



CITY OF FORT LAUDERDALE

DRAFT
MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
COMMISSION CONFERENCE ROOM – EIGHTH FLOOR
FORT LAUDERDALE, FLORIDA
THURSDAY, JANUARY 3, 2019 – 6:00 P.M.

Cumulative Attendance
May 2018 - April 2019

<u>Board Members</u>	<i>Attendance</i>	<u>Present</u>	<u>Absent</u>
Grant Henderson, Chair	P	7	0
Ed Strobel, Vice Chair	P	7	0
Jimi Batchelor	A	2	4
Cliff Berry II	A	5	2
George Cable	P	5	2
Robyn Chiarelli (arr. 6:04)	P	2	2
Richard Graves	P	6	1
Rose Ann Lovell (arr. 6:04)	P	5	1
Kitty McGowan	P	4	2
Norbert McLaughlin	P	5	1
Ted Morley	A	3	4
Curtis Parker	P	4	1
Roy Sea	P	7	0
Randy Sweers	P	5	1
Bill Walker	A	4	3

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

Staff

Andrew Cuba, Manager of Marine Facilities
Sergeant Todd Mills, Fort Lauderdale Police Department
Jonathan Luscomb, Supervisor of Marine Facilities
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

Chair Henderson called the meeting to order at 6:01 p.m. and roll was called.

II. Approval of Minutes – December 6, 2018

Motion made by Mr. Strobel, seconded by Mr. McLaughlin, to approve. In a voice vote, the **motion** passed unanimously.

III. Statement of Quorum

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

Ms. Chiarelli and Ms. Lovell arrived at 6:04 p.m.

IV. Waterway Crime & Boating Safety Report / Fire Department Report

Sergeant Todd Mills of the Fort Lauderdale Police Department reported the following Marine Unit activity from December 2018:

- 14 citations
- 87 warnings
- 18 safety inspections
- 2 accidents
- 3 burglaries
- 3 thefts
- 12 additional incidents

The miscellaneous incidents included a boat fire, two welfare checks, and a missing canoe, which was recovered. A fire occurred at Bahia Mar with no major injuries. The Marine Unit also responded to a sunken vessel on private property. The Winterfest Boat Parade was held with only minor weather concerns.

V. Dock Permit – 1700 Brickell Drive – Neal R. Kalis as Trustee of the 1700 Brickell Land Trust

Neal Kalis, Trustee of the Brickell land trust, explained that the dock is located on the Sospiro canal off the New River. Brickell Drive terminates at this dock. A permit was originally issued several years ago and assigned to another individual in the 1970s. The City Commission approved this transfer of permit.

The subject property is located on a heavily traveled part of the New River and has no dock. Turbulence and currents are common in the area. The dock was assigned to the Brickell Land Trust in 2018, subject to Marine Advisory Board (MAB) and City Commission approval. It is approximately 46 ft. by 8 ft. in size and appears to be well-maintained. While the permit is intended to last for five years, Mr. Kalis advised that he is requesting a longer term, as maintenance of the property may include replacement of seawalls and other improvements.

Mr. McLaughlin requested clarification that the transfer would change private ownership of a dock on public land. Mr. Kalis stated that the property's two neighbors on the

Sospiro canal already have docks; however, the subject dock is on the New River and is approximately 100 ft. farther down the street.

Mr. Cuba clarified that the issue before the Board is not the transfer of a dock permit, but an application for a new dock permit. While a transfer of permit previously took place at the subject location, the City no longer allows this. The permit is for an existing dock not immediately adjacent to the property. He pointed out that the location of the dock should not be an issue, as only one Applicant is seeking its use.

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

Motion made by Mr. Sweers, seconded by Mr. McLaughlin, to approve. In a voice vote, the **motion** passed unanimously.

Mr. Cuba advised that the City Commission will make a determination on the duration of the permit.

