

This item supports the 2029 Strategic Plan, specifically advancing:

- The Public Places Focus Area, Goal 5: Build a beautiful and welcoming community.

This item advances the Fast Forward Fort Lauderdale 2035 Vision Plan: We are Here.

This item supports the Advance Fort Lauderdale 2040 Comprehensive Place specifically advancing:

- The Public Places Focus Area
- The Parks, Recreation & Open Spaces Area
- Goal 2: Be a community with high quality parks and recreational facilities that highlight the character of our city.

Attachments

Exhibit 1 – Application

Exhibit 2 – Code Sec. 8-144

Exhibit 3 – January 7, 2026, Marine Advisory Board Minutes

Exhibit 4 – Approval Resolution

Exhibit 5 – Denial Resolution

Exhibit 6 – Declaration of Covenants Respecting City Issued Dock Permit

Exhibit 7 – Broward County Environmental Resource License DF25-1177

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