



CITY OF FORT LAUDERDALE

**DRAFT**  
**MEETING MINUTES**  
**CITY OF FORT LAUDERDALE**  
**v MARINE ADVISORY BOARD**  
**FORT LAUDERDALE FIRE RESCUE DEPARTMENT**  
**528 NW 2<sup>ND</sup> STREET, STATION #2**  
**FORT LAUDERDALE, FLORIDA 33311**  
**3<sup>RD</sup> FLOOR CONFERENCE ROOM**  
**THURSDAY, OCTOBER 5, 2023 – 6:00 P.M.**

**Cumulative Attendance**  
**January-December 2023**

Steve Witten, Chair	P	8	0
James Harrison, Vice Chair	P	6	2
Michael Boyer	P	5	2
Tyler Brunelle	P	6	0
Robyn Chiarelli (arr. 6:26)	P	5	3
Barry Flanigan (arr. 6:03)	P	8	0
Robert Franks	P	3	0
Elisabeth George	P	7	0
Brewster Knott	A	5	2
John Lynch	P	2	0
Norbert McLaughlin	P	8	0
Noelle Norvell	A	4	2
Ed Rebholz	P	4	0
Bill Walker	P	2	0
Robert Washington	A	4	1

As of this date, there are 15 appointed members to the Board, which means 8 would constitute a quorum.

**Staff**

Andrew Cuba, Marine Facilities Manager  
Jonathan Luscomb, Marine Facilities Supervisor  
Sergeant Travis O’Neil, Marine Unit Supervisor  
Carla Blair, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

**I. Call to Order / Roll Call**

The meeting was called to order at 6:00 p.m. and roll was taken.

## **II. Approval of Minutes – September 7, 2023**

**Motion** made by Mr. McLaughlin, seconded by Mr. Brunelle, to approve. [The minutes were approved by consent.]

## **III. Statement of Quorum**

It was noted that a quorum was present at the meeting.

## **IV. Waterway Crime & Boating Safety Report**

Sergeant O’Neil reported the following activity from September 2023:

- 29 calls for service
- 64 citations

Calls for service included recovery of a submerged vehicle, a stolen sailboat used for human smuggling, and a sunken/abandoned vessel at Cooley’s Landing.

Chair Witten asked if there are any preparations for the Fort Lauderdale International Boat Show of which the Board members should be aware. Sgt. O’Neil replied that all docks are on-site but have not yet been installed. The Marine Unit will be out in force beginning October 21, 2023.

## **V. Discussion – New River Vessel Traffic / USCG Lt. Benjamin Adrien**

Chair Witten introduced United States Coast Guard Lieutenant Benjamin Adrian, who is Chief of Waterways Management for Sector Miami. Lt. Adrian has served as Chief of Waterways for two years and has a background in inspections. His department oversees marine permits, Federal Aids to Navigation (ATON), security and safety zones, and some regulatory action.

Chair Witten explained that a City moratorium is currently in place for dock waivers on the New River in order to ensure that the channel remains navigable. The Board hopes to have further conversation regarding the river’s status as a commercial waterway. He requested additional input from the Coast Guard’s standpoint.

Lt. Adrian confirmed that the New River is a commercial waterway. Most of the area is under the authority of the U.S. Army Corps of Engineers, with whom the Coast Guard works closely to control navigation. The Coast Guard has operational authority, while the Army Corps has structural/design authority, including responsibility for dredging and maintenance.

Lt. Adrian also noted the unique nature of the New River, which is heavily trafficked with a number of drawbridges. This can make management of the waterway more difficult.

Any impediment to the channel, including docks, bridges, and other encroaching structures, must be managed in order to maintain navigation.

One of the Coast Guard's resources for management of the channel is the regulated navigation area. On the Miami River, for example, this means the channel must be maintained at a width of 65 ft. Lt. Adrian advised that this may also be appropriate to Fort Lauderdale, although he reiterated that the Coast Guard would not be involved in the permitting of structures, as that remains the responsibility of the Army Corps.

Chair Witten recalled a recent news article in which an official with the 7<sup>th</sup> Coast Guard District commented that the FEC Railway Bridge should be completely removed and replaced. He also referred to the recent Broward County Marine Summit, noting that there was discussion of optimal bridge height, which was estimated to be 40 ft. Lt. Adrian advised that while he would like to see a higher bridge, both vehicular and vessel traffic are increasing, with trains running more and more often. He acknowledged that conditions will need to be reviewed by FEC as well as waterway regulatory entities to arrive at a solution.

Mr. Flanigan stated that funds are being sought for the City to perform a bathographic survey. The last such survey showed the New River's channel is close to its seawalls in many areas, and asked how the 65 ft. channel would be ensured in this case. Lt. Adrian replied that the regulatory process takes 180 days and would begin with the Coast Guard partnering with the Marine Industries Association of South Florida (MIASF) to determine what the City wants for the river. The Coast Guard would then propose this regulation, which would go out for public comment. After this, a test period would go into effect over another 180 days in order to establish regulations.

Mr. Luscomb advised that the New River's depth varies depending upon the activity of the current. These would need to be addressed before any action could be taken. He concluded that a survey would be necessary to determine where the channel could be dug or scraped, as well as where the channel should be.

Mr. Flanigan asked if the channel could be moved. Mr. Luscomb explained that the navigable portion of the New River is not down its center, but has varying depths, especially inside and outside turns. The river would have to be mapped to determine where the channel could be established. Lt. Adrian emphasized that impediment of the channel established by the Army Corps provides an initial boundary. The Coast Guard's regulated navigation area (RNA) could establish an even larger boundary.

Mr. Brunelle asked if there can be a regulation on the length or size of boats that are allowed to travel along parts of the channel. Lt. Adrian replied that there is no such designation on the Miami River.

Mr. McLaughlin commented that one issue facing the City is the tendency for a homeowner to seek a variance to dock their boat perpendicularly, which could restrict

navigation from across the river. Another issue is that a property owner may agree to restrict the size of their boat to limit its extension, but if the property is sold, the new owner may not observe the same restriction.

Mr. Brunelle commented that the City's current restriction to 30% of the waterway might not work if an RNA is designated. He suggested that the solution might be to restrict extension to different specific distances in different areas of the river, depending upon the width of the channel. Lt. Adrian suggested having this discussion with the Army Corps, which would be in charge of dredging the channel.

The Board members discussed other potential measurements by which a channel could be designated. Vice Chair Harrison pointed out that the Coast Guard can provide an explanation of how an RNA would work; however, this is not necessarily what the Board, or the MIAF, may wish to see, but is intended to investigate the best options for moving forward.

Vice Chair Harrison asked how the 65 ft. channel was determined in the Miami River. Lt. Adrian advised that this figure preceded his tenure in Sector Miami, but estimated that it was determined through discussions with all stakeholders on the river. He added that the straightness of the Miami River, as well as its dredged channel, made it very different from the New River. He also clarified that the Coast Guard would be willing to help accommodate the needs of the waterway without attempting to take it over.

At this time Chair Witten opened public comment. As there were no individuals wishing to speak on the Item, the Chair closed public comment and brought the discussion back to the Board.

Chair Witten thanked Lt. Adrian for his attendance, emphasizing that the City will not be working "in a vacuum," but wants to work with other regulatory interests and entities who are active on the New River. Lt. Adrian suggested that the Coast Guard can also assist with studies that will provide the City with information that will help them make the best decisions.

Mr. McLaughlin noted that one recurring issue the Board has discussed is the tendency to keep the railroad bridge in the down position for longer than permitted. He requested clarification of what the fines for railway entities may be and to whom they are paid. Lt. Adrian replied that the fines vary, and may not be high enough to have significant impact on the rail lines.

## **VI. Derelict Vessel Procedures / Sgt. Travis O'Neil**

Sgt. O'Neil showed a PowerPoint presentation on the Marine Unit's derelict vessel procedures, explaining that he receives numerous emails on this subject. Fort Lauderdale has specific statutory requirements which a vessel must meet in order to be deemed

derelict. While there is a separate City Ordinance for unsightly vessels, there is no state law addressing that status.

A derelict vessel must meet the following requirements:

- It must be sunken, sinking, or unable to extract itself without mechanical assistance
- It must be junked, or substantially stripped of vessel components, substantially degraded or destroyed, or discarded by the owner or operator
- It must be docked, grounded, or beached upon the property of another without consent of the property owner

Two of the following conditions must also apply in order for a vessel to be declared derelict:

- Does not steer
- Has no propulsion system
- Exterior hull has lost its integrity

Sgt. O'Neil advised that in the event a docked vessel is declared derelict, Code Enforcement seeks recourse from the property owner rather than the vessel owner.

A vessel that may meet one of the above criteria is considered at risk of becoming derelict. This designation may also apply to a vessel that is taking on water and cannot be dewatered, one in which enclosed spaces are incapable of being sealed, one that has broken loose or is in danger of breaking loose from its anchor, one that is listing, or one that lacks means of propulsion.

If the Marine Unit identifies a vessel that may be derelict, they will contact its owner to inform them that they have 72 hours in which to prove the boat is not derelict. Sgt. O'Neil advised that roughly half of owners contacted do not meet the Marine Unit to prove the vessel is operable.

In order for a vessel to be declared a public nuisance, it must be ticketed three or more times for the same violation. Once three adjudicated tickets have been issued, the vessel is considered at-risk. Sgt. O'Neil acknowledged that these can be difficult to address, as owners of ticketed vessels may not show up in court.

An abandoned vessel may have no identifiable owner, or may be disposed of or wrecked on public property, inoperative, partially dismantled, with no intrinsic value to the rightful owner.

When dealing with an obviously derelict vessel, the Marine Unit photographs the vessel and notifies its owner to remove it immediately. If an owner does not comply, the City may place a hold on the vessel so the owner cannot renew its registration. They will also issue a derelict citation, which is a criminal citation. If the owner cannot be met in person, a probable cause affidavit is issued and the owner is notified of the condition of the vessel.

Once the owner receives a Notice of Rights package via certified mail, they have 21 days to either correct the problem or remove the vessel from the waterway.

When the Notice of Rights package is sent to the owner, the City places a red tag on the boat and photographs it. The owner may request a hearing before the Special Magistrate, at which time they may be able to prove that they have addressed the issue or removed the boat. If there is no response from the owner after 21 days, the City may lawfully remove the vessel and notify the Department of Motor Vehicles (DMV) of its disposal.

