



CITY OF FORT LAUDERDALE

**DRAFT**  
**MEETING MINUTES**  
**CITY OF FORT LAUDERDALE**  
**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, APRIL 4, 2024 – 5:00 P.M.**

**Cumulative Attendance**  
**January-December 2024**

Steve Witten, Chair	P	4	0
James Harrison, Vice Chair	P	2	2
Tyler Brunelle	P	4	0
Robyn Chiarelli (6:21-7:26)	P	2	2
Jason Dunbar	P	1	0
Barry Flanigan	P	4	0
Robert Franks	P	3	1
Elisabeth George	P	4	0
Brewster Knott	A	3	1
John Lynch	P	3	1
Norbert McLaughlin	P	4	0
Noelle Norvell (dep. 8:01)	P	2	2
Ed Rebholz	P	4	0
Bill Walker	A	3	1
Robert Washington	P	3	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  
William Schultz, Chief of Police  
Dr. Nancy Gassman, Assistant Director of Public Works (Sustainability)  
Robert Dunckel, Assistant City Attorney  
Karen Cruitt, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

- I. Call to Order / Roll Call

Chair Witten called the meeting to order at 6:02 p.m.

## **II. Statement of Quorum**

Roll was called and it was noted a quorum was present at the meeting.

New Board member Jason Dunbar introduced himself at this time.

The following Items were taken out of order on the Agenda.

## **IV. Waterway Crime & Boating Safety Report – Introduction of Police Chief / William Schultz**

Fort Lauderdale Chief of Police William Schultz reported that an accident occurred earlier in the afternoon when a construction crane fell apart near the SE 3<sup>rd</sup> Avenue drawbridge. A construction worker was killed and two cars were struck by debris. The drawbridge span has been damaged, and the bridge will remain closed for the foreseeable future. The Florida Department of Transportation (FDOT) will make further determinations on the status of the bridge.

Chief Schultz added that he did not have any information to report regarding waterway crime and boating safety at this time.

Chief Schultz continued that he has been disheartened during his tenure with the Police Department regarding the state of the Marine Unit, which he feels should be a priority. He has met with members of that Unit regarding the need for new equipment as well as more manpower. While the Police Department is seeking to fill several overall vacancies, Chief Schultz indicated that staffing the Marine Unit for two shifts will be a priority. He hoped to eventually see seven-day, 24-hour coverage by the Marine Unit.

Chief Schultz concluded by encouraging the Board members to remain in touch with Sergeant Travis O'Neil of the Marine Unit.

## **V. Introduction – State Representative Chip LaMarca**

Chair Witten introduced State Representative Chip LaMarca at this time. Representative LaMarca stated that his intent in the Florida Legislature is to continue the work that is being done in Broward County, including several beach and coastal management projects, as well as requirements for yacht and ship brokers. He reviewed a number of bills which passed or were proposed in the Florida Legislature's recent session.

Mr. Flanigan requested information on water quality and cleanup of the New River. Representative LaMarca advised that there are state funding sources which can be used toward environmental issues such as algal blooms and water quality. He noted that the

state government seeks to be fiscally responsible with residents' tax dollars and pay down debt while investing in the environment.

Representative LaMarca reviewed other environmental concerns, including restoration of the Everglades, and emphasized his dedication to these issues. He is a member of the Infrastructure and Tourism Appropriations Committee, which addresses a great deal of funding for infrastructure.

Vice Chair Harrison requested an update on coral mitigation and port widening. Representative LaMarca replied that Florida must mitigate the removal of approximately 30,000 to 40,000 corals to prepare for the dredging of Port Everglades. Broward County's mitigation plan is to plant up to 800,000 corals, while National Marine Fisheries would prefer to see up to 1.2 million corals planted as a means of mitigation.

Mr. Rebholz asked for information on a project providing sand to the beach. Representative LaMarca stated that beach renourishment and replacement of sand is an ongoing need in Fort Lauderdale and other coastal municipalities. Recent storms have affected these projects.

### **III. Approval of Minutes – March 7, 2024**

Mr. Lynch noted a correction to p.12, paragraph 1 of the March 7, 2024 minutes: remove the word "not" from Mr. Cuba's statement regarding 12 waterfront properties.

**Motion** made by Ms. Chiarelli, seconded by Mr. Dunbar, to approve with changes. In a voice vote, the **motion** passed unanimously.

The following Item was taken out of order on the Agenda.

### **X. Old / New Business**

Chair Witten introduced Dr. Nancy Gassman, Assistant Director of Public Works (Sustainability), recalling that at the March 2024 meeting, the Board had briefly discussed language in Section 8-144 of the City's Code of Ordinances. He requested that she address this issue.

Dr. Gassman gave a brief presentation, recalling that in 2019, the City passed a new Dock Permit Ordinance in Section 8-144. The City owns approximately five to seven miles of seawall, most of which is located either within the parks system or directly adjacent to roadways.

Code includes a section which addresses the rights of the City on properties abutting public rights-of-way. It establishes the City's riparian rights in these locations, as well as the right to regulate docks through its marina program.

Code also includes a section which allows for private use of public property abutting waterways. Changes to this section were adopted in 2019 to allow the City Commission to grant, by Resolution, permits to use the City's seawalls to erect private docks. The Marine Advisory Board plays a key role in recommending whether dock permit requests of this nature should move forward to the City Commission.

Dr. Gassman continued that an issue related to Section 17 of this portion of Code has arisen. Section 17 restricts the use of City seawalls to properties which already have their own riparian rights. She cited SE 8<sup>th</sup> Street in the Rio Vista neighborhood as an example. Section 17 states that the privilege of using a City seawall by an individual who already has their own riparian rights would be eliminated unless that person already had a dock permit before June 1, or had a dock permit and raised the City-owned seawall as a condition of their permit.

Dr. Gassman advised that Commissioner John Herbst, representing District 1, with support from District 4 Commissioner Warren Sturman, has indicated that properties on Cordova Road, which do not have their own riparian rights, are similarly situated to properties on the finger aisles in terms of allowing docks on public seawalls. In relation to Section 17 of the 2019 Ordinance, Commissioner Herbst has asked City Staff to look into eliminating the July 2025 deadline for properties which have their own riparian rights.

Dr. Gassman continued that the Seawall Ordinance does not allow residents to rent out private docks constructed on public seawalls, and the titles of any boats docked there must be in the same name as the dock permit holder.

When the Ordinance came before the Marine Advisory Board (MAB) in 2019, the Board expressed specific concern with eliminating the prohibition of riparian rights holders to have docks on City seawalls as long as they paid for the upgrade of the seawall and related Code requirements for the life of the permit.

Since that time, the new seawall top elevation requirement has increased to a minimum top elevation of 5 ft. The City has used its Seawall Master Plan to make decisions about which seawalls should be prioritized. Seawalls adjacent to roadways, for example, must be elevated to prevent tidal flooding. This means some individuals who have existing dock permits on City seawalls must make a decision regarding whether they will elevate the City seawall or give up the privilege of applying for a dock permit.

No decisions have been made by either Staff or the City Commission at this time. This item was presented to the MAB to provide them with an idea of the thought processes behind this issue.

The Board discussed the presentation, with Vice Chair Harrison requesting clarification that if a dock owner paid for the seawall upgrade, they would be able to keep their dock. Dr. Gassman confirmed this. Vice Chair Harrison asked if this meant the owner would be paying for the City to make the seawall upgrade in order for seawalls to match more

easily. Dr. Gassman replied that one area of interest is SE 8<sup>th</sup> Street, on which all property owners across from the City's seawall intend to work together to hire a single contractor to make the upgrade. Those owners are asking the City for a waiver which would allow the seawall to be constructed "in a different manner."

Dr. Gassman continued that the City has a Seawall Master Plan which it is currently working to upgrade. The previous Seawall Master Plan did not include full information on asset management, including seawalls as well as underground facilities. The updated Plan will consider more City-owned seawalls than the previous Plan. If a City-owned seawall is not in good condition or at an elevation that would be threatened by sea level rise within a reasonably short period, it would be prioritized for future funding to raise the height.

John Rodstrom, representing client Andre Dreyfus, stated that before 2019, Staff had presented an Ordinance which completely forbade property owners from building a second dock. He emphasized that there are only 12 homeowners affected by the proposed change, none of whom were individually noticed about the issue. He also noted that this discussion did not appear on tonight's Agenda.

Mr. Rodstrom continued that one issue is that docks are built on the subject properties dating back to 1957. He asked why City Staff, and the City Commission, would make a decision in 2019 to prohibit docks from being built. The affected homeowners are requesting the elimination of Section 17 of the Ordinance, which specifically affects 12 property owners by preventing them from being able to build docks after July 1, 2025 or after the City raises the seawall. He did not feel those 12 owners should be treated differently from other individuals applying for a dock permit on a City-owned seawall.

Andre Dreyfus, private citizen, explained that he had come before the Board in October 2023 with an application for a dock permit. The Board voted unanimously to approve his request; however, he was later informed that his application could not advance to the City Commission. He asked why his property was being treated any differently from residents of Cordova Road who have received dock permits on City-owned seawalls.

Mr. Dreyfus continued that he felt he was being treated unfairly because he had not been notified when Section 17 was voted upon in 2019, as that section "singles out" specific homeowners and no one else. It was clarified that the law does not require individual notice on an Ordinance of this nature.

Chair Witten explained that there is no decision or vote before the Board tonight, as this item was presented informally for purposes of discussion only. Had the Board intended to vote on this issue, it would have been advertised on the Agenda.

Chair Witten requested an update from Staff regarding the application Mr. Dreyfus had described. Mr. Cuba recalled that Mr. Dreyfus had come to the Board with a dock permit application for which the Board recommended approval. When the permit went before the

City's Engineering Department, they determined that there was a concern regarding the capping of a section of the seawall.