VI. Presentation – Fort Lauderdale Marina / Peter Henn – Greenberg Traurig, PA

Barbara Hall, representing Greenberg Traurig, PA, showed a PowerPoint presentation on the Fort Lauderdale Marina. The facility was constructed in 1955 but has deteriorated significantly since that time. New owners took possession of the property roughly two years ago and began its redevelopment.

While there were no homes surrounding the property in 1955, a residential community built up around the facility in the 1960s. In recent years the property has not been maintained or environmentally upgraded, and Code violations existed when the current owners purchased the facility. The owners have worked to correct these violations in the marina basin portion of the property, which included violations to electrical systems and septic flow issues. The proposed project is expected to correct these violations.

Ms. Hall showed a rendering of plans for the property, stating that permits have been received for changes to the marina basin side. Plans include 35 wet slips, a new electrical system, lighting, a fueling system, and a covered structure with restroom facilities.

Redevelopment of the upland property will include three rows of dry stack storage. Ms. Hall showed a rendering of this storage facility, which will include aluminum screening facing the residential area. Its ground level will include office, repair, and storage space for owners who use the marina.

The property will be developed in two phases. The first phase will include 274 dry slips and 28,006 sq. ft. of indoor space and ground level storage/repair of large boats. All infrastructure required for the development will be constructed in the first phase, including parking, drainage, and landscaping. The second phase will add 356 dry slips and 15,284 sq. ft. of enclosed space, or a combination thereof, depending upon market demand and marina operations.

Because the marina preceded development of the adjacent residential neighborhood, zoning for the property is industrial. The development team has met with residential neighbors of the marina to determine how compatibility concerns can best be addressed. Although height up to 150 ft. is allowed in industrial zoning districts, the developer plans to build to 70 ft. Setbacks are terraced so the highest portion of the structure will be set back 83 ft. 8 in. from the property line. This results in a lighter building and fewer shadows on the residential neighborhood. Activity likely to produce noise is located on the opposite side of the development from its residential neighbors, and ground-level storage and repair are located closer to I-95.

When the residential neighborhood was first developed, all deeds to homeowners include a 20 ft. access easement over the rear of the property in favor of the marina. This easement has been in existence since the 1950s and includes the rear 20 ft. of nearby residential lots. The marina project will return this easement to the residential property owners, although it will be used as a construction road during the first phase of development. A wall that is 8 ft. in height on the residential side and 6 ft. on the marina side will be constructed. This height differential is due to the elevation of the marina property.

Ms. Hall concluded that the project will develop a historic marina to make it economically sustainable, provide accessible boat storage and a new fueling station on the New River, correct stormwater sheet flow into the waterway, replace the septic system with sewer service, and support the boating industry and tourist economy, among other improvements.

Ms. McGowan requested additional information on repair work at the facility. Susan Engle, project manager for the Fort Lauderdale Marina, explained that the location will continue to operate as a full boatyard, although the upland facility will focus on smaller vessels than those currently repaired at the site. Boats are expected to be up to 100 ft. in length. A 150 ton boat lift will be used at the marina.

Chair Henderson asked for information on the time frame for redevelopment. Ms. Engle stated that the marina portion would be open by the end of January 2019. An application will go before the City's Planning and Zoning Board in January and before the Development Review Committee (DRC) later in the year. She estimated the building permit process is roughly eight months from completion.

Mr. McLaughlin asked if the marina will accommodate live-aboard vessels. Ms. Engle replied that crews may remain on large yachts at the facility. Fueling will occur on the south side of the property. Storage stacks will be 70 ft. in height.

Ms. Engle continued that a hurricane preparation plan is in development for the marina. The facility owner has experienced hurricanes in projects with dry stacks, which have held up well. It was noted that storage must be built to withstand at least Category 4 winds.

Motion made by Mr. McLaughlin, seconded by Mr. Sweers, to support the project. In a voice vote, the **motion** passed unanimously.