In the case of a public nuisance vessel, the City must issue three citations which must go to court. After this takes place, the vessel can be deemed derelict. For an abandoned vessel, if an owner cannot be identified or refuses contact, it is determined that the vessel has no intrinsic value to that owner. The abandoned vessel is identified and photographed with a sticker, and can be removed after five days.

Ms. George asked how much this process can cost. Sgt. O'Neil advised that this depends upon the size of the boat, as well as whether or not it has sunk or contains fuel. A large boat with these complications can be expensive to address. An anchored, floating, easily accessible vessel costs significantly less.

Vice Chair Harrison requested an estimate of how much the City spent the previous year to address derelict vessels. Mr. Luscomb estimated that this was roughly \$50,000.

Mr. Lynch asked how often the City pursues felony dumping charges against derelict vessels. Sgt. O'Neil replied that one issue which makes it difficult to successfully prosecute these cases is proof of intent. It may be necessary to document the owner admitting intent or witness the dumping of a vessel.

Chair Witten requested that Sgt. O'Neil share copies of his presentation with the Board members.

## **VII. Dock Waiver – 830 NE 20<sup>th</sup> Avenue / Susan T. Gaddis**

Chair Witten advised that the Applicant resides in a zoning district which permits the rental of dock space.

Katherine Meurer of the Chappell Group, representing the Applicant, showed a PowerPoint presentation on the Application. The subject property is located along the Middle River. At present, there is a wooden dock configuration including a marginal dock and finger pier, as well as an existing boat lift. The property can accommodate two boat slips.

The existing wooden marginal dock and finger pier will be removed, and the boat lift will be relocated to accommodate a slightly larger center console vessel. The Applicant

proposes construction of a concrete marginal dock and finger pier as well as the relocated boat lift. A waiver is requested for the finger pier and relocated boat lift.

Ms. Meurer noted that the waterway width at the northern portion of the property is 285 ft., while at the southern portion the width is 300 ft.

The finger pier will be 63 ft. from the property line, requiring a waiver of 38 ft. The boat lift will be relocated to a distance of 47 ft., requiring a waiver of 23 ft. No structures on the property will exceed 25% of the width of the waterway, and will not impede navigation on the Middle River.

The proposed structures are necessary for the safe mooring of vessels, especially during high wind events and severe weather. They are also necessary to protect vessels from high wave energy and excessive wakes. The finger pier and boat lift are consistent with existing structures located along the Middle River.

The Applicant has received letters of support from neighbors to both the north and south. Previous waivers in the area range from 40 ft. to 125 ft. The furthest structure at the subject property will be 63 ft.

Ms. George noted that while waivers are cited for properties at 801 and 797 properties on the Middle River, they are not visually reflected on renderings or photos. It was clarified that these are most likely mooring piles.

Mr. Cuba advised that all neighbors within 300 ft. of the subject property were sent notice of the Application. He has received no objections to the request.

Mr. Rebholz requested clarification of whether or not a 5 ft. setback from the property line is required. Mr. Cuba explained that this does not apply in an ROA zoning district.

There being no further questions from the Board at this time, Chair Witten opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board

**Motion** made by Vice Chair Harrison, seconded by Ms. George, to approve. In a roll call vote, the **motion** passed unanimously (11-0) (Ms. Chiarelli not present for vote).

#### **VIII. Dock Waiver – 2765 NE 14<sup>th</sup> Street / Anita Blommestyn, Trustee of Anita Blommestyn Revocable Trust**

Ms. Meurer showed a PowerPoint presentation on the Application, stating that the property is located on a canal off the Intracoastal Waterway. The property includes a multi-family residence with a cobblestone dock configuration, two existing boat lifts, and 50 mooring piles.

The dock configuration, 14 mooring piles, and existing boat lift in slip #10 will remain. The other 16,000 lb. four-post boat lift will be replaced, along with a mooring pile. This boat lift will remain in slip #4 and will be located 31 ft. from the property line, requiring a waiver for 6 ft. The width of the canal at the subject location is 126 ft.

No structures will exceed 25% of the width of the waterway. Due to the width of the canal, they will not impede navigation. The structures are necessary for the safe mooring of vessels during high wind events and severe weather, and to protect against high wave energy from excessive boat wakes within the canal.

The new boat lift will be constructed 7.3 ft. further waterward than the existing lift in the same slip. It is consistent with other existing lifts and structures along the canal.

The Applicant has received multiple letters of support from other residents within the condominium, and has received authorization to proceed from the condominium association, pending approval by the City and any necessary environmental permits. Existing waivers granted in the surrounding area range from 40 ft. to 487 ft.

There being no questions from the Board at this time, Chair Witten opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Rebholz, seconded by Mr. Brunelle, to approve. In a roll call vote, the **motion** passed unanimously (12-0).

#### **IX. Dock Permit – 1727 SE 8<sup>th</sup> Street / Andre & Robyn Dreyfus**

Chair Witten noted that the Applicant has requested to raise his seawall. The Application complies with all current regulations, including a 10 ft. setback.

Andre Dreyfus, Applicant, explained that both neighbors to the property have raised their seawalls, and he hoped to avoid any water intrusion. He will raise his seawall by 18 in. to match the neighboring properties. He thanked Mr. Cuba for assisting with the Application.

**Motion** made by Ms. George, seconded by Ms. Chiarelli, to approve. In a roll call vote, the **motion** passed unanimously (12-0).

#### **X. Old / New Business – Marine Summit Summary**

Chair Witten stated that the Fort Lauderdale International Boat Show will run from October 25-29, 2023. There are seven sites for the event, which will be broadcast on FOX Sports Network. The Boat Show's estimated economic impact to the area will be \$1.8 billion. Over 100,000 global visitors will attend the event. The 2022 Boat Show resulted in \$900 million in direct sales.

Vice Chair Harrison invited the Board members to visit the Boat Show's Marine Research Hub, which is presented by MIAF and the Broward Alliance and includes Florida Atlantic University, Florida International University, Nova Southeastern University, and the University of Miami, all of which conduct marine research. The Marine Research Hub will host a breakfast and presentations, including a presentation on coral mitigation.

Chair Witten also requested that Mr. Walker provide information on the Water Taxi and its importance to the Boat Show. Mr. Walker stated that the Water Taxi will operate a complimentary shuttle from the Las Olas Marina to the dock at Bahia Mar to accommodate guests. They will run a total of 18 boats at the event. He anticipated moving approximately 90,000 guests across five days. Water Taxi will hire an additional 25 employees to assist with the event. All Water Taxi vehicles except one use Tier 3 emission engines which burn low-sulfur diesel fuel.

Mr. Walker continued that the Convention Center is expected to accommodate roughly 3000 cars. An influx of visitors is expected through Brightline as well, and Brightline will provide electric carts to move attendees to the Riverside Hotel.

Chair Witten addressed the recent Broward County Marine Summit, thanking all the Board and Staff members who attended this event.

Chair Witten moved on to discuss the FEC Railroad Bridge over the New River, recalling that MIAF and Broward County are supportive of a 40 ft. closed bridge. There was discussion at the Summit of sending a communication to the City Commission to advise them of the Board's position on this structure. He recommended that the Board discuss this in greater detail in the future.

Chair Witten continued that a moratorium is currently in place for waivers on the New River. The Board has received a communication from Assistant City Attorney Bob Dunckel stating that they may now use Zoning in Progress, which means they are not required to move forward on approving any waiver for the next several months. He suggested that at the next meeting, the Board begin considering steps they would like to take regarding the moratorium, including address of the canal width, as discussed earlier by Coast Guard Lt. Adrian. The Chair requested that this be an Agenda Item for the November 2023 meeting.

Vice Chair Harrison stated that MIAF will establish a group to discuss this issue further. He will remain in communication with the Board on this group's activities in a manner consistent with the Sunshine Law. Chair Witten encouraged the Board members to share any additional information they may have on this issue.

Chair Witten also noted that Brightline plans to double its Orlando and Miami services to 30 trips per day. He pointed out that every time this service runs to or from Miami, the FEC Bridge is required to be down, and suggested that the Board may wish to make a statement on this issue.

Ms. Chiarelli recalled that at the State of the City update, Fort Lauderdale Mayor Dean Trantalis had mentioned the possibility of another tunnel study. She recommended discussing this study at a subsequent meeting for consideration as part of the discussion about the FEC Bridge.

U.S. Coast Guard Lieutenant Ed Wright, Assistant Chief of Marine Investigations in the Sector Miami, explained that he is part of the same Department as Lt. Adrian. He also introduced Chief Warrant Officer Joshua Yanez, who is also an Investigator in Sector Miami. He addressed illegal charter vessel operations, stating that the team can field questions from the Board on this topic, as well as on other marine investigations.

Chair Witten requested additional information on “party boats” and similar issues. Lt. Wright advised that one issue is bareboat charters, which he described as being similar to auto rental services at airports: the company owns a vessel, and a renter temporarily assumes control of it for a limited time. This has recently developed into big business in South Florida, as the owner of a yacht, pontoon, or other vessel rents or charters these vessels to private individuals, who temporarily act as owners and can bring up to 12 individuals onto the vessel.

Lt. Wright continued that the Coast Guard is performing active surveillance to detect illegal passenger-for-hire operations; when the vessels do not comply with federal safety requirements, they terminate the vessels, issue tickets, and put owners and operators of those vessels on notice. If violations persist, the owner or operator may be charged with a Class C felony, which can bring up to \$111,300 in fines.

Lt. Wright emphasized that this is a nuanced issue, and multiple agencies, including the Florida Fish and Wildlife Conservation Commission (FWC), the City of Miami, and other partners, have undertaken training to enforce this statute. He also stressed the importance of working with the public to gain information, and noted there is a Coast Guard in-service tip line.

Officer Yanas advised that the Coast Guard has terminated voyages and participated in the suspension/revocation of captains’ licenses, as well as issuing tickets. He concluded that this is a major issue and the intent is to ensure safety.

Sgt. O’Neil stated that one way the Marine Unit addresses potentially illegal charter activity is through livery inspections, which have recently been used to shut down two jet ski operations that did not meet state livery standards.

Chair Witten suggested that the Board may wish to consider sending a communication to the City Commission at a subsequent meeting on this issue.