Dr. Gassman suggested that the City's response in that case may not have been a rejection of the request to cap the seawall, but an engineering opinion that the seawall was not sufficiently strong to support the proposed cap.

Assistant City Attorney Bob Dunckel advised that he was not familiar with Mr. Dreyfus' application, although he was familiar with the explanation Dr. Gassman had offered: it was more likely that the application would be stopped at an engineering level than by the City Commission level.

Dr. Gassman also clarified that the provision of the Ordinance only applies to SE 8<sup>th</sup> Street. To date, there are 32 parcels which would potentially be impacted by the Ordinance. Another concern is that a number of City seawalls have been raised with the understanding that once they were raised, they would no longer be subject to private dock permits in the future for individuals who already have docks associated with their own properties. Changing the Ordinance would open these new City seawalls to the potential for docks.

Mr. Rodstrom asked if the 31 parcels were affected by the entire Ordinance or only Section 17. Dr. Gassman replied that these would only be affected by Section 17. She recalled that in 2019, the City had believed only 12 properties to be affected by that section, but has learned since then that 32 parcels were affected.

Dr. Gassman further clarified that in most situations of this nature, a seawall adjacent to a roadway is owned by the City. When those seawalls were built, it was with the intention of ensuring no erosion of the upland roadway; however, due to sea level rise over time, the City must now reexamine those seawalls and rebuild them in a manner intended to keep the sea out. This requires a different type of seawall construction.

Mr. Brunelle recalled that at a recent meeting, two dock permit applications were approved on Cordova Road which replaced docks torn down when the seawall was replaced. Attorney Dunckel stated that the properties under discussion at today's meeting already have water frontage in the rear, and are requesting a second dock be constructed "on the street side" which abuts the waterway.

Mr. Brunelle asserted that it was his understanding that Commissioner Herbst felt the subject properties should be considered the same as those on Cordova Road. Dr. Gassman explained that upon reviewing the video, the Commissioner's discussion indicated that the locations which already have riparian rights are similarly situated to those on Cordova Road. At the end of that discussion, the Commissioner directed Staff to look at eliminating the deadline of July 2025 for those properties.

Lisa Smith, private citizen, requested additional information about the new direction provided by the Commission. Dr. Gassman replied that Commissioner Herbst has directed Staff to look at the Ordinance to potentially remove the July 2025 deadline. There has also been discussion regarding consistency between Cordova Road and the finger isles.

Dr. Gassman continued that the original drafters of the Ordinance felt there was inherent risk in allowing property owners who already have riparian rights to build private docks on City seawalls. They felt the individuals who have been granted the privilege of using the City's riparian rights should be responsible for raising the City's seawall at their own expense. This was also the recommendation of the Marine Advisory Board.

Attorney Dunckel advised that the City Commission may only vote to deny a permit if that permit is in violation or contravention of the Ordinance. The discussion in this case addresses the restructuring of Section 17. It may also be possible for the Commission to "carve out" specific addresses, although this is not currently being discussed.

Mr. Lynch commented that if the City wished to build up the seawall itself, the July 2025 deadline seemed to be averse to their cause. Dr. Gassman stated that at present the City is preparing to raise their seawalls before the deadline: removal of the deadline would not change this direction.

Mr. Lynch asked what might happen in the case of a property owner who could not complete building up of the seawall by the July 2025 deadline. Dr. Gassman advised that the City would react reasonably if an owner is acting in good faith.

Dr. Gassman asked what outcome Ms. Smith hoped to see from the City. Ms. Smith replied that she hoped the City would work with her and other property owners to build the seawall and "to make it reasonable" so they could afford to maintain it and seek a dock permit. If this was not possible, the City would be responsible for taking care of its own seawall.

Attorney Dunckel pointed out that homeowners already have the ability to elevate the seawall at their own expense. Ms. Smith stated that the property owners could not afford to do this to the City's specifications.

Dr. Gassman emphasized that the intent of rebuilding the seawalls is to protect the roadway from sea level rise so homeowners would continue to have access to their homes. Ms. Smith stated that there is already flooding in the subject area.

Attorney Dunckel asked what the life expectancy of the City's seawall program might be in comparison with simply installing a higher cap on the seawall. Mr. McLaughlin commented that a sheet pile seawall would be the preferred way to create a long-lasting barrier.

Attorney Dunckel pointed out that this meant if the owner only raised the cap on the seawall instead, they would be required to raise the cap again. Mr. McLaughlin added that the seawall on the north side of the New River, for example, is undermined, and a cap would provide no additional protection by itself.

Steven Smith, private citizen, stated that the seawall on his property was installed in 1926 and has been successful for nearly 100 years. He noted that a neighbor has placed a cap on a seawall which has been successful. Dr. Gassman stated that there is no limitation to placing a structurally sound cap on a seawall.

Dr. Gassman further clarified that Commissioner Herbst's statement had not addressed the possibility of eliminating Section 17, but had described properties on Cordova Road as "similarly situated" to those on the finger isles, and asked Staff to look into that further, along with the possibility of eliminating the July 2025 deadline. Once a proposal has been drafted for the Ordinance, it will come back before the MAB for their review, with appropriate notice provided.

Dr. Gassman continued that the discussion was not advertised on tonight's Agenda with its specific subject matter because it is considered to be under Agenda Item X, Old Business, as it was discussed briefly at the March 2024 meeting. She reiterated that because this issue was raised at Commissioner Herbst's request, there would be additional conversations between Staff and the Commissioner when language begins to be drafted. The direction under which Staff is currently operating is for them to look into these issues and bring back a proposal.

Mr. McLaughlin asked what City entity certifies whether the weight of a proposed seawall cap can be accommodated. Dr. Gassman replied that when an individual applies for a permit for a private seawall cap, in most situations that applicant is asked to provide an engineering statement which indicates the existing seawall can take the weight. In the case of a cap on a City-owned seawall, however, the consideration is different, as the City is the owner of that structure. She advised that she could not opine on the specific circumstances under which a cap would or would not be approved.

Dr. Gassman added that the City does not require private entities to install sheet pile seawalls, as the cost of those structures is prohibitive for most private entities. She reiterated that the intent is to protect the roadway. If a property allows tidal flows to leave their properties and affect either their neighbors or the adjacent right-of-way, that property owner would be cited and would have to address the issue with their own seawall.

Ms. Smith stated that there are locations in which a City-owned seawall is bounded on both sides by privately owned seawalls which may not be built to the same specifications as the City structure. Dr. Gassman advised that the City cannot raise a private seawall. There are currently no funding sources available which can help owners with the expense of raising their seawalls.



Vice Chair Harrison stated that while he had not fully understood this issue when it arose at the March 2024 meeting, he now had a better grasp on the situation. He felt the subject properties should be treated the same as properties on Cordova Road and should not be penalized because they have another piece of waterfront property. He did not believe it was right for the City to force owners to pay for improvements to the City seawall or they would not be allowed to build a dock.

Vice Chair Harrison added that he also felt sheet pile was “the way to go” regarding seawall improvements, and concluded that treating the properties the same as those on Cordova Road would be for the good of the City.

Chair Witten advised that the discussion of the Seawall Ordinance may come back as a formal Agenda Item at a later date. Mr. Brunelle recommended that the Board see a list of the properties identified as being affected by this issue.

#### **VI. Dock Waiver – 1801 SE 21<sup>st</sup> Avenue / Craig & Debra Heslin**

Alejandra Giraldo, representing the Applicants, showed a PowerPoint presentation on the request, which would install a boat lift extending 64 ft. 8 in. into the waterway. The property line is submerged and is 75 ft. on the north side and 65 ft. on the south side of the property. There is an existing dock which extends 63.8 ft. into the waterway, for which the Applicants received a waiver in 2021.

Ms. Giraldo continued that extraordinary circumstances for the site include the submerged property line, the width of the waterway, and a high level of boat traffic in the area.

Attorney Dunckel asked if the requested length would be measured from the platted property line. Flavio Coronel, also representing the Applicants, stated that the measurement is from the wet face of the seawall. Attorney Dunckel explained that the length for which the waiver is sought must be measured from the property line. It was clarified that the distance from the wet face of the seawall to the property line is another 3 ft., which would mean the request should be for 67 ft. 8 in.

**Motion** made by Vice Chair Harrison, seconded by Ms. George, to approve the plan as offered, with the addition of 3 ft. to the 64 ft. 8 in., making it 67 ft. 8 in. In a roll call vote, the **motion** passed unanimously.

#### **VII. Dock Permit – 1025 Cordova Road / Tracey & Wallace Williford**

Ms. Giraldo, representing the Applicants, stated that this request is for private use of public property. The Applicants have a 20 ft. boat. She reviewed plans for a 45 ft. long 8 ft. wide dock.

Chair Witten commented that this measurement should also be made from the property line rather than from the wet face of the seawall.

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. Franks, seconded by Mr. Lynch, to approve.

Chair Witten asked if there are any concerns with the Application's proximity to the bridge. It was clarified that there was no issue.

In a roll call vote, the **motion** passed unanimously.

### **VIII. Presentation – Mike Lambrechts / Introduction and Discussion of Chief Waterway Officer (CWO)**

Chair Witten introduced Mike Lambrechts, who has proposed to the City Commission that the position of a Chief Waterway Officer (CWO) be created for Fort Lauderdale.

Mr. Lambrechts explained that he serves as vice chair of the Coastal Conservation Association of Florida, which is a 19,000-member statewide organization. They are responsible for millions of dollars' worth of habitat restoration projects throughout Florida over the last 10 years.

