



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

#26-0312

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

FROM: Rickelle Williams, City Manager

DATE: April 7, 2026

TITLE: Public Hearing – Quasi-Judicial Application for a Waiver of Limitation under ULDR Sec. 47-19.3 (e) for 1409 SW 17 Street (“Property”) for Two (2) Finger Piers and Mooring Piles, (i) the Easternmost Finger Pier and Mooring Piles Extending Into the Adjacent Waterway 36.5' +/- From the Platted Upland Property Line and (ii) the Westernmost Finger Pier and Mooring Piles Extending Into the Adjacent Waterway 56.5' +/- feet from the Platted Upland Property Line in excess of the 30% limitation set forth in ULDR Sec. 47-19.3(e) - **(Commission District 4)**

Recommendation

Staff recommends the City Commission adopt a Resolution granting a Waiver of Limitations under the Unified Land Development Regulations (ULDR) Sec. 47-19.3(e) as to both the Easternmost and Westernmost finger piers limiting the length of both finger piers to thirty-six feet point five feet (36.5') +/- measured from the platted upland property line for the Property extending into the adjacent waterway.

Background

ULDR Sec. 47-19.3(c) limits the maximum distance for mooring structures (i.e. finger piers) to twenty-five percent (25%) of the width of the waterway or twenty-five feet (25'), whichever is less. The Applicant is seeking a Waiver of Limitations under ULDR Sec. 47-19.3(e) for two (2) finger piers, the Easternmost one (1) extending thirty-six point five feet (36.5') +/- into the adjacent waterway measured from the platted upland property line and the Westernmost one (1) extending fifty-six point five feet (56.5') +/- into the adjacent waterway measured from the platted upland property line (Exhibit 1). ULDR Sec. 47-19.3(e) limits the granting of a Waiver of Limitations to thirty percent (30%) of the width of the waterway.

The Applicant’s Summary Description (Exhibit 1) specifies that the extra distance for the finger piers is necessary to provide protection for the owner’s vessels, especially during extreme weather events and to allow safe access to the vessels when getting on and off the boats. The Applicant’s property currently has two (2) existing finger piers extending approximately thirty-nine feet (39’) from the upland platted property line.

Other than the required \$1,500 application fee, there is no fee associated with obtaining

a Waiver of Limitations.

The Marine Advisory Board (MAB) recommended denial of the application by a vote of fifteen to zero (15-0) at the November 6, 2025, MAB meeting (Exhibits 3, 4 & 6). During the meeting concerns were expressed regarding the Applicant's interpretation of the subject waterway's width as a proposed finger pier extended beyond the thirty percent (30%) limitation set forth in ULDR Sec. 47-19.3(e) represents an impediment to navigation.

At the January 7, 2026, MAB meeting, a motion to reconsider or in the alternative, a motion to amend, as to the previous action by the Board was considered for placement on the subsequent (February 5, 2026) MAB agenda. The Motion passed by a vote of thirteen to one (13-1). The dissenting vote was not explained (Exhibit 7).

At the February 5, 2026, MAB meeting, in following up on the adoption of the motion to reconsider, three (3) separate motions were considered:

- The first motion was to approve the Easternmost pier at thirty-six point five feet (36.5') +/-, as in the original application. The MAB recommended approval of the Easternmost thirty-six point five feet (36.5') +/- finger pier on a vote of twelve to two (12-2). The dissenting voters' opposition was not specified;
- The second motion proposed limiting the Westernmost pier to thirty percent (30%) of the width of the waterway, or forty-two point twenty-seven feet (42.27') +/- . This motion failed by a vote of two to twelve (2-12). Concerns were previously expressed concerning navigational impacts; and
- The third motion proposed limiting the Westernmost finger pier to thirty-six point five feet (36.5') +/- . This motion passed by a vote of thirteen to one (13-1). The dissenting vote was not explained (Exhibits 8 & 9).

Discussion of Facts and Law

In 1947, the Applicant's property was platted under the REVISED PLAT OF YELLOWSTONE PARK, PB 23/33 ("The Plat") (Exhibit 5). The Plat created a man-made waterway labeled "boat basin" North of Applicant's upland platted property lines and the Applicant took title to the 71.8' of submerged lands extending from their upland platted property lines within the waterway labeled "boat basin." In 1947, north of Applicant's submerged lands was dry-land and there was no waterway.

ULDR Sec. 47-35.1 defines waterway as any navigable waterway which provides access for a watercraft to the Intracoastal Waterway and including the Intracoastal Waterway. Under Federal Law a navigable waterway is one that is (a) subject to the ebb and flow of the tides and (b) capable of being used as an instrument of interstate commerce. By those terms, the water column above Applicant's submerged lands in 1946 was a navigable waterway with a width of seventy-one point eight feet (71.8').