VII. Discussion – February 20th, 2019 Municipal Marine Boards Liaisons Meeting

Mr. Cuba stated that the annual Broward County Municipal Marine Boards Liaison meeting will be held at the War Memorial Auditorium on February 20, 2019. The MAB is asked to consider and submit Fort Lauderdale's priorities for discussion. He suggested that these priorities be discussed in a preliminary manner at today's meeting and finalized at the February 2019 meeting. Members may also send recommended priorities to Mr. Cuba's office after tonight's meeting.

Priorities submitted to the 2018 meeting included the retention of a working waterfront, creation of an updated Marine Master Plan, boater safety, creation of a Marine Safety Committee, and an increase in marine history and awareness.

The Board discussed the following potential priorities and concerns:

- Retention of zoning and/or use of deed restrictions to allow waterfront businesses to remain in place
- Retention/expansion of lot storage for vessels
- Legal protections for the marine industry

Mr. Cuba recalled that at the 2018 Liaison meeting, there was discussion of priorities for the entire group rather than those specific to Fort Lauderdale. This included motorized and non-motorized vessels immediately offshore, speed zones, retention of working waterfront, and other concepts. He recommended that priorities be specific.

The Board discussed the possibility of converting City and/or County land west of the airport to industrial zoning, which would support use by the marine industry. They also addressed sea level rise, which would have been included in the Marine Master Plan discussed the previous year, as well as the impact of train service on local bridges.

Mr. McLaughlin asked if the issue of live-aboard vessels anchored on Lake Sylvia was still an issue. Sgt. Mills recalled that the City may not limit the length of time a vessel may be moored as long as it is considered "in transit." Anchoring is prohibited in an area

designated for waterskiing; however, there have been no changes to anchoring regulations if the navigable waterway is not blocked.

The Board also discussed mooring fields, with Sgt. Mills noting that a study is underway on this topic. He added that anchoring remains an issue in other municipalities, such as Hollywood, and may be addressed through the designation of mooring fields. There has been discussion of how close an anchored vessel may be to private property, which has yet to be resolved.

Mr. Strobel asked if there are regulations in effect for sanitation and the pumping out of vessels. Sgt. Mills replied that there are currently no such requirements, although discussions on sanitation and discharge concerns are ongoing. It can be difficult to ensure that these regulations are followed.

Chair Henderson suggested that an update on dredging could be one of the priorities submitted from Fort Lauderdale. Mr. McLaughlin pointed out that a stormwater surcharge on residents' utility bills could be used toward maintenance dredging. Mr. Cuba noted that the City has invested significantly in one-way valves, which prevent backflow of water onto land. He added that the Cordova Road seawall will be discussed at the Board's February 2019 regular meeting, including a presentation by the City's Public Works Department, which can address this concern in greater depth.

VIII. Reports

None.

IX. Old / New Business

The Board members determined by consensus that there would be no July 2019 meeting. They will meet in August instead.

X. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:15 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. 19-02

DATE: February 6, 2019

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Manager of Marine Facilities

RE: February 7, 2019 MAB Meeting – Presentation Proposed Dock Permit Ordinance Revisions / Dr. Nancy Gassman

Please review the proposed draft dock permit ordinance revisions, which will be presented at our February 7, 2019 Marine Advisory Board Meeting.