Mr. Lambrechts advised that he shares the Board's concerns regarding water quality in Fort Lauderdale. He emphasized that there may be actions the City can take to address this issue, pointing out that the City's waterways warrant an exclusive position similar to Miami's Chief Bay Officer position. This led to the proposal to create a CWO for Fort Lauderdale.

Mr. Lambrechts stated that CWO would be a Staff-level position which would report to the City Manager rather than to any single Department. He felt the position could pull several entities together, such as Code Compliance, the Police Department, Public Works, and contractors who perform services on the waterways.

A CWO would also collaborate with state and other agencies on permitting. Mr. Lambrechts stated that there is no single City employee at this time who represents Fort Lauderdale's interests in water quality as strongly as possible. The CWO would act as the City's voice for water quality to the State Legislature as well.

Mr. Lambrechts continued that there are areas in the New River and other City waterways which are high in *e. coli* bacteria; however, the City is not taking any steps to identify or address the source of these bacteria. He also noted that there is no true accountability

for taking care of water quality issues, and reiterated that a CWO would bring various Departments involved in water quality together.

Funding for the CWO position was also a concern. Mr. Lambrechts noted that the City does not receive funds from events such as the Tortuga Festival to assist with cleanup expenses. He asserted that there may be ways to identify creative revenue sources to fund the CWO position.

Mr. Lambrechts recalled that Miami created its Chief Bay Officer position following fish kills. That position focuses on water quality issues, policies, and appropriations related to the health of Biscayne Bay. A CWO would also act as liaison between departments, advisory bodies, agencies, stakeholders, and all layers of government.

Mr. Flanigan asked if the City Manager has given Mr. Lambrechts any indication of his interest in creating a CWO position. Mr. Lambrechts replied that the City Manager had indicated his vision for the position would be for a CWO to report directly to the City Manager's Office. At present, the City's Human Resources Department is working to create the position, although he did not have a timeline for this creation. The City Commission has also indicated possible support for a CWO.

Mr. Dunbar commented that he was in favor of a CWO who would focus on environmental issues, and asked if the scope would also include issues related to Code Enforcement. Mr. Lambrechts replied that his vision for the position would include this scope. Mr. Dunbar expressed concern that it could be possible for an individual to use the position as a means for a personal agenda, and emphasized the importance of maintaining an environmental focus.

## **IX. Industry Experts – Kind Designs / Anya Freeman, Founder & CEO**

Anya Freeman, founder and Chief Executive Officer (CEO) of Kind Designs, explained that there has been very little innovation in the construction of seawalls, primarily because seawalls are very expensive and due to environmental impacts. One of her company's goals is to provide an infrastructure product that is both affordable and nurturing for underwater ecosystems. This led to the development of three-dimensional (3D) printing of living seawalls.

Ms. Freeman advised that living seawalls meet the same building Code requirements as traditional structures. The seawalls also function as reefs, retain wave energy, and collect data. Their prices are competitive to traditional concrete structures.

Ms. Freeman described the process of creating, moving, and installing the seawall panels, which can be integrated into any project that uses concrete slabs. The material used is 5000 psi extrudable concrete which is non-toxic and pH-balanced. The interior fill is 6000 psi extrudable concrete, and rebar is based on engineering specifications.

In addition to the structural quality of 3D-printed seawalls, the structures also protect water quality and marine habitat. Textures encourage anchorage of small marine life to stay on the wall, particularly in areas with significant boat traffic. The material uses no metal, chloride, or sulfate and does not change the marine ecosystem. Because the walls are not flat, wave energy is dissipated.

All seawalls include sensors which collect essential water quality data, including temperature, pH, and salinity. This information can be provided to the City or other agencies.

Ms. Freeman showed slides of the company's installations, stating that their intent is to make it as easy as possible for homeowners and governmental entities to use living seawall panels. They are able to match prices for concrete panels. Future goals include developing an expedited permitting process, reducing the use of riprap, applying the use of living seawalls toward environmental certification, and display of art in public places. Other products currently in development include living tiles that can be added to existing seawalls and artificial reefs.

Attorney Dunckel requested additional information on data collection. Ms. Freeman explained that sensors in the panels collect up to 15 different parameters of water quality. Calibration is necessary once per year. The concrete 3D printers use a form of concrete developed in Germany and used exclusively by Kind Designs in all seawall applications.

Chair Witten asked how living tiles are attached to structures. Ms. Freeman replied that the current design uses bolts to install the tiles on top of plates.

Mr. McLaughlin asked if the company manufactures its panels at its own facility or uses a contractor's yard. Ms. Freeman stated that the company prints panels on-site and delivers them by truck. They can also be picked up by barge. The robotic arm used to print is also mobile and can be used on-site if necessary. The concrete used is extremely durable as well.

## **X. Old / New Business – Ongoing discussion – Reimagining the New River**

Chair Witten advised that the Board can set aside time at their regular meetings for public outreach regarding Reimagining the New River. He would provide additional information to Mr. Cuba's office for distribution to the Board members.

Mr. Franks showed a brief presentation on some of the options discussed for the New River, including photos showing various conditions which exist along the waterway at different locations. It was determined that the presentation would be sent to Mr. Cuba's office for circulation among the members and to Attorney Dunckel.

The Board members discussed the presentation, with Chair Witten noting that one issue that arises often is what can be done with regard to existing boats and structures on the

waterway. Vice Chair Harrison emphasized that the discussion considers establishing a channel in the center of the canal. Mr. McLaughlin added that the answer would not be a “one size fits all” decision, but would vary depending upon the width of the river at a given location.

Attorney Dunckel advised that the current moratorium on dock waivers does not address how far into the waterway a vessel can extend when docked. He pointed out that there may be restrictions on this extension at certain places on the river, and asked if the members felt a 60 ft. channel in the center of the waterway was an adequate starting point.

Chair Witten requested that Attorney Dunckel address the issue of rafting at the next meeting.

Patience Cohn, representing the Marine Industries Association of South Florida (MIASF), stated that a bathymetric survey of the New River is currently with the City’s Public Works Department.

Erin Myers, private citizen, addressed the moratorium, explaining that she hoped to rebuild a small wooden dock on her property which is in disrepair, but cannot do so because of the moratorium, as the repair would require a waiver. She is currently being fined due to the condition of the dock. Chair Witten thanked her for bringing this item to the Board’s attention.

## **XI. Adjournment**

There being no further business to come before the Board at this time, the meeting was adjourned at 9:09 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 VII

## MEMORANDUM MF NO. 24-05

DATE: April 12, 2024

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Marine Facilities and Parks Manager

RE: May 2, 2024 MAB Meeting - Dock Waiver of Distance Limitations – Renee Biron / 1180 N. Federal Highway Unit 1502 Slip #7.

Attached for your review is an application from Renee Biron / 1180 N. Federal Highway Unit 1502 Slip #7.

### APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for installation of a four (4) post boat lift extending a maximum of +/-32'8" into the Middle River. The distances this structure will extend from the property line (wet face of the seawall) into waterway is shown in the survey and summarized in Table 1 below:

**TABLE 1**

<b>PROPOSED STRUCTURES</b>	<b>STRUCTURE DISTANCE FROM PROPERTY LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>AMOUNT OF DISTANCE REQUIRING WAIVER</b>
<b>Boat Lift</b>	<b>+/-32'8"</b>	<b>25'</b>	<b>+/-7'8"</b>

As more than one boat lift is present within each 100 feet of the project site, per ULDR Section 47-19.3(b)(1), requisite DRC Site plan Level 2 authorization was granted in March of 2024. The City's Unified Land and Development Regulations (UDLR) Secs. 47-19.3.C limits the maximum distance of mooring structures to 25' or 25% of the width of the waterway, whichever is less. Section 47-19.3. E authorizes the City Commission to waive that limitation based on a finding of extraordinary circumstances. The applicant indicates that the proposed boat lift is necessary to protect the owner's vessel from high wave energy from excessive boat wakes.

### PROPERTY LOCATION AND ZONING

The property is located is the Riva Condominium within the B-1 Boulevard Business District. It is situated on the western shore of the Middle River where the width between the proposed boat lifts' location's property line to the adjacent natural shoreline is +/- 330 feet, according to the Summary Description provided in **Exhibit 1**.

Marine Facilities' records indicate that there have been six (6) Waivers of Limitation approved by the City Commission behind the Riva Condominium at 1180 North Federal Highway:

<b>DATE</b>	<b>ADDRESS</b>	<b>MAXIMUM DISTANCE</b>
<b>2019</b>	<b>SLIP 14</b>	<b>30'+/-</b>
<b>2020</b>	<b>SLIP 4</b>	<b>30'+/-</b>
<b>2020</b>	<b>SLIP 19</b>	<b>30'+/-</b>
<b>2020</b>	<b>SLIP 14</b>	<b>30'+/-</b>
<b>2020</b>	<b>SLIP 17</b>	<b>33'+/-</b>
<b>2020</b>	<b>SLIP 10</b>	<b>30'+/-</b>

RECOMMENDATIONS

Should the Marine Advisory approve the application, the resolution under consideration by the City Commission should include at least the following as prescribed in the ULDR and City Code of Ordinances:

1. The applicant is required to comply with all applicable building and zoning regulations as well as any other Federal and State laws and permitting requirements including the Broward County Environmental Protection and Growth Management Department, the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers.
2. The applicant is required to install and affix reflector tape to the proposed boat lift posts in accord with Section 47.19.3.E of the Unified Land and Development Regulations (ULDR).