Chair Witten also addressed the Little Florida area, stating that he has spoken to a property owner in that area who is planning to construct a fixed dock and observation

platform. After reviewing the owner's plans, he has suggested that representatives of the marine industry drive a large vessel to the subject area to determine if a boat of that size can navigate safely. He acknowledged that the Sunshine Law does not permit the Board members to work as a team on this issue, but requested the Board's permission to proceed and work with MIAASF.

Vice Chair Harrison requested clarification of what the Chair would like to do. Chair Witten stated that he is concerned about navigation on the New River and would like to suggest a compromise or accommodation by the property owner regarding the placement of the dock. He emphasized that his intent was not to take a confrontational stance.

Mr. Brunelle observed that vessels over 100 ft. in size regularly travel the subject area, and suggested watching one of these boats navigate the area with the property owner; however, he cautioned that if one of those vessels struck the owner's dock, legal action might be taken and the dock replaced.

Vice Chair Harrison noted that video is already available of large vessels turning a corner in the subject area, and observed that this may not be worth pursuing further with the property owner, who may be unlikely to change his plans for construction of the dock and platform. Mr. McLaughlin proposed that buoys be used to simulate the location of the proposed dock.

Mr. Rebholz asked if an update is available on the replenishment of beach sand north and south of the jetties. He pointed out that navigation in the channel is being affected. Mr. Cuba stated that he would find out more information about this and disseminate it to the Board.

## **XI. Adjournment**

There being no further business to come before the Board at this time, the meeting was adjourned at 7:57 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

[Minutes prepared by K. McGuire, Prototype, Inc.]

# ITEM VI

## MEMORANDUM MF NO. 23-06

DATE: October 10, 2023

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Marine Facilities Manager

RE: November 2, 2023 MAB Meeting – Application for Dock Permit – John R. & Staci L. Swadener / 1415 SE 11<sup>th</sup> Court

Attached for your review is an application from John R. & Staci L. Swadener / 1415 SE 11<sup>th</sup> Court.

### APPLICATION AND BACKGROUND INFORMATION

The applicant is seeking approval for the usage of a proposed 32'+/- long x 12'8'+/- wide marginal dock and 23'+/- long x 5' +/- wide finger pier and access steps extending a maximum distance of 25'+/- from the property line on public property abutting the waterway adjacent to 1415 SE 11<sup>th</sup> Court. City Code Section 8-144 authorizes the construction and use of docks on public property, and allows for the permit to be issued provided the permit holder agrees to maintain the improvements and seawall.

### PROPERTY LOCATION AND ZONING

The property is located within the Rio Vista Isles RS-8 Residential Low Density Zoning District. The dock area is directly adjacent to the Rio Cordova Canal with direct access to the Intracoastal Waterway.

### ENGINEERING REVIEW REQUIREMENT

As a requirement of City Code Section 8-144, approval of the application is contingent upon all improvements to the property being maintained in accord with City Engineering standards and in full compliance with building and zoning regulations including construction permits required for any future electrical and water feeds to the property.

The granting of this Permit is subject to all of the provisions of City Code Section 8-144 as well as the following terms and conditions, violation of any of which shall be grounds for revocation of the Permit:

1. The permit to use the docks shall expire upon the: (i) abandonment of the use of the dock; or (ii) recordation of the deed of conveyance transferring title to the upland parcel; or (iii) termination, expiration or revocation of the dock permit by the City Commission, whichever (i),(ii), or (iii) shall first occur.
2. Upon expiration of the permit to use the dock, the permit holder shall be obligated to remove the dock and all appurtenances thereto no later than three (3) months after the termination, revocation or expiration of the permit to use the dock.
3. Signage such as "private dock" may be placed on the dock within the dock area, but not upon or within the public swale area.

Marine Advisory Board

November 2, 2023

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4. Only vessels owned by the permit holder and registered with the City as part of the dock permit application may be moored at the permitted dock.
5. During the term of the dock permit, the permit holder shall be required to repair, replace, reconstruct or maintain the dock or adjacent seawall or both to meet the requirements of City Code 8-144 (7) and ULDR section 47-19.3 (f.) (4.). The public swale area shall be landscaped in accordance with the established landscape plan for the area in question adopted by the Department of Sustainable Development.
6. All improvements such as docks, seawalls and the like which are placed upon the public dock area or within the dock permit parcel or within the dock area and public swale area by a private person shall be constructed with appropriate permits from all applicable agencies. Maintenance and repairs shall be performed according to City Engineering standards and all applicable regulatory codes.
7. The public swale area shall be kept open at all times as means of reasonable ingress and egress to the public, but the permit holder shall have the right to exclude the public from the dock area.
8. Vessels berthed within the Dock Area must not encroach into the northerly or southerly extension of the 5' set-back required for the RS-8 zoning district for Applicant's (Permit Holder's) Property.
9. All installed docks must be either (i) floating docks that can adapt to sea level rise over their useful life span; or (ii) fixed docks installed at a minimum height consistent with the requirements of section 47-19.3(f); or (iii) fixed docks the height of which are even with the City's seawall, whichever (ii) or (iii) is the greater.
10. Except as to a tender, there shall be no rafting of vessels from the moored vessel.
11. The permit shall guarantee from the permit holder to the city to indemnify and hold the city harmless for any damage or injury to any person using such facilities.
12. Per 8-144 (6), penetration of the City's seawall to support the dock or attach improvements is prohibited, barring specified considerations.
13. The Applicant has the responsibility to execute and deliver a Declaration of Covenants Running With the Land Respecting A City Issued Dock Permit to the City Attorney's Office no later than ten (10) days prior to the Commission meeting date.
14. The violation of any provisions of Code Section 8-144 or violations of any of the terms or conditions relative to the granting or renewal of a dock permit shall be unlawful and may constitute cause for revocation of the permit.

AC

Attachment

cc: Enrique Sanchez, Deputy Director of Parks and Recreation  
Jonathan Luscomb, Marine Facilities Supervisor

**DOCK PERMIT APPLICATION**  
**John and Staci Swadener**  
**1415 SE 11<sup>th</sup> Court**  
**FORT LAUDERADLE, FLORIDA 33316**

# **DOCK PERMIT APPLICATION**

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GEX F. RICHARDSON  
Attorney at Law

October 10, 2023

**VIA EMAIL**

Marine Advisory Board  
City of Fort Lauderdale  
2 South New River Drive East  
Fort Lauderdale, Florida 33301

RE: 1415 SE 11<sup>th</sup> Court Dock Permit

To Whom It May Concern;

John and Staci Swadener are requesting a dock permit to replace the dock removed at the time of the Cordova seawall project start. They would now like to get a permit and replace the dock which was required to be removed due to the seawall project with a 244 square foot dock (5ft x 32 north to south and 5ft x 20ft west to east) which is in compliance with the current regulations. They have chosen to put in a pier dock to meet the current requirements. They are contemplating purchasing a 30 to 40 ft boat upon approval and installation of the new dock.

Thank you for your cooperation in this matter and please do not hesitate to contact me with any further questions.

Sincerely,

*Gex F. Richardson*

Gex F. Richardson  
On Behalf of John and Staci Swadener

PO BOX 2503  
FORT LAUDERADLE, FLORIDA 33303  
9545414563

## **Application for waterway permit**

**CITY OF FORT LAUDERDALE  
MARINE FACILITIES  
APPLICATION FOR WATERWAY PERMITS, WAIVERS AND LICENSES**

Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, licenses, permits and approvals involving municipal docking facilities or private uses in the waterways as regulated by Section 8 of the City Code of Ordinances or Section 47-19.3 of the City's Urban Land Development Regulations, shall be preceded by the execution and filing of the following application form available at the Office of the Supervisor of Marine Facilities. The completed application must be presented with the applicable processing fee paid before the agreement is prepared or the application processed for formal consideration (see City of Fort Lauderdale Code Section 2-157). If legal publication is necessary, the applicant agrees to pay the cost of such publication in addition to the application fee.

**APPLICATION FORM**  
**(Must be in Typewritten Form Only)**

1. LEGAL NAME OF APPLICANT - (If corporation, name and titles of officers as well as exact name of corporation. If individuals doing business under a fictitious name, correct names of individuals, not fictitious names, must be used. If individuals owning the property as a private residence, the name of each individual as listed on the recorded warranty deed):

NAME: John R Swadener and Staci L. Swadener, Husband, and wife

TELEPHONE NO: 630 640 0119 and 630 215 4189 EMAIL: Staci\_Swadener@yahoo.com  
(home/cellular) (business)

2. APPLICANT'S ADDRESS (if different than the site address):

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: Dock Permit [REDACTED]

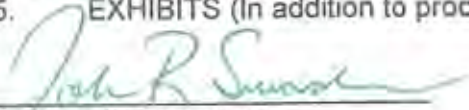
4. SITE ADDRESS: 1415 SE 11<sup>TH</sup> COURT FT LAUD FL 33316 ZONING: RS8

**LEGAL DESCRIPTION AND FOLIO NUMBER:**

LOT 13, Block 6, RIO VISTA ISLES UNIT 3, according to the Plat thereof, recorded in Plat Book 7, Page 47, of the Public Records of Broward County, Florida

10211-18-04910

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).

  
Applicant's Signature

September 25, 2023

Date

The sum of \$ \_\_\_\_\_ was paid by the above-named applicant on the \_\_\_\_\_ of \_\_\_\_\_  
20\_\_\_\_ Received by: \_\_\_\_\_

City of Fort Lauderdale

=====For Official City Use Only=====

**Marine Advisory Board Action**  
Formal Action taken on \_\_\_\_\_

**Commission Action**  
Formal Action taken on \_\_\_\_\_

Recommendation \_\_\_\_\_  
Action \_\_\_\_\_

**Copy of Deed**

THIS INSTRUMENT PREPARED BY AND RETURN TO:  
BJ REEVES  
TOWN & COUNTRY TITLE GUARANTY OF HOLLYWOOD  
1779 N. UNIVERSITY DRIVE, SUITE 202  
PEMBROKE PINES, FLORIDA 33024  
Our File No.: 16-0137P  
Property Appraisers Parcel Identification (Folio) Number: 10211-18-04910  
Florida Documentary Stamps in the amount of \$ have been paid hereon.