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

ORDINANCE NO. C-19-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING SECTION 8-144, "PRIVATE USE OF PUBLIC PROPERTY ABUTTING WATERWAYS" OF THE CITY OF FORT LAUDERDALE CODE OF ORDINANCES PROVIDING DEFINED TERMS AS TO WHO MAY APPLY FOR A DOCK PERMIT; IMPOSING AN OBLIGATION UPON A PERMIT HOLDER FOR REMOVAL OF THE DOCK AND APPURTENANCES UPON TERMINATION, EXPIRATION OR REVOCATION OF A DOCK PERMIT; PROVIDING FOR THE POSTING OF SECURITY TO COVER THE COST OF REMOVAL OF DOCKS AND APPURTENANCES THERETO; IMPOSITION OF AN OBLIGATION TO RECORD IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA A CERTIFIED COPY OF THE RESOLUTION GRANTING A DOCK PERMIT; PROVIDING FOR ADMINISTRATIVE FEES FOR THE REVIEW OF A DOCK PERMIT APPLICATION AND ISSUANCE OF A RESOLUTION FOR THE GRANTING OF THE DOCK PERMIT UPON CERTAIN TERMS AND CONDITIONS; ENSURING DOCKS ARE OF SUCH A HEIGHT AS TO TAKE INTO ACCOUNT ADJUSTMENTS FOR RISING SEA LEVELS; PROVIDING FOR AN INITIAL TERM FOR THE DOCK PERMIT OF FOUR YEARS WITH TWO ADDITIONAL THREE YEAR RENEWAL TERMS; IDENTIFYING THE DOCK AREA WHERE THE PERMIT HOLDER HAS CERTAIN RIGHTS EXCLUDING THE GENERAL PUBLIC AND DEFINING THE PUBLIC SWALE AREA WHERE THE GENERAL PUBLIC HAS THE RIGHT OF ACCESS; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 8-144 of the City of Fort Lauderdale Code of Ordinances is in need of amendment to provide for the preservation of the character of the neighborhood within which a dock permit is sought and to identify with specificity what persons qualify for an application for a dock permit under Code Sec. 8-144;

WHEREAS, prior to this amendment to Code Sec. 8-144 for dock permits that are abandoned, terminated, expired or revoked, the City inherits the expense of removal of such dock and there is a need to require the permit holder to post security for the removal of the dock in the event the dock permit is abandoned, terminated, expired or revoked and no new dock permit is issued within three (3) months of the abandonment, termination, expiration or revocation of the former dock permit; and

WHEREAS, prior to this amendment, an obligation is imposed on the permit holder to construct or make substantial repairs to a dock or seawall or both, by past practice the permit is issued for a fixed term of five (5) years and there is no fixed term for the permit absent an obligation on the permit holder to construct or make substantial repairs to the dock or seawall or both and to rectify this situation staff has recommended that the dock permit be issued for an initial term of four (4) years, with two (2) three (3) year renewal terms; and

WHEREAS, in order to more definitively identify the area where the general public has access and where the general public has no right to encroach within the permit holder's dock area the amendments provide definitions for Dock Area for the permit holder and Public Swale Area for which the general public has access; and

WHEREAS, the amendments require an administrative fee to cover the costs of administering the application, review and adoption of the resolution initially granting the dock permit and similarly an administrative fee for the application, and review of the dock permit for the renewal term; and

WHEREAS, in light of rising sea levels the amendments to Code Sec. 8-144 provide that docks must either be (i) floating docks that can adapt to sea level rise over their useful life span or (ii) fixed docks installed at a minimum elevation consistent with the requirements of Code Sec. 47-19.3 (f) or (iii) fixed docks the height of which are even with the City's seawall, and as between (ii) and (iii), whichever is the greater height; and

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

SECTION 1. That Code Section 8-144, entitled "Private Use of Public Property Abutting Waterways" is hereby amended to read as follows:

Sec. 8-144. Private Use of Public Property Abutting Waterways.

The City Commission, by Resolution duly adopted, may grant a dock permit for the use by private persons of public property abutting or touching a waterway, including all public property described in section 8-143, except areas being utilized as municipal docks for

which docking fees are being charged and collected and those areas under license by the City, under the following conditions and restrictions, to-wit:

- (1) Application for a dock permit under this section shall be accompanied by an administrative fee, the amount of which shall be reflective of the cost of administering the application, review and adoption of resolution granting a permit for the use by private persons of public property abutting or touching a waterway and shall be established from time to time by the City Commission by duly adopted Resolution.