AC  
Attachment

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



**1180 NORTH FEDERAL HWY (UNIT 1502 / SLIP 7)  
APPLICATION FOR DRC PROCESS COMPLETION**





**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):
2. NAME: RENEE BIRON  
  
TELEPHONE NO: (514) 261-6157      EMAIL: jose.boisjoli@brp.com
3. APPLICANT'S ADDRESS (if different than the site address): **1795 Rue Fradet \*Drummond Ville qc ca j2b 1n7**
3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: **The applicant requests a waiver for the proposed installation of four (4) wood 12-inch piles beyond 25 feet from the property line.**
4. SITE ADDRESS: **1180 NORTH FEDERAL HWY (UNIT 1502 – SLIP 7)**  
  
ZONING: B 1



# BOAT LIFTS & DOCKS OF SOUTH FLORIDA

LEGAL DESCRIPTION AND FOLIO NUMBER: Riva condominium unit PH 1502 per amcdo cin  
#113566952. Folio number 4942 36 AL 0920

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).  
Warranty Deed, survey, zoning aerial, photos, project plans

*[Handwritten Signature]*

Applicant's Signature

Date *Nov 1st 2022*

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

Commission Action

Formal Action taken on \_\_\_\_\_

Formal Action taken on \_\_\_\_\_

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



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EXISTING WAIVERS IN THE VICINTY .....	



## **EXHIBIT II SUMMARY DESCRIPTION**



**BOAT LIFTS  
& DOCKS**  
OF SOUTH FLORIDA  
**Summary Description for DRC Process Completion**

**1180 N Federal HWY #1502, Slip 7**

**TCG Project No.**

DRC process was completed. The project site is located along the Middle River at 1180 N Federal HWY, slip 7 in the City of Fort Lauderdale, Broward County, Florida.

The property is located along the Middle River, which is a tidal water. The nearest direct connection to the Atlantic Ocean is approximately 2 miles to the southeast at the Port Everglades Inlet. As the project site is located along the Middle River, the incoming tidal waters (flood) at the site move to the north and the outgoing waters (ebb) move to the south.

The project site consists of an existing wood marginal dock with finger piers. The proposed project consists of the installation of a new 24K 4-post boat lift mounted on four (4) wood pilings 12" dia, installation of 2 catwalks and a boarding platform 3' x 13'. As measured from the property line 7.8' +/- encroach more than 25' from the property line into the Middle River. As these distances are over the allowable 25' distance into the waterway from the property line, the proposed pilings will require a variance waiver. A technical review has been completed allowing installation the lift.

The following five (5) matters provide justification for this waiver request:

1. All structures and piles will not exceed 25% of the width of the waterway.
2. Due to the extraordinary width of the waterway at this location from wetface to wetface ( $\pm 330'$ ), the proposed project will not impede navigation within the Middle River.



3. The proposed structure is necessary for safely mooring resident vessel, especially during high wind events and severe weather. The proposed structure will be used for one vessel (Pontoon).
4. The proposed structure is also necessary to protect the resident vessel from high wave energy from excessive boat wakes along the Middle River.
5. The proposed structure is consistent with other structures previously authorized through the City of Fort Lauderdale that do not exceed more than 25' from the property line.
6. Technical review has been completed allowing installation the lift.

If this waiver is approved, the applicant will comply with all necessary construction requirements stated in Section 47-19.3 (C)(D)(E).

<b>STRUCTURE</b>	<b>PROPOSED STRUCTURE</b>	<b>STRUCTURE DISTANCE FROM THE PROPERTY LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING A WAIVER</b>
<b>SLIP 7</b>	<b>Boat Lift Pilings</b>	<b>32.8' +/-</b>	<b>25'</b>	<b>7.8'+/-</b>



**EXHIBIT III  
UNITY OF TITLE**



# BOAT LIFTS & DOCKS

OF SOUTH FLORIDA

Instr# 115541131 , Page 1 of 4, Recorded 01/07/2019 at 04:18 PM  
Broward County Commission  
Deed Doc Stamps: \$25200.00

Return to: (enclose self-addressed stamped envelope)  
Equity Land Title, LLC  
525 Okeechobee Blvd, Suite 900  
West Palm Beach, FL 33401

This Instrument Prepared by:  
Terri Duran  
Equity Land Title, LLC  
525 Okeechobee Blvd, Suite 900  
West Palm Beach, FL 33401

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

Property Appraiser's Parcel Identification Number 4942 36 AL 0920

### SPECIAL CONDOMINIUM WARRANTY DEED

THIS INDENTURE, made this 4 day of December, 2018, between **PREMIER RIVA, LLC, a Delaware limited liability company**, whose address is 2601 E. Oakland Park Boulevard, Suite 200, Fort Lauderdale, Florida, 33306, hereinafter referred to as "Grantor," and **Renee Biron, a married woman**, whose address is 1795 Rue Fradet, Drummondville, Quebec J2B 1N7, Canada, hereinafter referred to as "Grantee."

#### WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10) and other good and valuable consideration to it in hand paid by the Grantee, the receipt of which is hereby acknowledged, has granted, bargained and sold to the Grantee, and the Grantee's heirs and assigns forever, the following described real property situated, lying and being in Broward County, Florida, to wit:

Condominium Unit 1502, RIVA, A CONDOMINIUM, according to the Declaration of Condominium thereof, recorded in Official Records Book 50792, Page 797, as Amended and Restated Declaration of Condominium recorded in Official Records Instrument Number 113566952, as amended from time to time, of the Public Records of Broward County, Florida, together with an undivided interest in the common elements.

Grantee, by acceptance hereof, and by agreement with Grantor, hereby expressly assumes and agrees to be bound by and to comply with all of the covenants, terms, conditions and provisions set forth and contained in the aforescribed Declaration, including, but not limited





# BOAT LIFTS & DOCKS OF SOUTH FLORIDA

Instr# 115541131 , Page 2 of 4

to, the obligation to make payment of Assessments for the maintenance and operation of the Condominium.

This conveyance is made subject to the following:

1. Real estate taxes for the year of closing and subsequent years and any special taxes or assessments entered against said property after the date of closing;
2. Applicable zoning regulations and ordinances;
3. All of the terms, provisions, conditions, rights, privileges, obligations, easements and liens set forth and contained in the Declaration and all exhibits and any amendments thereto;
4. All of the covenants, agreements, conditions, restrictions and easements of record, if any, which may now affect the afore-described property, but without reimposing any of same;
5. Perpetual easement for encroachments now existing or hereafter existing caused by the settlement or movement of improvements or caused by minor inaccuracies in building or rebuilding;

AND FURTHER SUBJECT TO THOSE EXCEPTIONS  
AS LISTED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART  
HEREOF BUT WITHOUT REIMPOSING ANY OF SAME

The Grantor does hereby warrant the title to said property by, through and under the said Grantor and will defend the same against lawful claims of all persons claiming by, through or under the Grantor.



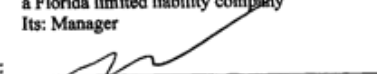
# BOAT LIFTS & DOCKS OF SOUTH FLORIDA

Instr# 115541131 , Page 3 of 4


IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.


PREMIER RIVA, LLC, a Delaware limited liability company formerly Premier Riva, LLC, a Florida limited liability company

By: PREMIER DEVELOPERS V, LLC  
a Florida limited liability company  
Its: Manager

By:   
Bradley Deckelbaum, as manager

Signed, sealed and delivered  
In the presence of:

  
\_\_\_\_\_  
Signature  
Susana Iser  
\_\_\_\_\_  
Printed Name of Witness

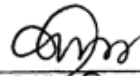
  
\_\_\_\_\_  
Signature  
Ali Rivera  
\_\_\_\_\_  
Printed Name of Witness

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 4 day of December 2018, by Bradley Deckelbaum, manager of PREMIER DEVELOPERS V, LLC, a Florida limited liability company, as manager of PREMIER RIVA, LLC, a Delaware limited liability company formerly Premier Riva, LLC, a Florida limited liability company, who is personally known to me or who has produced \_\_\_\_\_ as identification.

My Commission expires:



  
\_\_\_\_\_  
Notary Public  
Susana Iser  
\_\_\_\_\_  
Printed Name of Notary Public  
\_\_\_\_\_  
Commission Number



# BOAT LIFTS & DOCKS

OF SOUTH FLORIDA

Instr# 115541131 , Page 4 of 4 , End of Document

## EXHIBIT "A"

1. Terms, covenants, conditions, easements, restrictions, reservations and other provisions, including provisions which provide for a private charge or assessment, according to that certain Amended and Restated Declaration of Condominium of Riva, a Condominium, and the exhibits and attachments thereto, recorded March 11, 2016, in Official Records Instrument No. 113566952, as the same may be further amended, of the Public Records of Broward County, Florida.
2. General or special taxes and assessments required to be paid in 2019 and subsequent years.
3. Any dispute as to the boundaries caused by a change in the location of any water body within or adjacent to the land and any adverse claim to all or part of the land that is, or was previously, under water.
4. Easement in favor of Florida Power & Light Company recorded in Official Records Book 4628, Page 166.
5. Easement in favor of Florida Power & Light Company recorded in Official Records Book 5025, Page 294.
6. Rights, if any, of the public to use as a public beach or recreation area any part of the land lying between the body of water abutting the subject property and the natural line of vegetation, bluff, extreme high water line, or other apparent boundary line separating the publicly used area from the upland private area.
7. Any and all rights of the United States of America over artificially filled lands in what were formerly navigable waters, arising by reason of the United States of America's control over navigable waters in the interest of navigation and commerce, and any conditions contained in any permit authorizing the filling in of such areas.

