

ORDINANCE NO. C-10-44

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 8-91 MOORING STRUCTURES AND 47-19.3 BOAT SLIPS, DOCKS, BOAT DAVITS, HOISTS AND SIMILAR MOORING DEVICES TO INCREASE THE DISTANCE MOORING STRUCTURES MAY EXTEND INTO THE WATERWAY; INCREASE THE HEIGHT VESSELS MAY BE LIFTED OUT OF THE WATER; PROVIDING DEFINITIONS; PERMITTING AN ALTERNATE SAFETY DEVICE AND REQUIRING ATTACHMENT TO ANY SUBMERGED MOORING DEVICE; PERMITTING ADDITIONAL MOORING DEVICES ON A DEVELOPMENT SITE AND PROVIDING A PERMITTING PROCESS; AMENDING MEASUREMENT OF THE HEIGHT OF A DOCK OR SEAWALL; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 8-91, Mooring Structures, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 8-91. Mooring structures.

(a) The following words when used in this section shall, for the purposes of this section, have the following meanings:

- (1) Mooring device means a subset of mooring structures as defined herein including boat davits, hoists, boat lifts and similar devices that are erected on or adjacent to a seawall or dock and upon which a vessel can be moored. A mooring device does not include a dock, slip, seawall or mooring pile.
- (2) Mooring structure means a dock, slip, seawall, boat davit, hoist, boat lift, mooring pile or similar structure attached to land more or less permanently to which a vessel can be moored.

(b) Prior to the commencement of any construction activities, a permit for the erection of docks, slips, boat davits, hoists, mooring piles or similar boat mooring structures shall be obtained from the building and zoning department, and if constructed on or in navigable waters, the approval of all governmental authorities regulating the erection of such mooring structure shall be secured. Further, before a permit is issued to any person to construct such mooring structure, the person shall certify that he either owns the land abutting the water upon which the mooring structure will be constructed or produce written consent of the owner, be it a private person or a governmental agency, to construct such mooring structure in the particular waterway.

(c) Inspection of all mooring structures, private, municipal and commercial, under the jurisdiction of the city, is the responsibility of the director of building. In the event any mooring structure shall be found in an unsafe or unsatisfactory condition, the owner shall be notified in writing that he has a period of thirty (30) days to correct the condition.

~~(d) No extension of a boat lifting device capable of being submerged shall extend~~ Any portion of a mooring device that is capable of being submerged under a waterway more than fifteen (15) percent of the width of the waterway unless must have a guide pole is attached to the end of such device ~~which that~~ extends over the waterway. The guide pole shall be a pole no less than one and one-half (1-1/2) inches in diameter and permanently attached to such device. The guide pole shall be vertical and extend at least six (6) feet above the surface of the water at all times and shall display a reflective color over the exposed surface. An alternative to a guide pole may be permitted if it displays a permanently affixed reflective color, and the City's Marine Facilities Director determines that alternate device affords the same or greater level of safety and aid to navigation as the guide pole.

(e) Boats, vessels or watercraft moored to mooring structures shall not extend to more than thirty (30) percent of the width of the canal or waterway measuring from the recorded property line.

(f) No vessel or watercraft of any kind whatsoever shall moor to or tie up to a seawall or other mooring structure or be beached upon property within the city limits without the permission of the owner thereof; provided, however, that nothing in this section shall be construed to prohibit vessels or persons in distress from mooring to or tying up or beaching on private property to protect life, limb or property.

(g) The renting of docks, dock space, or moorings, and the rental of boats or any portion

thereof, for any purpose whatsoever shall be specifically prohibited in residential areas zoned RS-8 and RS-4.4.

(h) It shall be unlawful for any person, owner, or his agent, or lessor or lessee, or member or employee of any firm, company or corporation or any firm, company or corporation to permit violations of or to violate any of the provisions of subsection (f) (g) of this section. Knowledge or scienter shall not be an element of the offense.

SECTION 2. That Section 47-19.3 Boat Slips, Docks, Boat Davits, Hoists and Similar Mooring Devices, of the Unified Land Development Regulations (hereinafter referred to as "ULDR") of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

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

(a) The following words when used in this section shall, for the purposes of this section, have the following meaning:

- (1) Mooring device means a subset of mooring structures as defined herein including boat davits, hoists, boat lifts and similar devices that are erected on or adjacent to a seawall or dock and upon which a vessel can be moored. A mooring device does not include docks, slips, seawall or mooring pile.
- (2) Mooring structure means a dock, slip, seawall, boat davit, hoist, boat lift, mooring pile or a similar structure attached to land more or less permanently to which a vessel can be moored.
- (3) NGVD 29 means the National Geodetic Vertical Datum of 1929 means the vertical control datum established for vertical control surveying in the United States of America by the General Adjustment of 1929. The datum is used to measure elevation or altitude above, and depression or depth below, mean sea level (MSL).

(b) ~~Boat davits, hoists and similar mooring devices may be erected on a seawall or dock and shall be limited to~~ subject to the following limitations on the number and location as follows:

- (1) Except as provided herein, only one (1) mooring device per the first one hundred (100) feet of lot width or portion thereof, and one mooring device for each additional one hundred (100) feet of lot width. A second mooring device may be

permitted within the lot area greater than 100 feet but less than 200 feet if approved as a Site Plan Level II permit, subject to the following criteria:

- a. the location of the proposed mooring device will not interfere with the view from adjacent properties to a degree greater than the intrusion already permitted as a result of the berthing of a vessel at applicant's property within the setback and extension limitations provided in the Code.
- b. the type of mooring device is the least intrusive and most compatible with the view from the waterway.
- c. no conflict with a neighboring property owners usage of the waterway will be created as a result of the additional mooring device.