SPACE ABOVE THIS LINE FOR RECORDING DATA

# WARRANTY DEED

THIS WARRANTY DEED, made the 21 day of April, 2016 by JEFFREY SHAFFNER, A SINGLE MAN, whose post office address is 2100 OCEAN LANE #2208, FORT LAUDERDALE, FL 33316 herein called the Grantor, to JOHN R. SWADENER and STACI L. SWADENER, HUSBAND & WIFE whose post office address is 1415 SE 11<sup>TH</sup> COURT, FORT LAUDERDALE, FL 33316, hereinafter called the Grantees: (Wherever used herein the terms "Grantor" and "Grantees" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in BROWARD County, State of Florida, viz.:

LOT 13, BLOCK 6, RIO VISTA ISLES UNIT 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, AT PAGE 47 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Subject to easements, restrictions and reservations of record and taxes for the year 2016 and thereafter.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the Grantor hereby covenants with said Grantees that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2015.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

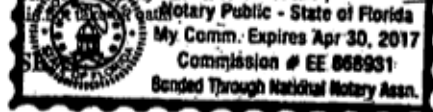
Charles R. Hodges Jr.  
Witness #1 Signature  
CHARLES R. HODGES JR.  
Witness #1 Printed Name

Mark Edwin  
Witness #2 Signature  
MARK EDWIN  
Witness #2 Printed Name

Jeffrey Shaffner  
JEFFREY SHAFFNER

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 21 day of April, 2016 by JEFFREY SHAFFNER, who is personally known to me or who produced ALIBETIC as identification and who  did



Mark Edwin  
Notary Public  
MARK EDWIN  
Printed Notary Name

My commission expires:  
4-30-17

**PROPERTY SUMMARY**

Tax Year: 2023

Property ID: 504211180491

Property Owner(s): SWADENER, JOHN R & STACI L

Mailing Address: 1415 SE 11 CT FORT LAUDERDALE, FL 33316

Physical Address: 1415 SE 11 COURT FORT LAUDERDALE, 33316

Property Use: 01-01 Single Family

Millage Code: 0312

Adj. Bldg. S.F.: 4237

Bldg Under Air S.F.: 4041

Effective Year: 2005

Year Built: 2004

Units/Beds/Baths: 1 / 4 / 5

Deputy Appraiser: Residential Department

Appraisers Number: 954-357-6831

Email: [realprop@bcpa.net](mailto:realprop@bcpa.net)

Zoning: RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY

Abbr. Legal Des.: RIO VISTA ISLES UNIT 8 7-47 B LOT 13 BLK 6

**PROPERTY ASSESSMENT**

Year	Land	Building / Improvement	Agricultural Saving	Just / Market Value	Assessed / SOH Value	Tax
2023	\$294,640	\$1,666,950	0	\$1,961,590	\$1,830,600	
2022	\$294,640	\$1,666,950	0	\$1,961,590	\$1,664,190	\$33,233.76
2021	\$294,640	\$1,218,260	0	\$1,512,900	\$1,512,900	\$28,630.23

**EXEMPTIONS AND TAXING AUTHORITY INFORMATION**

	County	School Board	Municipal	Independent
Just Value	\$1,961,590	\$1,961,590	\$1,961,590	\$1,961,590
Portability	0	0	0	0
Assessed / SOH	\$1,830,600	\$1,830,600	\$1,830,600	\$1,830,600
Granny Flat				
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exemption Type	0	0	0	0
Affordable Housing	0	0	0	0
Taxable	\$1,830,600	\$1,961,590	\$1,830,600	\$1,830,600

**SALES HISTORY FOR THIS PARCEL**

Date	Type	Price	Book/Page or Cin
04/21/2016	Warranty Deed Qualified Sale	\$1,679,000	113655398
11/22/2004	Warranty Deed	\$1,800,000	38623 / 1788
04/16/2001	Warranty Deed	\$240,000	31549 / 105

**LAND CALCULATIONS**

Unit Price	Units	Type
\$40.00	7,366 SqFt	Square Foot

**RECENT SALES IN THIS SUBDIVISION**

Property ID	Date	Type	Qualified/ Disqualified	Price	CIN	Property Address
504211181210	11/21/2022	Warranty Deed	Qualified Sale	\$785,000	118534226	707 SE 11 CT FORT LAUDERDALE, FL 33316
504211181920	11/10/2022	Warranty Deed	Qualified Sale	\$1,800,000	118516152	1029 CORDOVA RD FORT LAUDERDALE, FL 33316
504211182460	11/03/2022	Warranty Deed	Qualified Sale	\$995,000	118512425	708 SE 9 ST FORT LAUDERDALE, FL 33316
504211181310	10/26/2022	Multi Special Warranty Deed	Excluded Sale	\$2,950,000	118490629	1130 S FEDERAL HWY FORT LAUDERDALE, FL 33316
504211181330	10/26/2022	Multi Special Warranty Deed	Excluded Sale	\$2,950,000	118490629	S FEDERAL HWY FORT LAUDERDALE, FL 33316

**SPECIAL ASSESSMENTS**

Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
Ft Lauderdale Fire-rescue (03) Residential (R) 1						(F1) 1.00		

**SCHOOL**

Harbordale Elementary: A  
Sunrise Middle: C  
Fort Lauderdale High: A

**ELECTED OFFICIALS**

Property Appraiser	County Comm. District	County Comm. Name	US House Rep. District	US House Rep. Name
Marty Klar	4	Lamar P. Fisher	22	Ted Douth
Florida House Rep. District	Florida House Rep. Name	Florida Senator District	Florida Senator Name	School Board Member
93	Chiq LaMarca	34	Gary M. Farmer, Jr.	Sarah Leonard

## **Survey information**



## **Ariel Photograph**



Map data © HERE, © Garmin, © OpenStreetMap contributors, © City of Fort Lauderdale



CITY OF FORT LAUDERDALE

1415 SE 11 Court



0 90 180 Feet

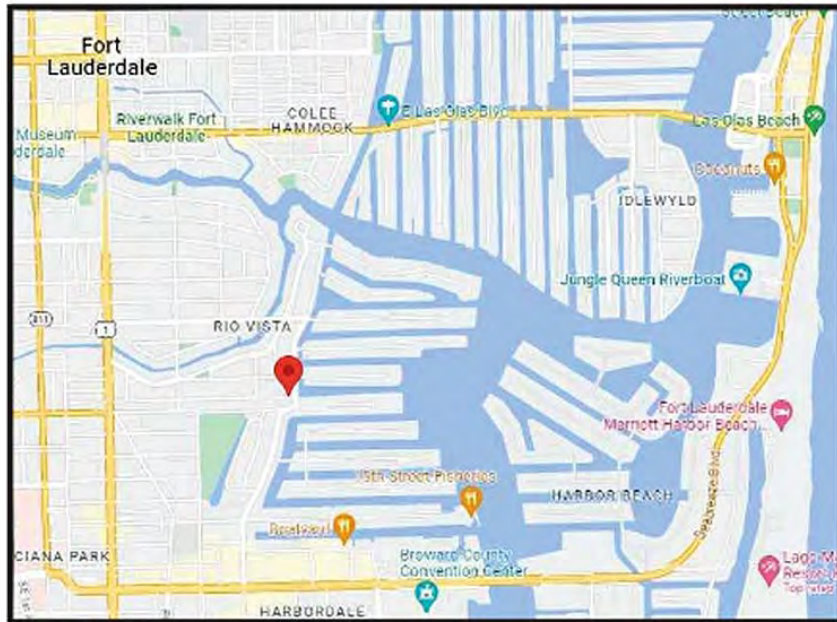
**GIS**  
Fort Lauderdale

**Dock area pictures, dock drawings  
and Landscape plan**







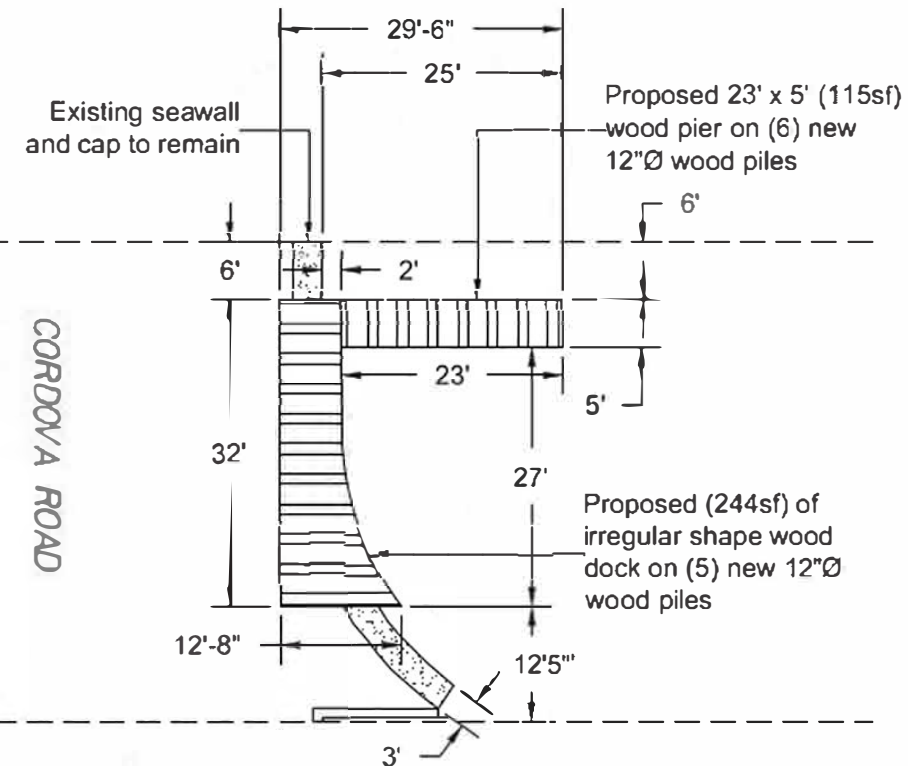
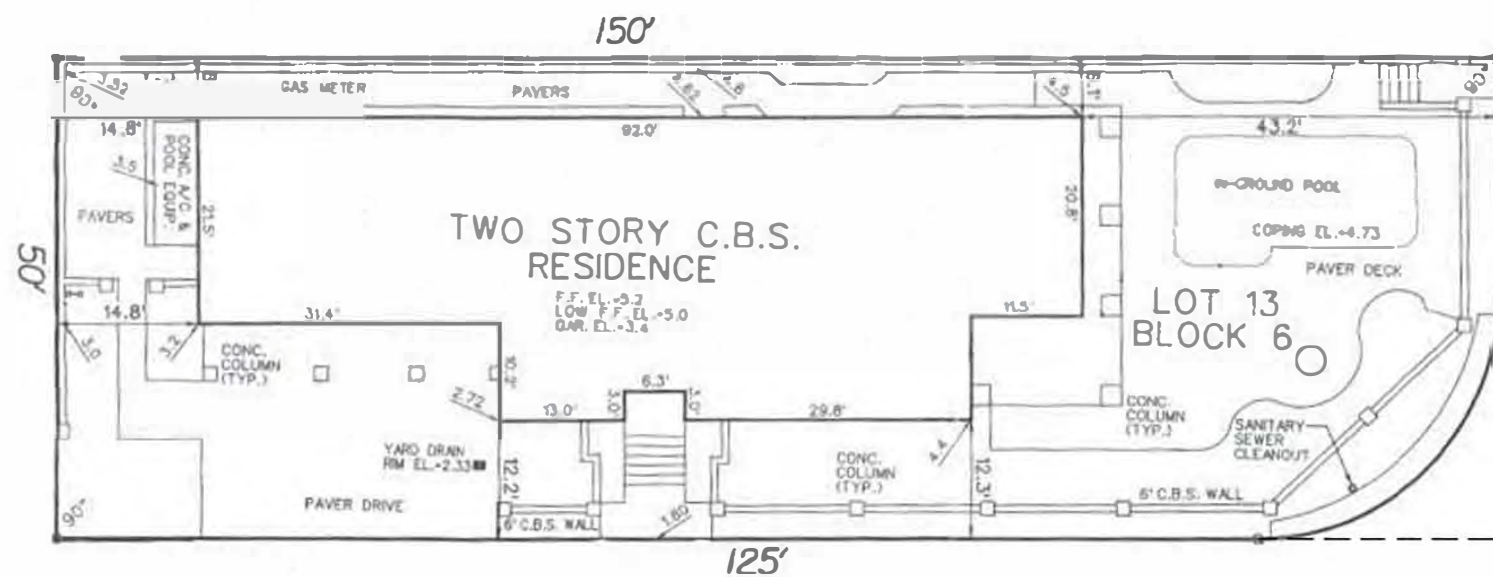