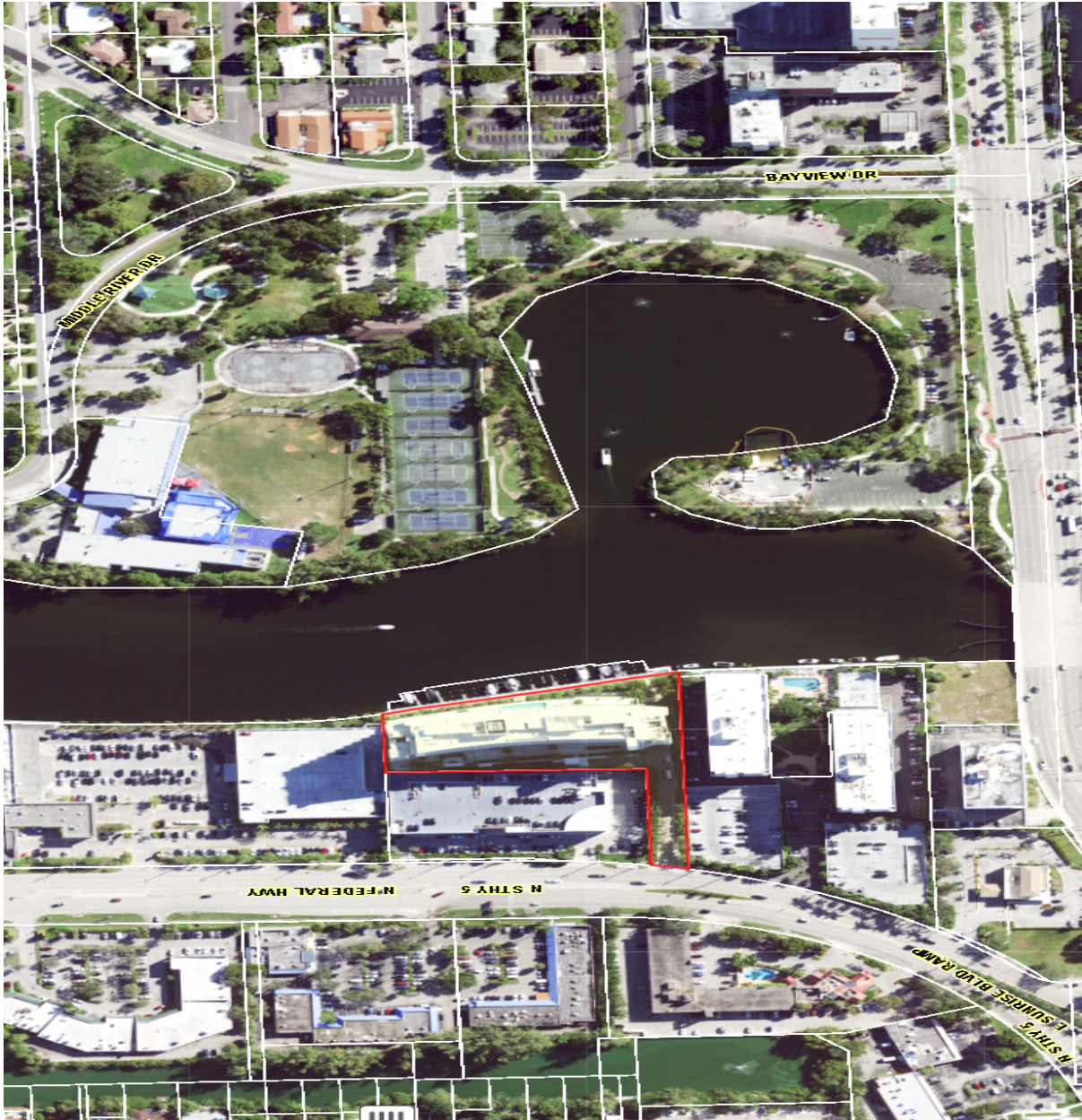


## **EXHIBIT IV ORIGINAL SURVEY**





## **EXHIBIT V ZONING AERIAL**





## **EXHIBIT VI SITE PHOTOGRAPHS**





**1. Subject site, showing the existing mooring pilings.**



**2. East portion of the subject site, facing west along the Middle River.**



## **EXHIBIT VII PROJECT PLANS**



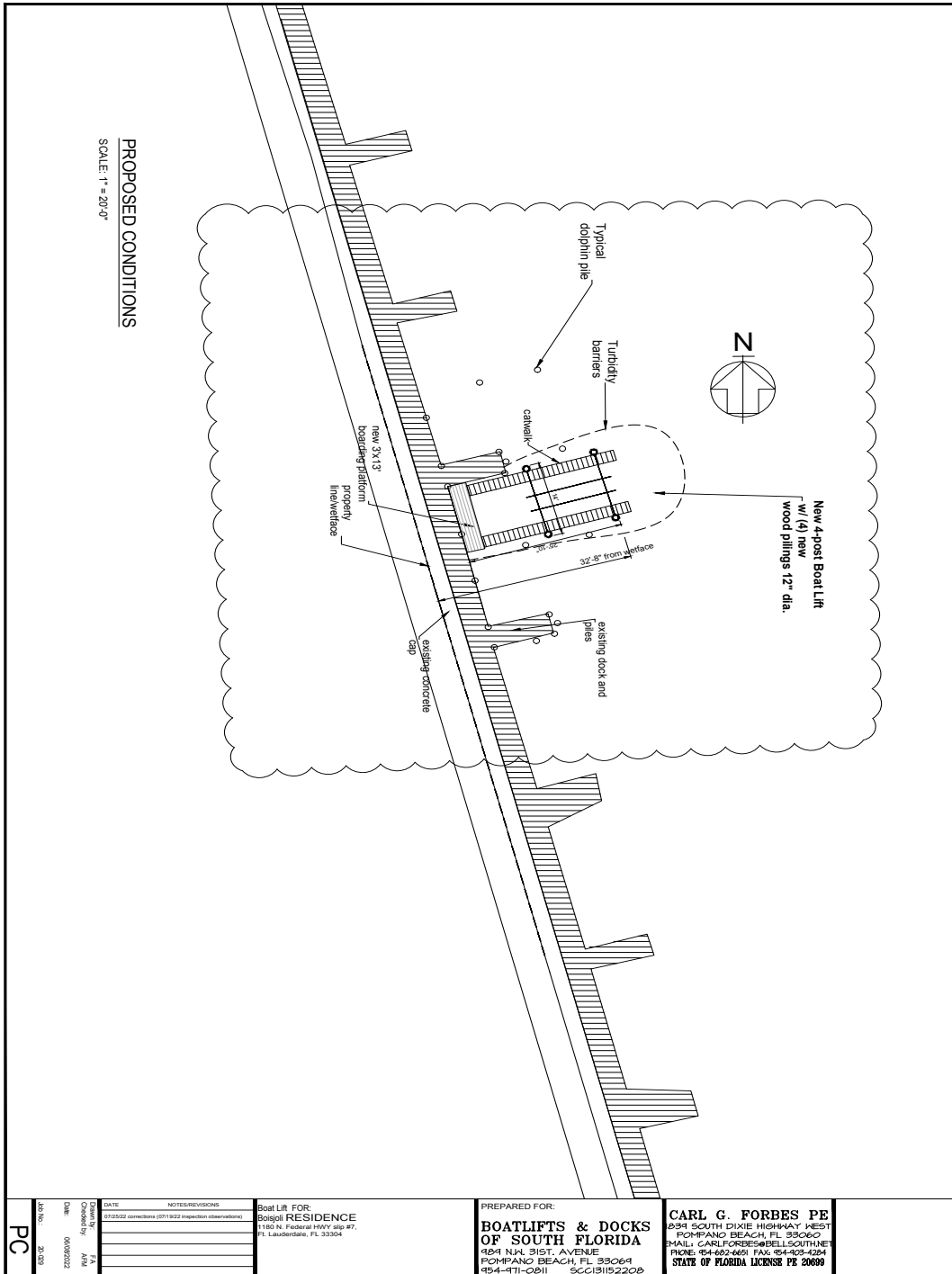
# BOAT LIFTS & DOCKS OF SOUTH FLORIDA



Boat Lifts & Docks of South Florida - 989 NW 31<sup>st</sup> Avenue, Bldg. F, Pompano Beach, FL 33069  
Telephone: 954-971-0811 Fax: 954-971-1770 Licensed & Insured SCC 147913115