 - (a) Prior to adoption of the Resolution granting a dock permit, the applicant shall provide deposit monies to the City or post a performance bond, acceptable to the City Attorney, callable by the City and conditioned upon the permit holder timely removing the dock and all appurtenances thereto within the time set forth in section 4 (d) hereof, the amount of the deposit monies or performance bond being sufficient to cover the cost of removal in the event the permit holder fails to timely remove the dock and all appurtenances thereto as set forth herein. In the event the dock and all appurtenances are timely removed, either the deposit monies shall be returned to the permit holder or the performance bond shall be discharged.
- (2) The dock permit granted herein shall not be effective until such time as a certified copy of the Resolution granting the dock permit has been recorded in the Public Records of Broward County, Florida by the applicant / permit holder and a copy of the recorded Resolution is filed with the City's Office of Marine Facilities. In order to optimize and preserve the existing character of the surrounding neighborhood, Applicants for a permit under Code Sec. 8-144 are limited to owners of Upland Parcels and Neighboring Upland Parcels as defined hereafter.

 - (a) An Upland Parcel is a parcel of land that by extending the side property lines thereof to perpendicularly intersect with the boundary lines of the adjacent waterway, where the Upland Property lies directly across the street from the public property abutting or touching a waterway for which one may qualify for applying for a dock permit.
 - (b) A Neighboring Upland Parcel is a parcel of land that does not lie directly across the street from public property abutting or touching a waterway but is within three hundred (300) feet of an Upland Parcel, said distance to be measured from the closest points of a property line for (i) the Upland Parcel and (ii) the Neighboring Parcel.
 - (c) In the event that a second application is filed for the same dock permit within three (3) months of a first application for the same dock permit and

before adoption of a Resolution by the City Commission granting the dock permit, preference shall be given to the application by an Upland Parcel owner over a Neighboring Upland Parcel owner. In the event that both applications are from Neighboring Upland Parcel owners, preference shall be given to the Neighboring Upland Parcel owner who is closest to the location of the dock permit at issue.

- (d) For public property abutting or touching a waterway which is the subject of an application for a dock permit where such public property is not directly across the street from an Upland Parcel and the public property which is the subject of an application is where a public right-of-way terminates at the waterway (e.g. "street-ends"), the Office of Marine Facilities shall make recommendations to the Marine Advisory Board as to (i) the length of the dock, (ii) the size and dimensions of the envelope within which a vessel may be berthed, (iii) the portion of such public property which will be used exclusively by the permit holder, (iv) the portion of such public property which will be available to the general public, and (v) the waterfrontage that will be available to the general public. In its review, the Marine Advisory Board shall make recommendations to the City Commission. Applicants for a dock permit under this subsection shall be limited to owners of property within three hundred (300) feet of the midpoint of the waterfront boundary of such public property, said distance to be measured from the closest points of the Applicant's property to the midpoint of the waterfront boundary of such property that is the subject of the dock permit.
 - (e) For public property abutting or touching a waterway which is the subject of an application for a dock permit where there is a curvature to the boundaries of the waterway, the Office of Marine Facilities shall make recommendations to the Marine Advisory Board with respect to criteria (i) through (v) set forth in subsection 4 (d) above. In its review, the Marine Advisory Board shall make recommendations to the City Commission. Applicants for a dock permit under this subsection shall be limited to owners of property within three hundred (300) feet of the proposed location of the dock which is the subject of the dock permit application, with preference given to those owners of property located the closest to the proposed location of the dock which is the subject of the dock permit application.
- (3) The permitted width of the dock shall not exceed the width of the corresponding Upland Parcel as measured from the extension into the waterway of the side yard setbacks for the principal building on the Upland Parcel as if the Upland Parcel were not on a waterway. No vessel may be berthed in such a manner that it encroaches into the area proscribed under Code Sec. 47-19.3 (f).

