

ORDINANCE NO. C-16-

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-19.3, "BOAT SLIPS, DOCKS, BOAT DAVITS, HOISTS AND SIMILAR MOORING STRUCTURES" TO ESTABLISH STANDARDS FOR SEAWALL CONSTRUCTION THAT CONTRIBUTE TO COASTAL RESILIENCE AND MITIGATE THE EFFECTS OF TIDAL FLOODING AND SEA LEVEL RISE; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Fort Lauderdale is located between two National Oceanographic and Atmospheric Administration (NOAA) tide gauges; one at Virginia Key and another at Lake Worth; and

WHEREAS, during the fall of 2015, southeast Florida experienced extreme high tides (King Tides) that substantially exceeded the predicted tides; and

WHEREAS, during the September 2015 King Tide, the peak high tide elevation recorded at the Lake Worth station was 2.615 feet NAVD88; and

WHEREAS, the City's U.L.D.R. in 2015, set a maximum elevation limitation for seawalls or similar structures at 5.5 feet NGVD29 which equals 3.9 feet NAVD88; and

WHEREAS, a minimum seawall elevation mandated throughout the City by a specific date will support the resilient City vision described in Fast Forward Fort Lauderdale 2035; and

WHEREAS, the proposed minimum elevation requirement (4.6 feet NAVD88 = 6.2 NGVD 29) is derived from the observed peak elevation of the September 2015 King Tide plus two (2) feet of additional elevation to address projected sea level rise expected to occur within the 30-50 year lifespan of a seawall constructed today; and

WHEREAS, the proposed minimum seawall elevation exceeds the current maximum by 0.7 feet (8.4 inches); and

WHEREAS, seawalls and similar structures contribute to coastal resilience when constructed in a manner that is substantially impermeable and meet a minimum height

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standard that effectively addresses existing tidal flooding and future sea level rise for the expected lifetime of the seawall or structure; and

WHEREAS, seawalls elevation requirements need to be set and the structures constructed in a manner that does not create drainage issues on the adjacent properties; and

WHEREAS, the new standard minimum and maximum standard for seawall construction should be set to prevent a substantial visual discontinuity with their neighbors; and

WHEREAS, currently, major repairs of the seawall may result in a significant investment without a resulting elevation in height; and

WHEREAS, seawalls with defects need to be repaired in a timely manner to reduce tidal flooding impacts on adjacent properties and public Rights-of-Way; and

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

SECTION 1. That Section 47-19.3, Boat slips, docks, boat davits, hoists and similar mooring structures, of the Unified Land Development Regulations (hereinafter referred to as "ULDR") of the City of Fort Lauderdale, Florida, to read as follows:

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

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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 or 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).

(4) NAVD88 or the North American Vertical Datum means the vertical control datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988.

(5) Seawall means vertical or near vertical structures placed between an upland area and a waterway. For the purposes of Section 47-19.3(f), rip rap is not consider a seawall.

...

~~(f) The top surface of a boat slip, seawall or dock shall not exceed five and one-half (5½) feet above NGVD 29, except when the adjacent property is higher than five and one-half (5½) feet above the NGVD 29. When above NGVD 29, the top surface may be of the same elevation as the average grade of the upland property abutting the seawall or dock and properties abutting either side of the upland property.~~ have a minimum elevation of 4.6 feet NAVD88 (see table). The elevation shall not exceed a maximum of the base flood elevation (BFE) as identified in the corresponding FEMA Flood Insurance Rate Map (FIRM) for the property, except as specifically set forth herein. For properties with a BFE of 4.0 NAVD88, the minimum seawall elevation shall meet 4.6 feet NAVD88 and the maximum seawall elevation shall be BFE plus one (1) foot. For properties within an X zone, the minimum seawall elevation shall meet 4.6 feet NAVD88 and the maximum shall meet the definition of grade as determined by Section 47-2.2 (g)(1)(a).

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<u>Property's FEMA Flood Insurance Rate Map Location</u>	<u>Minimum Allowable Seawall Elevation</u>	<u>Maximum Allowable Seawall Elevation</u>
<u>In a floodplain with a base flood elevation greater than or equal to 5.0 feet NAVD88</u>	<u>4.6 feet NAVD88</u>	<u>Base Flood elevation of the property</u>
<u>In a floodplain with a base flood elevation equal to 4.0 feet NAVD88</u>	<u>4.6 feet NAVD88</u>	<u>Base Flood elevation of the property plus one foot (5 feet NAVD88)</u>
<u>In an X zone, not in a floodplain</u>	<u>4.6 feet NAVD88</u>	<u>Meet the definition of grade as determined by Section 47-2.2 (g)(1)(a)</u>

(1) Seawalls must be built in a substantially impermeable manner to prevent adverse impacts to adjacent properties.

(2) Fixed docks may be constructed at an elevation less than the elevation of the adjacent seawall to which it is attached but shall not be constructed at an elevation more than 7 inches above the adjacent seawall's elevation. Floating docks must be permitted and must be permanently attached to a marginal dock, finger pier, mooring pilings, or seawall.

(3) Seawalls improvements constituting substantial repair at the time of permit application shall meet the minimum elevation and construction standards of this section for the continuous seawall for the length of the property. For the purposes of this section, substantial repair threshold shall mean any improvement to a structure as defined in Section 47-3.6.B.3.

(4) All property owners must maintain their seawalls in good repair. A seawall is presumed to be in disrepair if it allows for upland erosion, transfer of material through the seawall or allows tidal waters to flow unimpeded through the seawall to adjacent properties or public Right-of-Way. The owner of the property on which the seawall is constructed is required to repair the cited defect within 60 days of receiving notice from the City. If the required repair meets the substantial repair threshold, the property owner shall have an additional 120 days to design, permit, and construct the seawall to meet the minimum elevation requirement.

(5) All public and private seawalls within the City limits shall be required to meet the minimum elevation requirement of this Ordinance No. C-16- by March 1, 2035.

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SECTION 2. 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 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect ten days from the date of final passage.

PASSED FIRST READING this the _____ day of _____, 2016.

PASSED SECOND READING this the _____ day of _____, 2016.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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