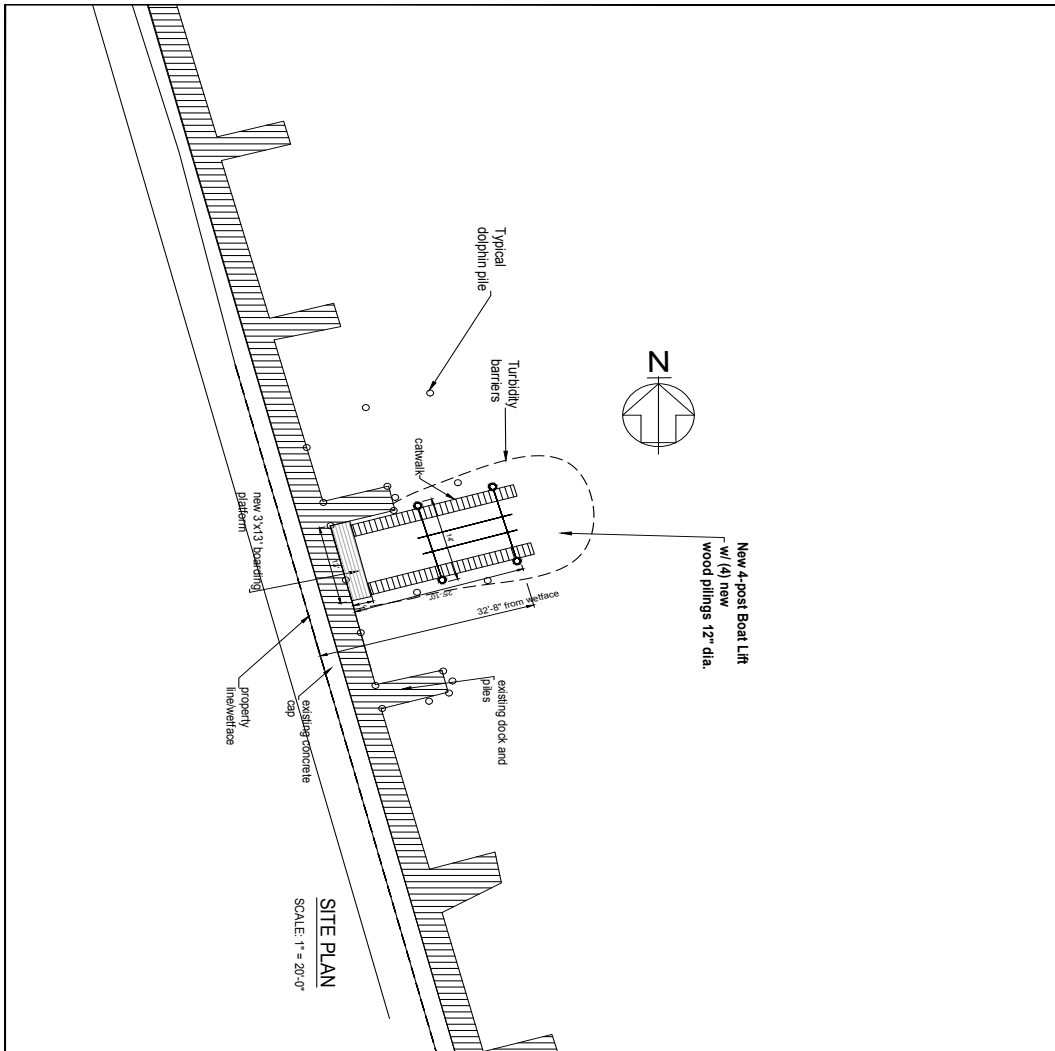


# BOAT LIFTS & DOCKS OF SOUTH FLORIDA





# BOAT LIFTS & DOCKS OF SOUTH FLORIDA



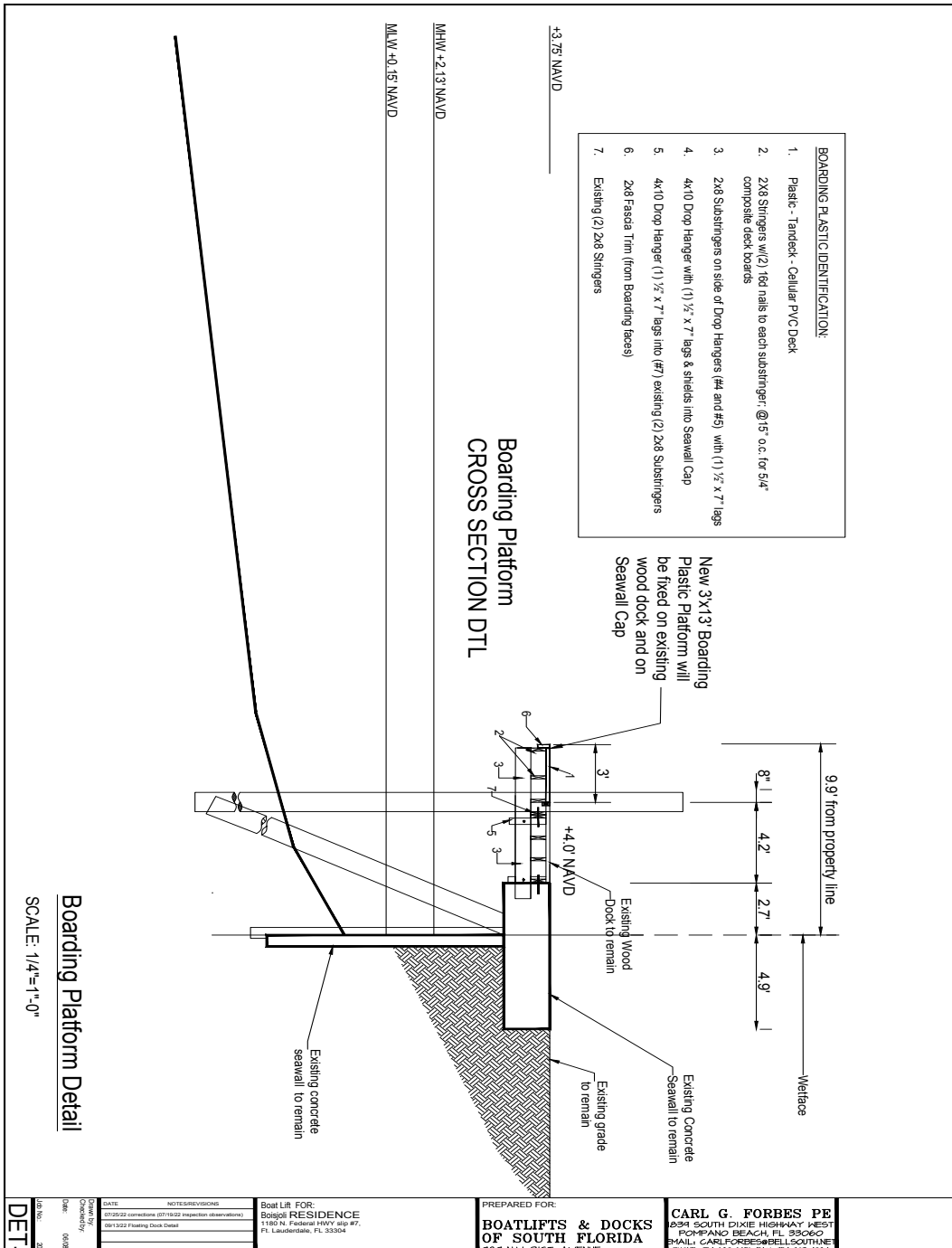
**General Notes:**

1. Installation of new 4-post and 4 new 12" piles
2. All pilings to be driven 8' into strata. If hard strata are encountered a 2' minimum penetration is required.
3. New boarding platform 4x8'
4. All hardware - galvanized or stainless steel.
5. Turbidity barriers are to surround all in water construction areas during piling and/or panel installation activities.
6. Elevations shown are based on the North American Vertical Datum of 1988.
7. Design in accordance with 2020 7th Edition of the Florida Building Code.
8. Construction methods, procedures, and sequences are the responsibility of the Contractor. The Contractor shall take the necessary means to maintain and protect the structural integrity and serviceability of the construction at all times.
9. Any discrepancies found for any circumstance between the structural plans and the existing conditions found on site and/or any conditions that were omitted on the plans will be the responsibility of the Contractor to immediately bring to the attention of the Engineer of Record.
10. Existing conditions are unknown, therefore, worst case conditions have been approximated, all existing conditions are assumed and must be confirmed by the geotechnical permitting.
11. Engineer's Limitations of Responsibility: The Engineer shall not be responsible for the quality or composition of materials, fabrications, construction of inspection, supervision, or review, special inspection, or the quality and correctness of construction, approvals, inspections, site visit, construction review, or special inspections are performed by the Engineer or his representative as required herein, and then only such responsibility as is associated with the specific work performed in relation to other engineering and construction disciplines associated with the project.
12. The Engineer shall not be responsible for site and construction safety and/or the safety of construction workers. Site and construction safety is the responsibility of the Contractor. The Contractor shall be responsible for the safety of his employees and the safety of the employees of all subcontractors to the project.
13. Engineer's Statement of Compliance: To the best of the Engineer's knowledge, the structural plans and specs presented herein comply with the applicable min. bldg codes, standards, and practices.

<p>DATE: 07/25/22          NOTES/REVISIONS: correctors (07/16/22) inspection observations</p>	<p>Drawn By: [blank]          Checked By: [blank]          Date: 06/06/2022</p>	<p>Drawn By: [blank]          Checked By: [blank]          Date: 06/06/2022</p>	<p>Drawn By: [blank]          Checked By: [blank]          Date: 06/06/2022</p>	<p>Doc No: 2021029</p> <p style="text-align: right;"><b>SP</b></p>
<p>Doc FOR: McKnight Residence          2480 Bayview Drive          Ft. Lauderdale, FL 33306</p>		<p>PREPARED FOR:  <b>BOATLIFTS &amp; DOCKS OF SOUTH FLORIDA</b>          894 NW 31ST AVENUE          POMPANO BEACH, FL 33069          954-971-0811</p>		<p><b>CARL G. FORBES PE</b>          834 SOUTH DIXIE HIGHWAY WEST          POMPANO BEACH, FL 33069          EMAIL: CARL.FORBES@BELLSOUTH.NET          PHONE: 954-971-0811 FAX: 954-971-0811          STATE OF FLORIDA LICENSE PE 20669</p>