No tree will be removed or replanted as part of this permit

See attached survey supplied by owner for exact property information.

Site Address	1415 SE 11 COURT, FORT LAUDERDALE FL 33316	ID #	5042 11 18 0491
Property Owner	SWADENER, JOHN R & STACI L	Millage	0312
Mailing Address	1415 SE 11 CT FORT LAUDERDALE FL 33316	Use	01-01
Abbr Legal Description	RIO VISTA ISLES UNIT 3 7-47 B LOT 13 BLK 6		

Location Map



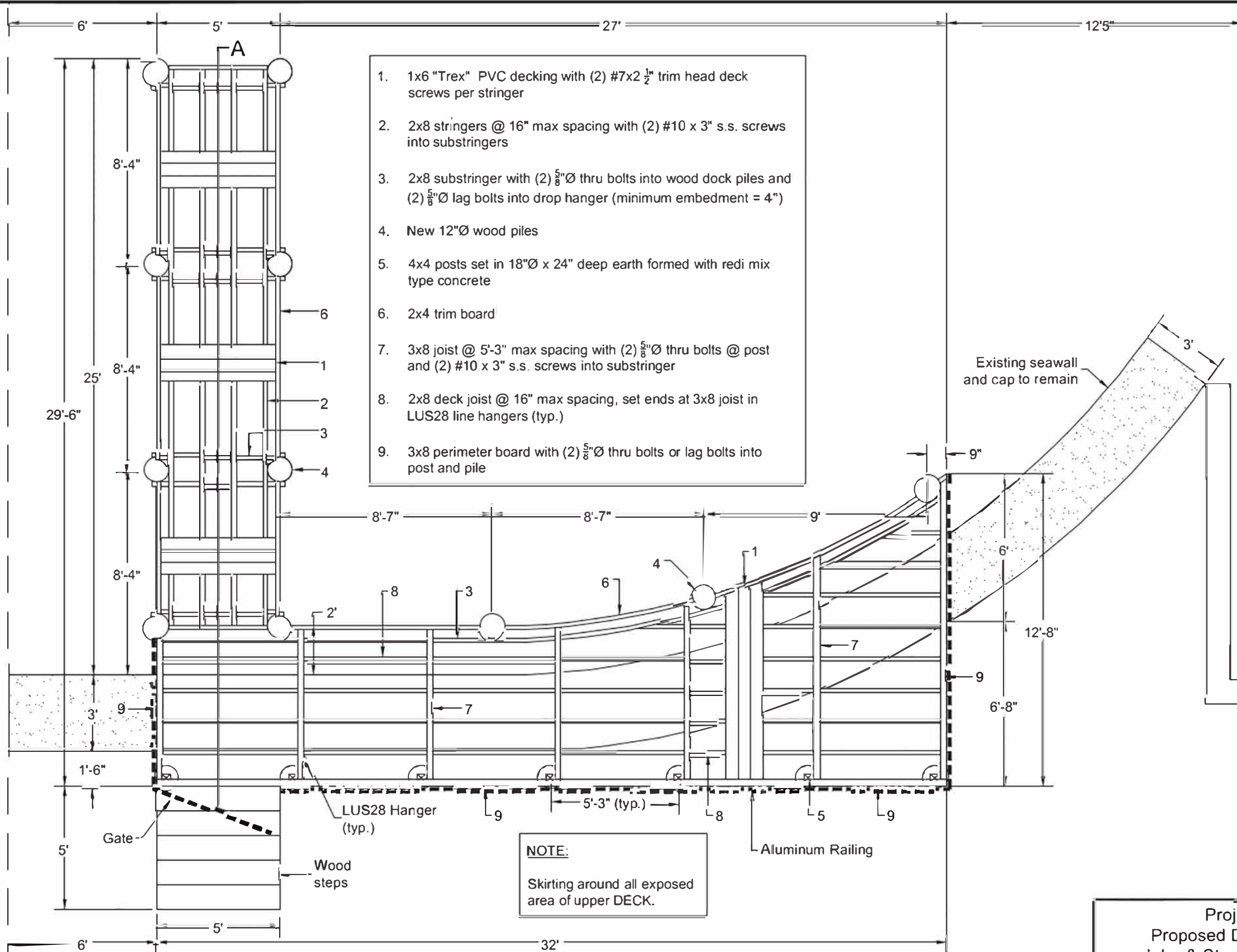
Proposed Site Plan

Scale: 1" = 20'

Sheet 1 of 5

Project:  
Proposed Dock / Pier  
John & Staci Swadener  
1415 SE 11 Court  
Fort Lauderdale, Florida 33316

MARK E. WEBER, P.E.  
LICENSE #53895 | CA 30702  
MW ENGINEERING, INC  
902 NE 1 Street Suite #2  
Pompano Beach, Florida 33060  
Ofc: 754-333-0877  
www.MwEngineering.net



1. 1x6 "Trex" PVC decking with (2) #7x2 1/2" trim head deck screws per stringer
2. 2x8 stringers @ 16" max spacing with (2) #10 x 3" s.s. screws into substringers
3. 2x8 substringer with (2) 5/8"Ø thru bolts into wood dock piles and (2) 5/8"Ø lag bolts into drop hanger (minimum embedment = 4")
4. New 12"Ø wood piles
5. 4x4 posts set in 18"Ø x 24" deep earth formed with redi mix type concrete
6. 2x4 trim board
7. 3x8 joist @ 5'-3" max spacing with (2) 5/8"Ø thru bolts @ post and (2) #10 x 3" s.s. screws into substringer
8. 2x8 deck joist @ 16" max spacing, set ends at 3x8 joist in LUS28 line hangers (typ.)
9. 3x8 perimeter board with (2) 5/8"Ø thru bolts or lag bolts into post and pile

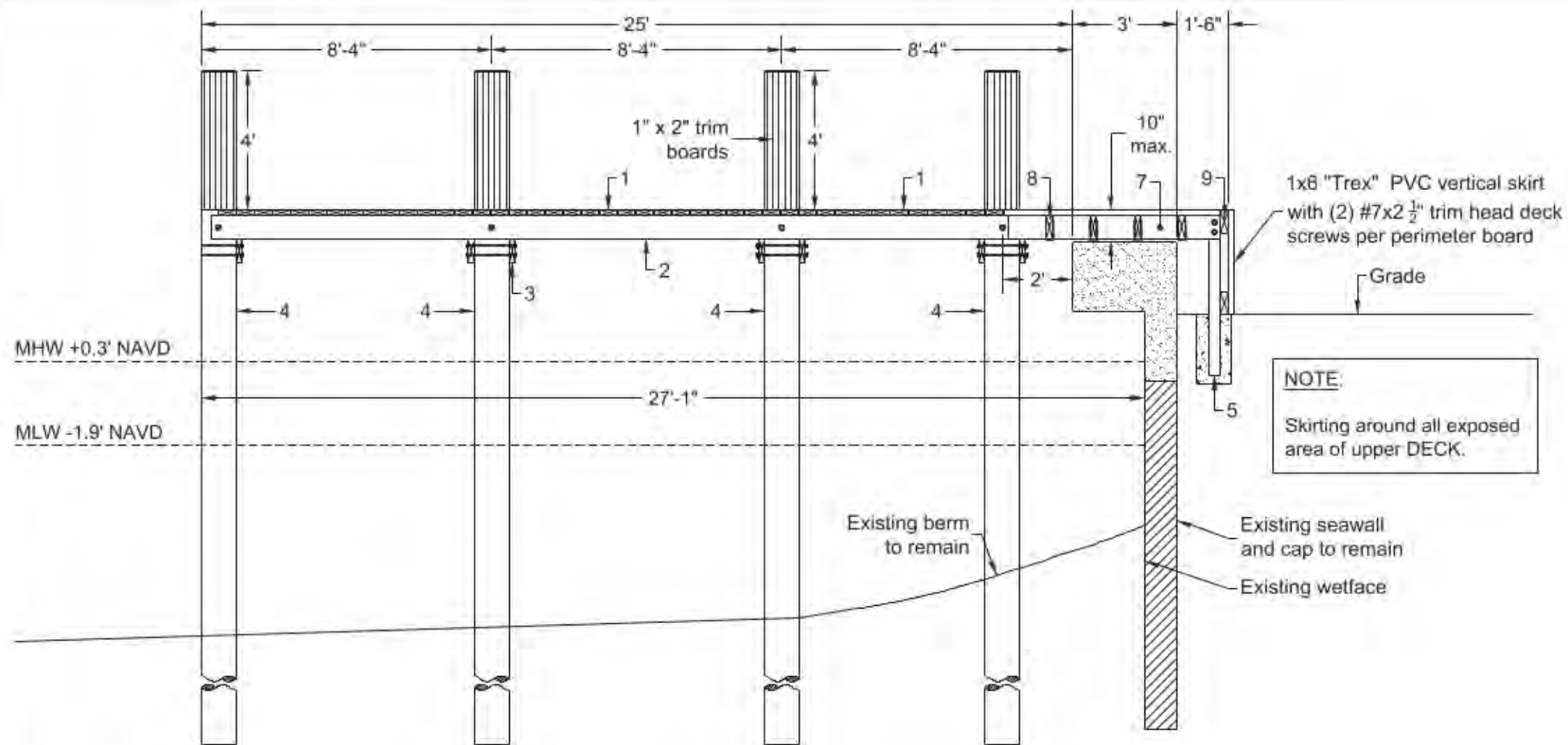
**NOTE:**  
Skirting around all exposed area of upper DECK.