Circa 1958, Tolly Vinik and Catherine Vinik dredged a canal (later named "Crevalle

Canal”), which was located north of the “boat basin” waterway, with ownership of the submerged lands beneath the Crevalle Canal vested in the Viniks’ who inherited the corresponding obligation to pay ad valorem taxes on the submerged lands beneath the Crevalle Canal. City Records for the 1957 City limits show no Crevalle Canal in existence. The corresponding 1959 City limits show the presence of the Crevalle Canal (Exhibit 5).

By Warranty Deed, recorded September 22, 1958, recorded at Official Records Book 1322/200, the Viniks’ conveyed to the City of Fort Lauderdale the lands of Crevalle Canal taking the submerged lands off the 1959 ad valorem tax rolls. Taken together, as it pertains to the Application for Waiver for the Property, the (i) Crevalle Canal and (ii) waterway within the “boat basin” constitute one (1) contiguous navigable waterway with a waterway width varying from 134’ +/- to 139’ +/- . The variable width is attributable to a narrowing of the Crevalle Canal going Westward. The City Surveyor found the width of the waterway from the mid-point of the Westernmost finger pier to be one hundred thirty-five point six feet (135.6’) +/- .

The City Commission is authorized to grant a Waiver of Limitations upon a finding of extraordinary circumstances under ULDR Sec. 47-19.3 (e) but not beyond thirty percent (30%) of the width of the waterway. Given the varying width of the waterway at this location between one hundred thirty-four feet (134’) and one hundred thirty-nine feet (139’), the thirty percent (30%) limitation varies between forty point two feet (40.2’) and forty-one point seven feet (41.7’). The Westernmost proposed finger pier at fifty-six-point five feet (56.5’) +/- is well beyond the allowable thirty percent (30%) width of waterway allowed by ULDR Sec. 47-19.3(e). The Easternmost proposed finger pier measured from the upland platted property line extends into the adjacent waterway thirty-six-point five (36.5’) +/- and within the thirty percent (30%) limitation.

Applicant contends that the width of the waterway should be measured from the outermost waterward boundary of the seventy-one point eight feet (71.8’) of submerged lands. This contention ignores the fact that the waterway is defined in the ULDR Sec. 47-31.1 as “Any navigable waterway which provides access for a watercraft to the Intracoastal Waterway and including the Intracoastal Waterway.” Applicant’s contention further equates with the notion that the water column above the submerged lands is owned by the Applicant as private property and is not part of a navigable waterway. These contentions result in a diminution of the navigable channel for use by the general public and the property owners along the Crevalle Canal most heavily impacted by Applicants’ contentions.

Summation

Accordingly, and in summation, it is the City staff recommendation that the City Commission grant a Waiver of Limitations as to both the Easternmost and Westernmost finger piers, limiting the length of the finger piers and mooring piles to thirty-six point five feet (36.5’)+/- (Exhibit 10).

Resource Impact

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

Funds available as of March 9, 2026					
ACCOUNT NUMBER	COST CENTER NAME (Program)	ACCOUNT/ACTIVITY NAME	AMENDED BUDGET (Character)	AMOUNT RECEIVED (Character)	AMOUNT
10-111-6200-000-347-200-PKR189	Marine Facilities Administration	Service Charge – Parks and Recreation / Private Dock Fees	\$15,000	\$0	\$1,500
TOTAL AMOUNT ►					\$1,500

Strategic Connections

This item is a FY 2026 Commission Priority, advancing the Public Spaces and Cultural Initiatives.

This item supports the *Press Play Fort Lauderdale 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 Plan specifically advancing:

- The Public Places Focus Area
- The Parks, Recreation & Open Spaces Element
- 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. 47-19.3
- Exhibit 3 – November 6, 2025, Marine Advisory Board (MAB) Minutes
- Exhibit 4 – November 6, 2025, Transcript of MAB Proceedings
- Exhibit 5 – November 6, 2025, MAB Exhibits
- Exhibit 6 – November 4, 2025, Memorandum No. 138 to MAB
- Exhibit 7 – January 7, 2026, Marine Advisory Board Minutes
- Exhibit 8 – February 5, 2026, Marine Advisory Board Draft Minutes
- Exhibit 9 – February 5, 2026, Transcript of MAB Proceedings
- Exhibit 10 – Approval Resolution
- Exhibit 11 – Denial Resolution

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