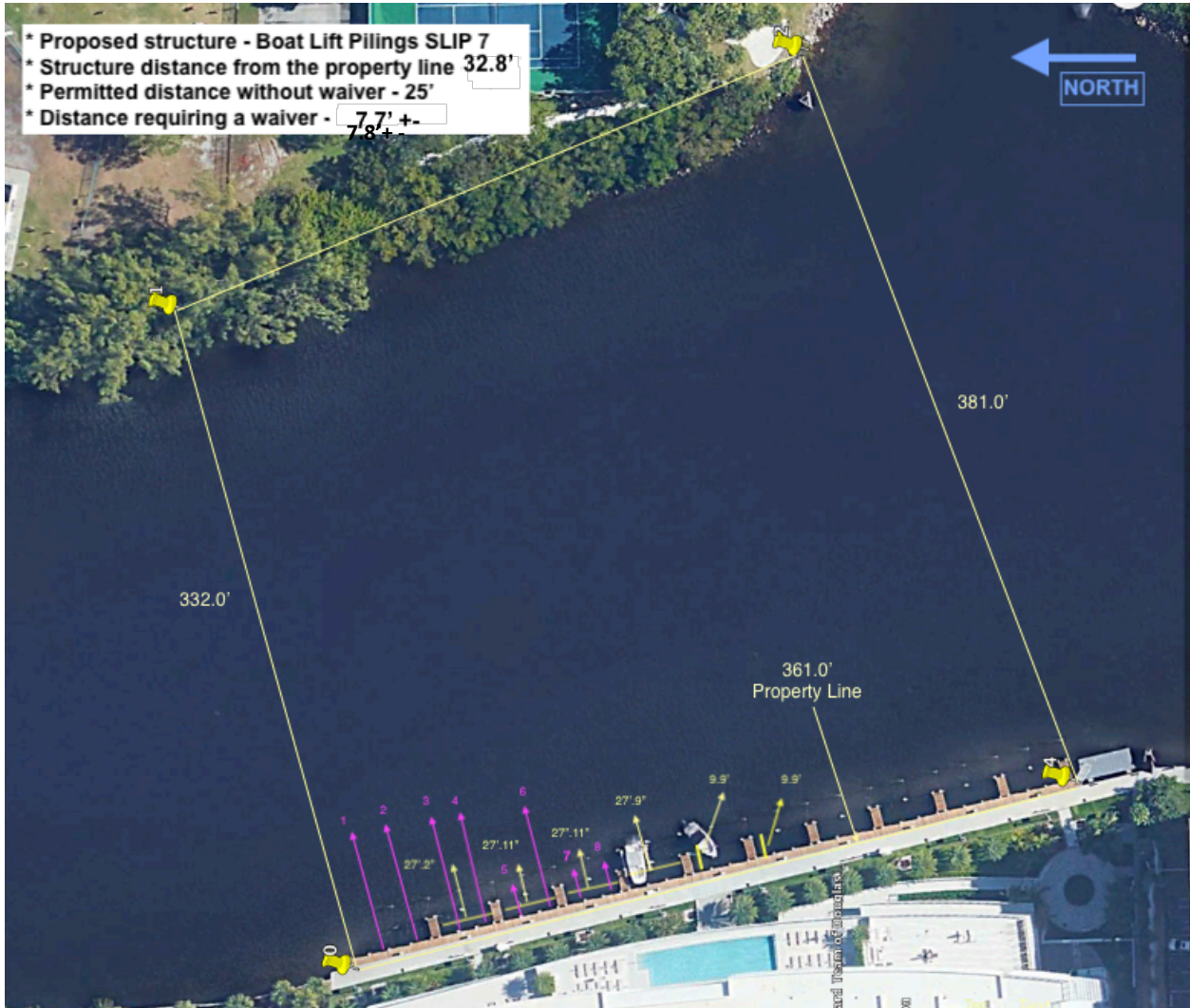


# BOAT LIFTS & DOCKS OF SOUTH FLORIDA





**EXHIBIT VIII  
DISTANCE EXHIBIT**













**EXHIBIT IX  
EXISTING WAIVERS IN THE VICINTY**

**EXISTING WAIVERS IN THE VICINTY**



<b>ADDRESS - RIVA</b>	<b>MAXIMUM DISTANCE</b>
2020 Unit 609 Slip 4	30' + -
2020 Unit 1608 Slip 10	30' + -
2019 Unit 1201 Slip 14	30' + -
2020 Unit 1201 Slip 14	30' + -
2020 Unit 408 Slip 17	33' + -
2020 Unit 1106 Slip 19	30' + -
<b>SUBJECT SITE</b>	<b>32.8' +/-</b>



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 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 considered a seawall.
  - (6) *Rip rap* means a foundation of unconsolidated boulders, stone, concrete or similar materials placed on or near a shoreline to mitigate wave impacts and prevent erosion.
- (b) Boat davits, hoists and similar mooring devices may be erected on a seawall or dock 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 one hundred (100) feet but less than two hundred (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 owner's 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 the 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 (1) 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 F.S. Ch. 327.
- (3) The cross section of the davit, hoist or other mooring device shall not exceed one (1) square foot and have a maximum height of six and one-half (6½) feet above lot grade.
- (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 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 twenty-five (25) percent of the width of the waterway or twenty-five (25) feet whichever is less as measured from the property line.
- (d) Mooring or dolphin piles, shall not be permitted to extend more than thirty (30) percent 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 Sections 47-19.3.(c), 47-19.3.(d) and 47-39.A.1.b.(12).(a) and 47-39.A.1.b.(12).(b) 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 (30) percent 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 (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 seawall shall have a minimum elevation of 3.9 feet NAVD88 (see table). The elevation of a seawall or dock 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 feet NAVD88, the minimum seawall elevation shall meet 3.9 feet NAVD88 and the maximum seawall or dock elevation shall be 5.0 feet NAVD88. For waterfront properties with a habitable finished floor elevation of less than 3.9 feet NAVD88, a seawall may be constructed at less than the stated minimum elevation if a waiver is granted by the City Engineer. For properties within an X zone, the minimum seawall elevation shall meet 3.9 feet NAVD88 and the maximum seawall or dock elevation shall meet the definition of grade as determined by subsection 47-2.2 (g)(1)(a). The maximum height of related structures attached to a seawall shall not exceed the elevation of the seawall to which the structure is attached. In the event of a conflict between subsection 47-19.5.B.Table 1, Note G; subsection 1.a.ii. and the requirements of this section, this section shall govern. Property owners choosing to construct seawalls at less than 5.0 feet NAVD88 are strongly encouraged to have the foundation designed to accommodate a future seawall height extension up to a minimum elevation of 5.0 feet NAVD88.

Property's FEMA Flood Insurance Rate Map Location	Minimum Allowable Seawall Elevation	Maximum Allowable Seawall or Dock Elevation
In a floodplain with a base flood elevation greater than or	3.9 feet NAVD88	Base flood elevation of the property



equal to 5.0 feet NAVD88		
In a floodplain with a base flood elevation equal to 4.0 feet NAVD88	3.9 feet NAVD88	5 feet NAVD88
In an X zone, not in a floodplain	3.9 feet NAVD88	Meet the definition of grade as determined by Section 47-2.2(g)(1)(a)

- (1) Seawalls must be designed and built in a substantially impermeable manner to prevent tidal waters from flowing through the seawall while still allowing for the release of hydrostatic pressure from the upland direction.
- (2) Fixed docks may be constructed at an elevation less than the elevation of the seawall to which it is attached but shall not be constructed at an elevation more than ten (10) inches above the seawall's elevation. The dock elevation may not exceed the maximum elevation as described in subsection (f) of this section. Floating docks shall be allowed and must be permitted and permanently attached to a marginal dock, finger pier, mooring pilings, or seawall.
- (3) Seawall improvements constituting substantial repair at the time of permit application shall meet the minimum elevation and consider the design recommendations (see subsection (f) above) for the continuous seawall for the length of the property. For the purposes of this section, the substantial repair threshold shall mean the following:
  - (i) Any improvement to the seawall of more than fifty percent (50%) of the length of the structure, which for the purposes of this section, shall include both the seawall and cap; or
  - (ii) Any improvement to the seawall which results in an elevation change along more than fifty percent (50%) of the length of the structure.
- (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. Property owners failing to maintain their seawalls may be cited. The owner of the property on which the seawall is constructed is required to initiate a process, including but not limited to hiring a contractor or submitting a building permit, and be able to demonstrate progress toward repairing the cited defect within sixty (60) days of receiving notice from the city and complete the repair within three hundred sixty-five (365) days of citation. If the required repair meets the substantial repair threshold, the property owner shall design, permit, and construct the seawall to meet the minimum elevation requirement and design requirement (see subsection 47-19.3(f)) within three hundred sixty-five (365) days of citation.
- (5) Property owners with seawalls below the minimum elevation, or permeable erosion barriers such as rip rap, or a land/water interface of another nature shall not allow tidal waters entering their property to impact adjacent properties or public rights-of-way. Property owners failing to prevent tidal waters from flowing overland and leaving their property may be cited. The owner of the property is required to initiate a process, including but not limited to, hiring a contractor or submitting a building permit, and be able to demonstrate progress toward addressing the cited concern within sixty (60) days of receiving notice from the city and complete the proposed remedy within three hundred sixty-five (365) days of citation.





- (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 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.

(Ord. No. C-97-19, § 1(47-19.3), 6-18-97; Ord. No. C-04-2, § 4, 1-12-04; [Ord. No. C-10-44, § 2, 12-7-10](#); [Ord. No. C-13-18, § 2, 6-4-13](#); Ord. No. [C-16-13](#), § 1, 6-21-16; [Ord. No. C-16-27](#), § 1, 12-6-16)



1180 N Federal Highway Fort Lauderdale, FL 33304  
954-507-1405

October 17, 2023

Dear, Mr. Boisjoli and Ms. Biron,

Please allow this correspondence to serve as the Board's response to your request to add an extension with a boat lift to your existing dock space at the Association property.