**Framing Plan**  
Scale 1/4" = 1'-0"

Sheet 2 of 5

Project:  
Proposed Dock / Pier  
John & Staci Swadener  
1415 SE 11 Court  
Fort Lauderdale, Florida 33316

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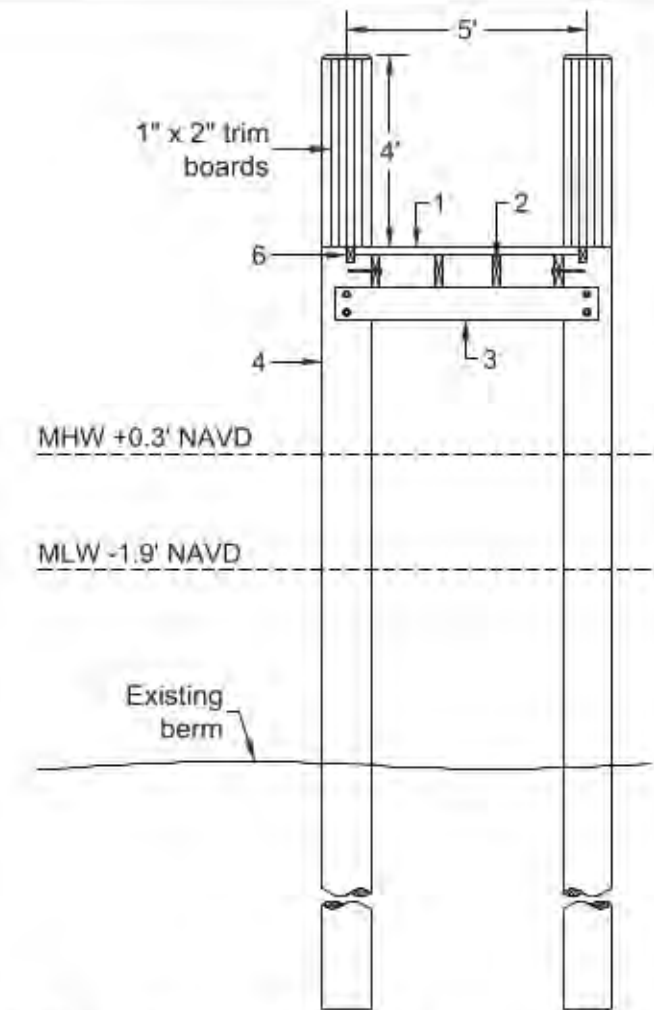


### Dock Section "A"

Scale 1/4" = 1'-0"

1. 1x6 "Trex" PVC decking with (2) #7x2 1/2" trim head deck screws per stringer
2. 2x8 stringers @ 16" max spacing with (2) #10 x 3" s.s. screws into substringers
3. 2x8 substringer with (2) 5/8"Ø thru bolts into wood dock piles and (2) 5/8"Ø lag bolts into drop hanger (minimum embedment = 4")
4. New 12"Ø wood piles
5. 4x4 posts set in 18"Ø x 24" deep earth formed with redi mix type concrete
6. 2x4 trim board
7. 3x8 joist @ 5'-3" max spacing with (2) 5/8"Ø thru bolts @ post and (2) #10 x 3" s.s. screws into substringer
8. 2x8 deck joist @ 16" max spacing, set ends at 3x8 joist in LUS28 line hangers (typ.)
9. 3x8 perimeter board with (2) 5/8"Ø thru bolts or lag bolts into post and pile

**NOTE:**  
Skirting around all exposed area of upper DECK.



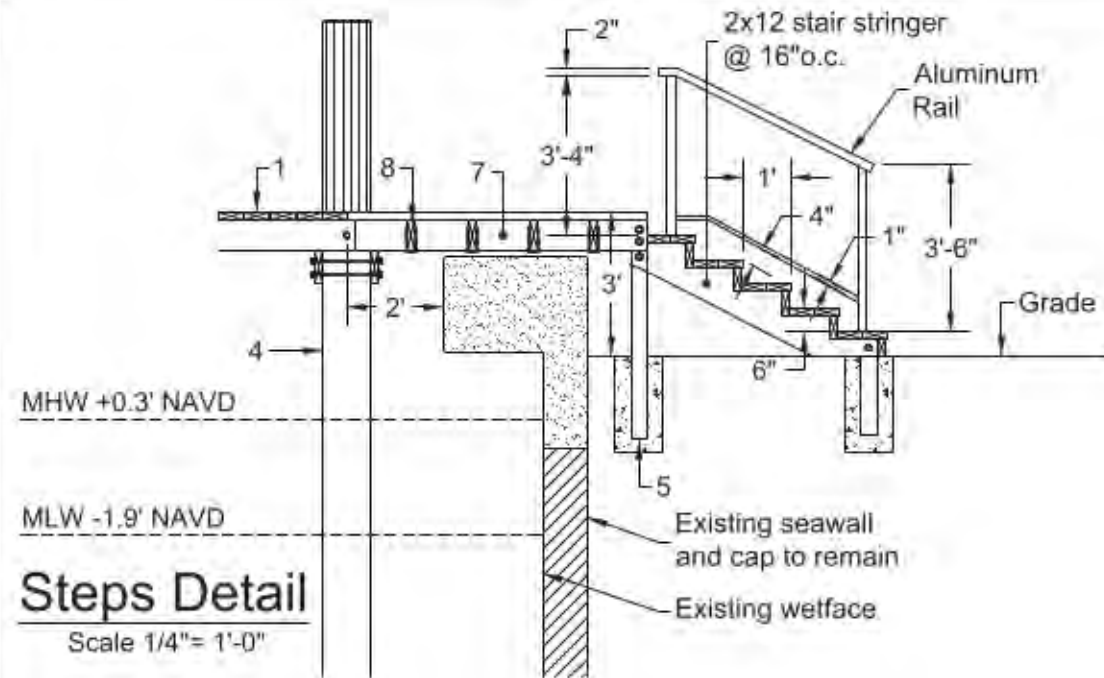
### Wood Pier Section

Scale 1/4" = 1'-0"

Sheet 3 of 5

**Project:**  
Proposed Dock / Pier  
John & Staci Swadener  
1415 SE 11 Court  
Fort Lauderdale, Florida 33316

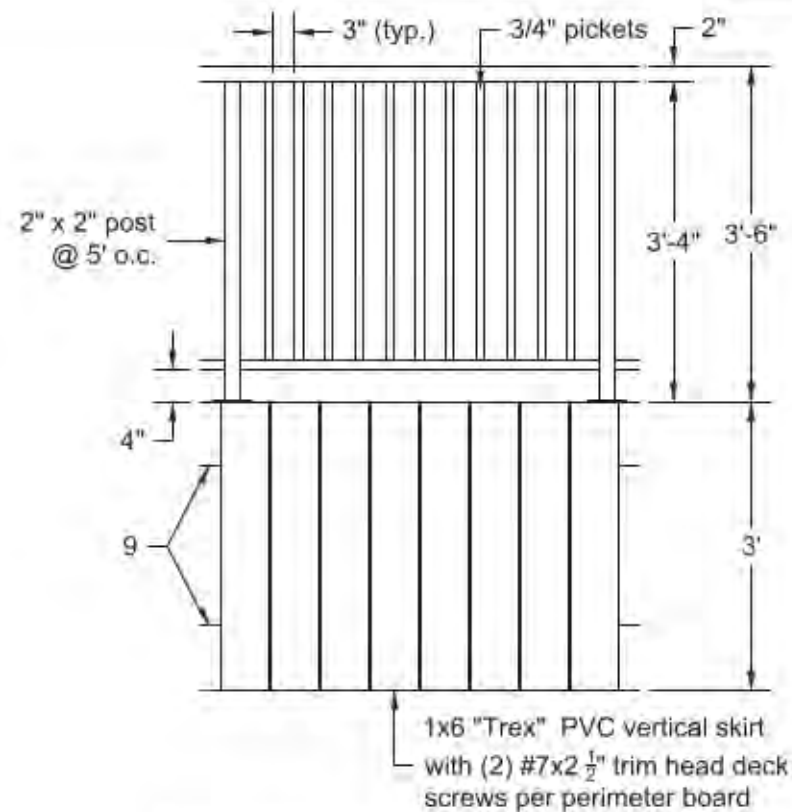
MARK E. WEBER, P.E.  
LICENSE #63895 | CA 30702  
MW ENGINEERING, INC  
802 NE 1 Street Suite #2  
Pompano Beach, Florida 33060  
Ofc. 754-333-0977  
WWW.MWEngineering.net



### Steps Detail

Scale 1/4" = 1'-0"

1. 1x6 "Trex" PVC decking with (2) #7x2 1/2" trim head deck screws per stringer
2. 2x8 stringers @ 16" max spacing with (2) #10 x 3" s.s. screws into substringers
3. 2x8 substringer with (2) 5/8"Ø thru bolts into wood dock piles and (2) 5/8"Ø lag bolts into drop hanger (minimum embedment = 4")
4. New 12"Ø wood piles
5. 4x4 posts set in 18"Ø x 24" deep earth formed with redi mix type concrete
6. 2x4 trim board
7. 3x8 joist @ 5'-3" max spacing with (2) 5/8"Ø thru bolts @ post and (2) #10 x 3" s.s. screws into substringer
8. 2x8 deck joist @ 16" max spacing, set ends at 3x8 joist in LUS28 line hangers (typ.)
9. 3x8 perimeter board with (2) 5/8"Ø thru bolts or lag bolts into post and pile



### Aluminum Railing Detail

Scale: 1/2" = 1'-0"

**NOTE:**

Skirting around all exposed area of upper DECK.