Pursuant to Site Plan Level II review, the Development Review Committee ("DRC") shall determine whether the proposed additional mooring device meets the criteria based on its location and the relationship of applicant's property to abutting properties with regard to height, angle of view of the device from abutting properties and the height, width and length of mooring device proposed.

Approval of a Site Plan Level II development permit for an additional mooring device shall not be final until thirty (30) days after preliminary DRC approval and then only if no motion is approved by the City Commission seeking to review the application pursuant to the process provided in Section 47-26. The denial of an application for an additional mooring device may be appealed to the City Commission in accordance with the provisions of Section 47-26.

- (2) In addition to the mooring device described in Paragraph B.1. of this section, one lift designed and used solely for the lifting of a personal watercraft (PWC) per development site is permitted. For purposes of this subsection 2. a PWC is as defined in Chapter 327, Florida Statutes.
- (3) The cross section of the davit, hoist or other ~~mooring structure or~~ device shall not exceed one (1) square foot ~~at and~~ have a maximum height of six and one-half (6-1/2) feet above lot grade. ~~The keel of any boat may not be hoisted greater than one (1) foot above the seawall.~~

- (4) The lowest appendage of a vessel may not be hoisted greater than one (1) foot above a seawall cap or if no seawall, above the average grade of the upland property and properties abutting either side of the upland property, whichever is less.

(c) No boat slips, docks, boat davits, hoists, and similar mooring structures not including mooring or dolphin piles or a seawall, may be constructed by any owner of any lot unless a principal structure building exists on such lot and such lot abuts a waterway. Mooring structures, not including mooring or dolphin piles, shall not extend into the waterway more than five (5) feet twenty-five percent (25%) of the width of the waterway or twenty-five (25) feet whichever is less as measured from the property line. ~~beyond the property line unless the waterway exceeds fifty (50) feet in width;~~

~~but in no case shall a dock or slip extend more than ten percent (10%) of the width of the waterway, or a maximum of twenty (20) feet, whichever is smaller less, as measured from the property line.~~

(d) Mooring or dolphin piles, shall not be permitted to extend more than thirty percent (30%) of the width of the waterway, or twenty-five (25) feet beyond the property line, whichever is less.

(e) The city commission may waive the limitations of ~~subsections B and C~~ (c) and (d) under extraordinary circumstances, provided permits from all governmental agencies, as required, are obtained after approval of the city commission, after a public hearing and notification to property owners within three hundred (300) feet. In no event shall the extension exceed thirty percent (30%) of the width of the waterway and no variance may be approved by the board of adjustment or other agency permitting an extension beyond the thirty percent (30%) limitation. Reflector tape shall be affixed to and continually maintained on all mooring or dolphin piles authorized under this subsection to extend beyond the limitations provided in subsection ~~B~~ (d). The reflector tape must be formulated for marine use and be in one (1) of the following uniform colors: international orange or iridescent silver. On all such piles, the reflector tape shall be at least five (5) inches wide and within eighteen (18) inches of the top of the pile.

(f) The top surface of a boat slip, seawall or dock shall not exceed five and one-half (5-1/2) feet above ~~mean sea level~~ NGVD 29, except when the adjacent property is higher than five and one-half (5-1/2) feet above ~~mean sea level~~ the NGVD 29. The ~~When above NGVD 29, the~~ top surface may be of the same elevation as the average ~~ground level~~ grade of the upland property abutting the seawall or dock and properties abutting either side of the upland property.

(g) No boathouse, permanent covering, or temporary covering for a boat shall be permitted within the setback area required for the zoning district in which such shelter is to be located, nor shall any boathouse, permanent covering or temporary covering for a boat, or any other structure not otherwise specifically permitted, be permitted within or cover any public waterway.

(h) No watercraft shall be docked or anchored adjacent to residential property in such a position that causes it to extend beyond the side setback lines required for principal buildings on such property, as extended into the waterway, or is of such length that when docked or anchored adjacent to such property, the watercraft extends beyond such side setback lines as extended into the waterway. The owner of real property which would be entitled to the density limitation of a maximum of ~~forth~~ forty (40) units per acre pursuant to the terms for Habitation of Floating Homes or Vessels, Section 47-19.6, may apply for an exception to the setback requirements contained herein. An application for such exception shall be heard by the planning and zoning board (board) at a public hearing called for that purpose. After the public hearing, the board shall make a recommendation to the city commission that the application be granted or denied, or granted subject to conditions. If the board recommends that the application be either granted or granted subject to conditions, the city clerk shall place the recommendation on the agenda of the city commission for a public hearing at a regular meeting. The city commission shall, by resolution, either grant the application, deny the application, or grant the application subject to such conditions as it finds necessary to the health, safety and general welfare of the citizens of the city. In deciding whether to grant or deny the application, the city commission shall consider the neighborhood within which the applicant's property lies and the effect that the exception to the setbacks would have on the following:

- (1) The surrounding property.
- (2) The ability of adjacent property owners to enjoy abutting waterways.

(i) Waiver of limitations. Property owners of lands located on the Isle of Venice and Hendricks Isle may dock or anchor watercraft adjacent to their respective properties in a manner which extends beyond side setback lines, required by this section as approved by Resolution No. 85-270.

SECTION 3. 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 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 5. That this Ordinance shall be in full force and effect ten days from the date of final passage.

PASSED FIRST READING this the 16th day of November, 2010.

PASSED SECOND READING this the 7th day of December, 2010.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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