The Association has reviewed the architectural renderings you submitted and agrees to approve of the installation of the dock extension and boat lift, subject to certain conditions. Those conditions are the following:

1. The dimensions of the dock extension shall conform precisely to the specifications and measurements included in the architectural renderings attached hereto as Exhibit "A".
2. In the event that you should sell your unit at the Association property, the extension shall be removed from the Association property.
3. You shall repair/paint/stain the extension after the performance of any repair/paint/stain to the original dock by the Association.
  - a. Any repair/painting/staining of the extension shall be effectuated by you immediately after any repair/paint/stain of the original dock and shall be performed using the same materials and craftsmanship utilized upon the original dock.
4. You shall be responsible for the repair/painting/staining of the extension should the Association, in its sole discretion, determine it is necessary for the safety of the Association community or for purpose of maintaining a common aesthetic at the dock.
5. The Association shall reserve the right to demand the removal of the extension and boat lift in the event that you should breach the terms of this proposal.
6. You shall obtain insurance coverage for the extension and boat lift.
  - a. The Association shall be named as an additional insured for any insurance policy(s) for the extension and boat lift.
7. In the event of a hurricane or other severe weather event, you shall take all reasonable precautions necessary to secure the extension and boat lift.

By signing the signature portions of this correspondence, each party agrees to the terms of the proposal stated herein. The proposal may be executed in counterparts.

RIVA FORT LAUDERDALE CONDOMINIUM ASSOCIATION, INC.

Howard Braverman  
Name

President  
Title

  
Signature

**JOSE BOISJOLI**  
  
Signature

**RENEE BIRON**  
  
Signature

# **EXHIBIT "A"**

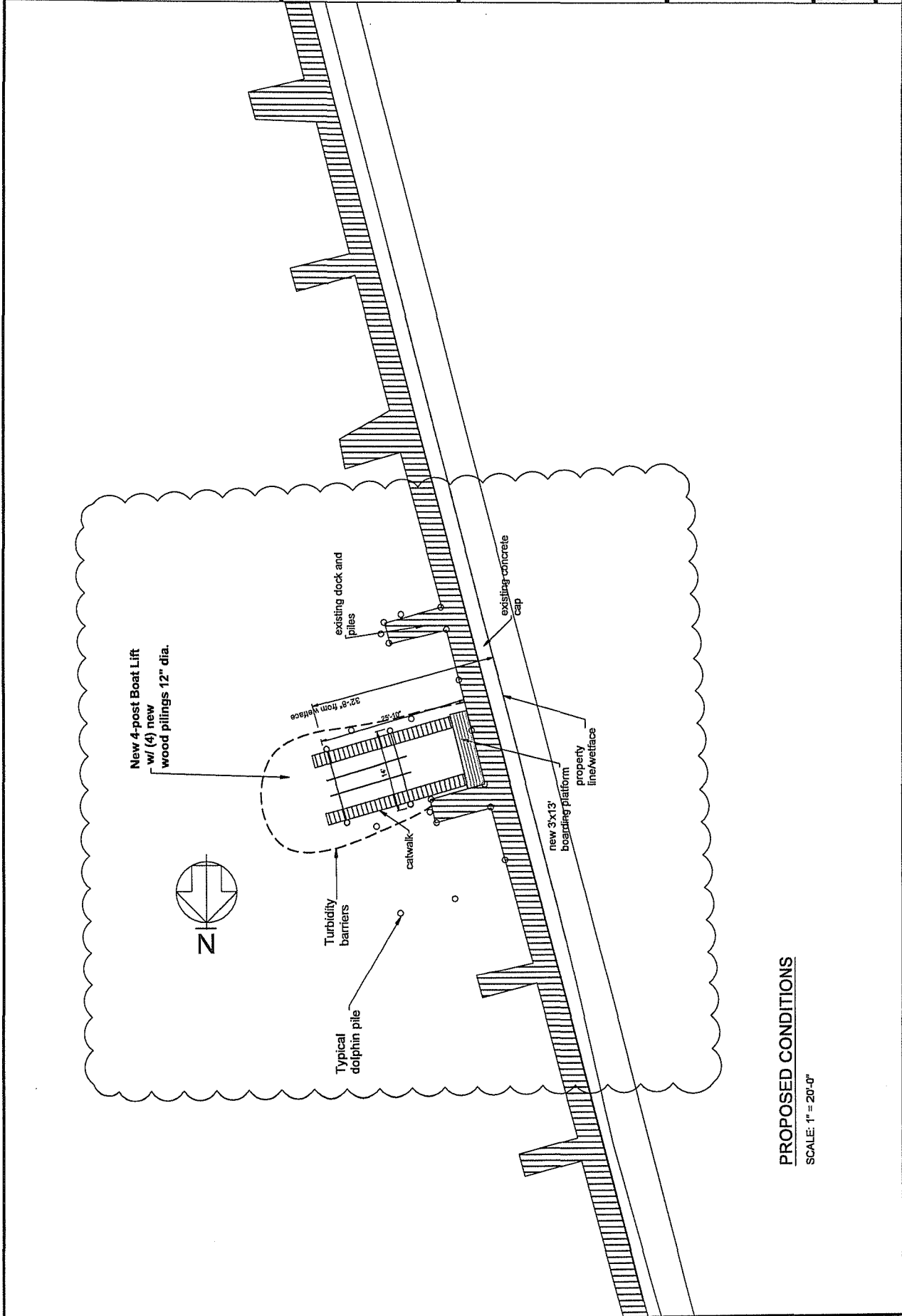
**CARL G. FORBES PE**  
 834 SOUTH DIXIE HIGHWAY WEST  
 POMPANO BEACH, FL 33060  
 EMAIL: CARL.FORBES@BELLSOUTH.NET  
 PHONE: 564-492-6665 FAX: 564-493-4234  
 STATE OF FLORIDA LICENSE PB 20089

**BOATLIFTS & DOCKS  
 OF SOUTH FLORIDA**  
 924 N.W. 91ST AVENUE  
 POMPANO BEACH, FL 33069  
 954-971-0811 SCCL131152208

PREPARED FOR:  
**BOATLIFT RESIDENCE**  
 1180 N. Federal Hwy apt #7,  
 Ft. Lauderdale, FL 33304

DATE: \_\_\_\_\_  
 DRAWN BY: ALFA  
 CHECKED BY: \_\_\_\_\_  
 DATE: 06/09/2022  
 JOB No.: 20-0129

PC



**PROPOSED CONDITIONS**  
 SCALE: 1" = 20'-0"

**BOARDING PLASTIC IDENTIFICATION:**

1. Plastic - Tandeck - Cellular PVC Deck
2. 2X8 Stringers w/(2) 16d nails to each substringer; @15" o.c. for 5/4" composite deck boards
3. 2x8 Substringers on side of Drop Hangers (#4 and #5) with (1) 1/2" x 7" lags
4. 4x10 Drop Hanger with (1) 1/2" x 7" lags & shields into Seawall Cap
5. 4x10 Drop Hanger (1) 1/2" x 7" lags into (#7) existing (2) 2x8 Substringers
6. 2x8 Fascia Trim (from Boarding faces)
7. Existing (2) 2x8 Stringers

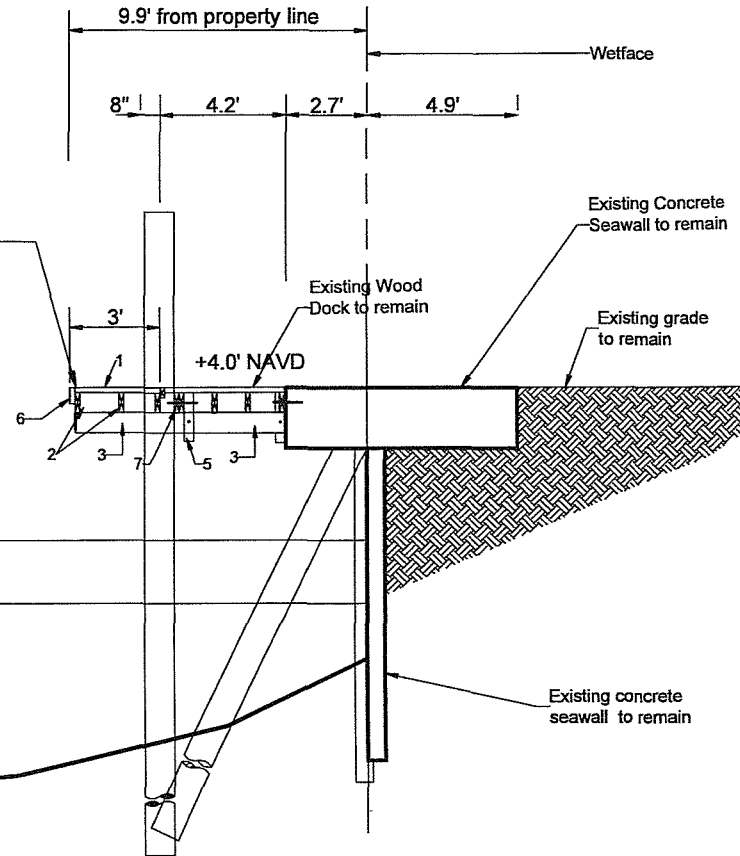
New 3'x13' Boarding Plastic Platform will be fixed on existing wood dock and on Seawall Cap

**Boarding Platform  
CROSS SECTION DTL**

+3.75' NAVD

MHW +2.13' NAVD

MLW +0.15' NAVD



**Boarding Platform Detail**

SCALE: 1/4"=1'-0"

**CARL G. FORBES PE**  
894 SOUTH DIXIE HIGHWAY WEST  
MICHIGAN BEACH, FL 33413  
PHONE: 813.937.4443 FAX: 813.937.4774

**BOATLIFTS & DOCKS  
OF SOUTH FLORIDA**  
6924 N.W. 81ST AVENUE

PREPARED FOR:

Best LIT FOR:  
**Bolsig RESIDENCE**  
1180 N. Federal Hwy, #17,  
FL Lauderdale, FL 33304

DATE	NOTES/REVISIONS
07/20/22	revision (7/21/22) (revision corrections)
08/10/22	Final Deck Cap

Drawn by:  
Checked by:  
Date: 06/09/22

Job No.: 20-

**DET-**