Sheet 4 of 5

Project:  
 Proposed Dock / Pier  
 John & Staci Swadener  
 1415 SE 11 Court  
 Fort Lauderdale, Florida 33316

MARK E. WEBER, P.E.  
 LICENSE #63895 | CA 30702  
 MW ENGINEERING, INC  
 902 NE 1 Street Suite #2  
 Pompano Beach, Florida 33060  
 Ofc. 754-333-0577  
 WWW.MWEngineering.net

GENERAL NOTES:

1. Construction to follow the Florida Building Code 7th Edition (2020) and amendments as applicable and all Local, State and Federal Laws.
2. Licensed contractor shall verify the existing conditions prior to the commencement of the work. Any conflicts or omissions between existing conditions or the various elements of the working drawing shall be brought to the attention of the Engineer prior to the commencement of the work. The Licensed Contractor and all subcontractors are responsible for all lines, elevations, and measurements in connection with their work.
3. Do not scale drawings for dimensions.
4. Any deviation and/or substitution from the information provided herein shall be submitted to the Engineer for approval prior to commencement of work.
5. All unanticipated or unforeseen demolition and/or new construction conditions which require deviation from the plans and notes herein shall be reported to the Engineer prior to commencement of work.
6. All new work and/or materials shall conform to all requirements of each administrative body having jurisdiction in each appertaining circumstance.
7. All new materials and/or patchwork shall be provided to match existing materials and/or adjoining work where practical except as specifically noted herein.
8. Licensed Contractor to shall use all possible care to protect all existing materials, surfaces, and furnishings from damage during all phases of construction.
9. Licensed Contractor to verify location of existing utilities prior to commencing work.
10. The Licensed contractor to install and remove all shoring and bracing as required for the proper execution of the work.
11. Licensed Contractor to obtain all permits as necessary from all Local, State, and Federal agencies.
12. Turbidity barriers to be marked with site contractor's company name using permanent markings no smaller than 3 inches in height on the top of the barrier.

PILE DRIVING:

1. Piles shall be driven using an approved cushion block consisting of material so arranged so as to provide the transmission of hammer energy.
2. Piles shall be driven to a minimum allowable bearing capacity of 10 tons for wood, 25 tons for concrete, and 5 tons for pin piles, a minimum of 8' into berm or refusal.
3. Piles shall be driven with a drop hammer or gravity hammer provided the hammer shall weight no less than 3,000 pounds, and the fall of the hammer shall not exceed 6'.
4. Piles shall be driven with a variation of not more than  $\frac{1}{4}$  inch per foot from the vertical, or from the batter line indicated, with a maximum variation of the head of the pile from the position shown on the plans of not more than three inches.
5. Where piling must penetrate strata offering high resistance to driving, the structural engineer of record or special inspector may require that the piles be set in pre-drilled or punched holes. The piles shall reach their final penetration by driving.

CONCRETE NOTES:

1. Concrete shall conform to ACI 318-14 and shall be regular weight, sulfate resistant, with a design strength of 5000 psi at 28 days with a maximum water-cementitious materials ratio, by weight aggregate concrete of 0.40.
2. Owner shall employ and pay for testing services from an independent testing laboratory for concrete sampling and testing in accordance with ASTM.
3. Licensed contractor is responsible for the adequacy of forms and shoring and for safe practice in their use and removal.
4. Concrete cover shall be 3" unless otherwise noted on the approved drawings.
5. Reinforcing steel shall be in conformance with the latest version of ASTM A615 Grade 60 specifications. All reinforcement shall be placed in accordance with ACI 315 and ACI Manual of Standard Practice.
6. Splices in reinforcing bars shall be not be less than 48 bar diameters and reinforcing shall be continuous around all corners and changes in direction. Continuity shall be provided at corners or changes in direction by bending the longitudinal steel around the corner 48 bar diameters.
7. Defective, cracked or loose concrete areas must be cut out, the rebar must be cleaned, coated with zinc and repaired with at least 3" of epoxy-concrete mix or gunnite concrete with sulfate-resistant cement.

PILE NOTES:

1. Wood piles to be 2.5 lb. CCA treated in accordance with AWPA standard C18.
2. Wood piles shall be a minimum diameter of 10", Miami Dade County requires minimum diameter of 12".

WOOD DOCK NOTES:

1. All materials to be pressure treated pine unless otherwise noted.
2. All frame work materials to be Southern Pine Grade #1
3. All Decking materials to be grade #1 unless otherwise noted.
4. All hardware to be Stainless Steel or Galvanized unless otherwise noted.

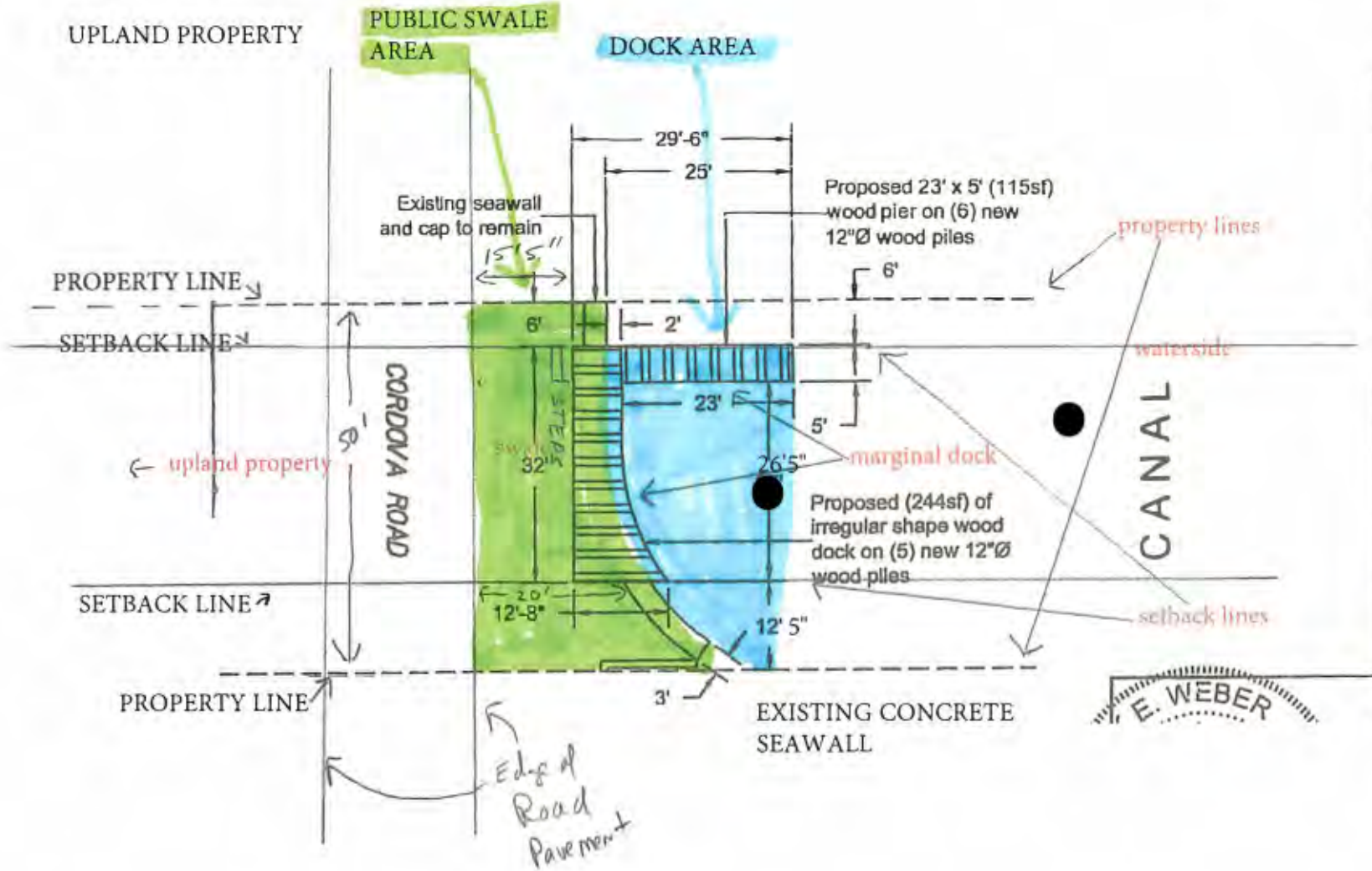
Sheet 5 of 5

Project:  
Proposed Dock / Pier  
John & Staci Swadener  
1415 SE 11 Court  
Fort Lauderdale, Florida 33316

MARK E. WEBER, P.E.  
LICENSE #53885 | CA 30702  
MW ENGINEERING, INC  
902 NE 1 Street Suite #2  
Pompano Beach, Florida 33060  
Ofc. 754-333-0977  
WWW.MWEngineering.net

EXHIBIT A

1415 SE 11TH COURT  
LOT 13 BLOCK 6



1415 SE 11th Court Fort Lauderdale, Florida

**LEGEND**



ST. AUGUSTINE SOD,  
TIGHT SEAMS, FULL COVERAGE



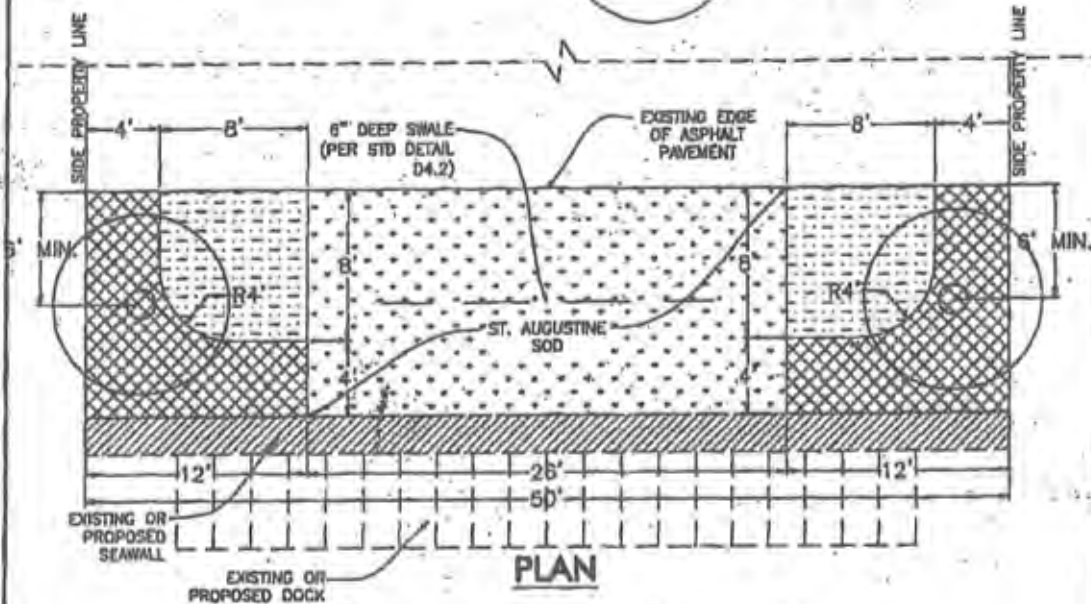
MUHLY GRASS:  
18" - 24" TALL  
15" - 24" ON CENTER



INDIAN HAWTHORN:  
12" - 18" TALL  
12" - 18" ON CENTER



12" SILVER BUTTONWOOD TREE,  
MULTI



**GENERAL NOTES:**

1. ALL IRRIGATION & PLANT MATERIAL SHALL BE INSTALLED & MAINTAINED BY APPLICANT.
2. ALL PLANT MATERIAL SHALL BE FLORIDA #1 GRADE OR BETTER.
3. ALL PLANT MATERIAL SHALL BE INSTALLED IN ACCORDANCE WITH INDUSTRY BEST MANAGEMENT PRACTICES.
4. ALL AREAS TO RECEIVE AUTOMATIC IRRIGATION FROM A PERMANENT WATER SOURCE PROVIDING 100% COVERAGE AND A RAIN SENSOR SHUT OFF.
5. ALL PLANT MATERIAL SUBSTITUTIONS SHALL BE FLORIDA-FRIENDLY LANDSCAPING (FFL) EQUIVALENT.

ISSUED: 2/2015		CITY OF FORT LAUDERDALE DEPT. OF SUSTAINABLE DEVELOPMENT	
REVISED:		URBAN DESIGN & PLANNING ENGINEERING DIVISION	LANDSCAPING PLAN (ROW) SCALE: .1"=10'

## ITEM VIII

ORDINANCE NO. C-23-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA ESTABLISHING A ONE YEAR MORATORIUM ON THE SUBMITTAL PROCESSING, REVIEW AND GRANTING OF WAIVERS UNDER THE UNIFORM LAND DEVELOPMENT REGULATIONS ("ULDR") § 47-19.3 (E) AS TO THE PROVISIONS OF ULDR § 47-19.3 (C) & (D) AND § 47-29.A.1.b.(12).(a) AND § 47-39.A.1.b.(12).(b) AS APPLIED TO BOAT SLIPS, DOCKS, BOAT HOISTS, HOISTS, MOORING PILES OR DOLPHIN PILES SEEKING (A) ENCROACHMENTS THERETO IN EXCESS OF THE TWENTY-FIVE (25) FEET THEREOF BEYOND APPLICANT'S PROPERTY LINE OR (B) TWENTY-FIVE (25) PER CENT OF THE WIDTH OF THE WATERWAY, WHICHEVER (A) OR (B) IS LESS, AS MEASURED FROM THE APPLICANT'S PROPERTY LINE INTO THE ADJACENT WATERS OF WESTERN NEW RIVER, AS HEREINAFTER DEFINED; PROVIDING FOR A DEFINITION OF WESTERN NEW RIVER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCE PROVSIONS; PROVIDING FOR AN EFFECTIVE DATE.

---

WHEREAS, when the State of Florida was admitted into the Union on March 3, 1845 New River and the South Fork thereof was a major highway of commercial activity for the community and, since then, New River has pumped a unparalleled level of maritime vitality into the City of Fort Lauderdale which has flourished into becoming known as the Venice of America and Yachting Capital of the World; and

WHEREAS, the City's 165 miles of waterways constitute a commercial, industrial and recreational waterborne circulatory system for the City and, by comparison, New River and the South Fork thereof and Western New River (as hereinafter defined below and Section 3 hereof) serve as the indispensable aorta for that commercial, industrial and recreational circulatory system; and

WHEREAS, with the growth of the community over the years, Western New River remains as a major highway of commerce, but the viability of the functional navigability of New River as a major artery of commerce is under increased pressure due to the (i) rapid development of the waterfront community, in terms of more residential and commercial properties on Western New River, (ii) the increased use of Western New

River in conjunction with commercial marine centers located approximately five (5) miles inland on Western New River, (a) West of the intersection of Sospiro Canal and New River and (b) East of the City limits along New River and the South Fork thereof (hereinafter, "Western New River"), (iii) the Mediterranean-style berthing of larger vessels along the banks of Western New River, (iv) and the granting of dock waivers pursuant to Uniform Land Development Regulations ("ULDR") § 47-19.3 (e) more particularly outlined below; and

WHEREAS, approximately thirteen commercial marine centers are located on the Westernmost portions Western New River used extensively for a wide range of marine activities including commercial and industrial traffic associated with major yacht maintenance and storage, painting, metal work, fiberglass work, carpentry, welding work, haul-outs for bottom painting, below-water through hull maintenance and other commercial work, generating commercial and industrial traffic, marine construction vessels, 50-foot wide barges and vessels over 200 feet in length navigating along Western New River many of which transit Western New River with two smaller tow-vessels, one tethered to the bow and one tethered to the stern of the large yachts, mega-yachts, or super-yachts to help ensure and maintain steerage through the diminished widths and narrow twists and turns on Western New River; and

WHEREAS, the Westernmost commercial marine centers on Western New River serve as hurricane evacuation locations for many large vessels, mega-yachts and super-yachts as most marine insurance companies require vessel owners to have an evacuation plan and location as a condition of insurance coverage making these marine centers a customary port-of-call for vessels from the entire U.S. Eastern seaboard and Caribbean as a safer refuge that along the coast; and

WHEREAS, the City's Uniform Land Development Regulations ("ULDR") § 47-19.3 (e) provides a mechanism which permits the City Commission, under "extraordinary circumstances," to grant waivers from the provisions of ULDR § 47-19.3.(c), 47-19.3.(d), 47-39.A.1.b.(12).(a) or 47-39.A.1.b.(12).(b) to permit the construction of boat slips, docks, boat hoists, mooring piles or dolphin piles to (a) encroach in excess of 25-feet beyond the applicant's property line into the waters of Western New River or (b) extend into the waterway more than twenty-five (25) per cent of the width of the waterway, beyond the applicant's property line, whichever (a) or (b) is less; and

WHEREAS, the granting of such waivers under ULDR § 47-19.3 (e) may serve as a significant impingement on and to the safe functional navigation of larger vessels, mega-yachts (80-feet and above) and super-yachts (130-feet and beyond 200-feet) and large barges along Western New River which such impingement resulting from the granting of such waivers will have a significant negative economic impact on the commercial, industrial and recreational interests utilizing Western New River, yielding a set of "extraordinary circumstances" in counterbalance to the "extraordinary

circumstances” required under ULDR § 47-19.3 (e) for the granting of waivers; and

WHEREAS, the City’s Marine Advisory Board has recommended a moratorium on the submittal, processing, recommending and granting of waivers as applied to boat slips, docks, boat hoists, mooring piles or dolphin piles under ULDR § 47-19.3 (e) to provide more time to study the impact of such waivers on Western New River and methods by which such dock waivers could be administered going forward to minimize or eliminate impediments to the safe and functional navigational needs for large vessels, mega-yachts, super-yachts and barges along Western New River; and

WHEREAS, the purposes of this moratorium is to allow the City’s Marine Advisory Board and City staff time to thoroughly research and analyze the impacts of granting waivers under ULDR § 47-19.3 (e) on the functional navigational challenges for large vessels, mega-yachts, super-yachts, wide barges and tow-vessels in traversing Western New River, absent a moratorium, and studying and evaluating methods by which the provisions of ULDR § 47-19.3.(e) could be revised to better accommodate enhancement of functional navigability of Western New River of such vessels;

WHEREAS, the City of Fort Lauderdale City Commission finds it to be in the best interests of the citizens of Fort Lauderdale to establish a one-year moratorium on the submittal, processing, recommended approvals, approvals and granting of any waivers pursuant to ULDR § 47-19.3 (e) as to boat slips, docks, boat hoists, mooring piles or dolphin piles as set forth herein;

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

**SECTION 1.** The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance. These clauses represent the legislative findings of the City Commission to promote the health, safety and welfare of the commercial interests of the citizens of and visitors to the City of Fort Lauderdale.

**SECTION 2.** . The City Commission hereby imposes a one-year moratorium from the effective date hereof on the submittal, processing, recommended approval and granting of any waivers pursuant to ULDR § 47-19.3 (e) as to the provisions of ULDR § 47-19.3 (c) & (d) and § 47-39.A.1.b.(12).(a) and § 47-39.A.1.b.(12).(b) as to boat slips, docks, boat hoists, mooring piles or dolphin piles recommending or authorizing encroachments thereof (a) in excess of twenty-five (25) feet from the applicant’s property line into the adjacent waters of Western New River, or (b) in excess of twenty-five (25) per cent of the width of the waterway as measured from applicant’s property line, whichever (a) or (b) is less.

**SECTION 3.** . The term “Western New River” shall mean that segment of New River and the South Fork thereof within the City limits of the City of Fort Lauderdale, such

Western New River being bounded on the East by the intersection of Sospiro Canal and the New River (N 648716.0 E 942757.0 ) (approximate middle of waterway) and bounded on the West by the Western boundary of the City limits of the City of Fort Lauderdale (N 638299.0 E 922902.0 ) (approximate middle of waterway).

**SECTION 4.** That if any clause, section or other part or application of this ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or application remaining in full force and effect.

**SECTION 5.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 6** That this Ordinance shall become effective immediately upon its passage.

PASSED FIRST READING this \_\_\_\_ day of \_\_\_\_\_, 2023.

PASSED SECOND READING this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor  
DEAN J. TRANTALIS

ATTEST:

\_\_\_\_\_  
City Clerk  
DAVID R. SOLOMAN