~~(4)(1) Unless a fixed period of time is prescribed in the resolution, permits shall be temporary in nature, revocable at the will of the city commission without cause. Permission granted for fixed periods of time may be conditioned upon the requirement that the permit holder shall repair, replace or maintain the adjacent seawall during the term. In such event, permission may be revoked by the city upon at least ninety (90) days of advance notice to the permit holder.~~

- (a) The dock permit granted under this Sec. 8-144 shall be for an initial term of four (4) years, with two (2) three (3) year renewal terms. The permit holder shall file an application for the granting of any renewal term with the Office of Marine Facilities. Application for any renewal term shall be accompanied by an administrative fee, the amount of which shall be reflective of the cost of administering the renewal application, review, inspection and administrative approval or denial of the renewal term, the amount of which shall be established from time to time by the City Commission by duly adopted Resolution. The application for a renewal term shall be reviewed initially by the Office of Marine Facilities who, after reviewing the history of compliance with the terms and conditions set forth in the resolution granting the dock permit for the initial term, shall make a recommendation to the City Manager as to whether to grant or deny the application for a renewal term and specifying additional terms and conditions, if any, for the renewal term. The administrative approval or denial shall be executed by the City Manager or Assistant City Manager.
- (b) During the term of the dock permit, the permit holder shall be required to repair, replace or maintain the dock or adjacent seawall or both to meet the requirements of Sec. 47-19.3 (f), "Boat slips, docks, boat davits, hoists and similar mooring structures" of the Unified Land Development Code and other terms and conditions imposed by the Resolution granting the dock permit or imposed by the granting of the dock permit during a renewal term.
- (c) The permit to use the dock shall expire upon the (i) abandonment of the use of the dock or (ii) sale of the Upland Parcel or Neighboring Upland Parcel, or termination, expiration or revocation of the dock permit by the City Commission, whichever (i), (ii) or (iii) shall first occur, subject to survivability of the obligation to remove the dock pursuant to section 4 (d) below.
- (d) Except as set forth in subsection (e) below, upon expiration of the permit to use the dock, the permit holder shall be obligated to remove the dock and all appurtenances thereto within three (3) months of the termination,

revocation or expiration of the permit to use the dock. This provision shall be a continuing obligation that survives expiration of the permit to use the dock.

- (e) In the event a dock permit is granted to a successor applicant for the same dock area within the time proscribed in section 4 (d) hereof, the obligation to remove the dock and all appurtenances thereto shall be discharged as to the former permit holder.
- (f) The dock permit granted may be revoked by the City Commission for good cause shown upon at least ninety (90) days advance notice to the permit holder and an opportunity for the permit holder to be heard.

(5)(2) All improvements such as docks, seawalls and the like which are made or placed upon such public property by a private person shall be constructed with appropriate permits from all applicable regulatory authorities having subject matter jurisdiction regarding such matters. All and all maintenance and repairs shall be performed according to city engineering division standards and all applicable regulatory codes including the City's Unified Land Development Code regulations and Florida Building Code and in compliance with building permits obtained from the sustainable development department.

(6) All docks installed pursuant to this Code Sec. 8-144 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 elevation consistent with the requirements of Code Sec. 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 greatest. Penetrating the City seawall to support the dock or permanently attaching improvements, such as cleats, ladders, ramps, mooring whips or similar devices to the City's seawall is prohibited, unless specifically recommended pursuant to the dock building permit review process and, upon demonstration of extreme hardship, authorized in the resolution granting the use by private persons of public property abutting or touching a waterway.

(7)(3) The holder of the permit shall be responsible for maintaining improvements within the Dock Area, as hereinafter defined to the area and for beautifying the Public Swale Area, as hereinafter defined. a reasonable area in and around the dock location to be specified The Public Swale Area shall be landscaped in accordance with (i) the established landscape plan for the area in question adopted by the Department of Sustainable Development or (ii) a landscape plan approved by the Department of Sustainable Development and embodied in the Resolution adopted by the City Commission granting the permit under this section. Failure and failure to do so shall be grounds for revocation of the permit.

- (a) For the purposes of this section 7, the term "Dock Area" shall mean that area bounded by (i) the upland cap of the seawall abutting the dock and (ii) extending over the water the length and width of the dock, and (iii) including the area within which the vessel may be berthed and all appurtenances to the Dock Area. The length of the dock shall not exceed the distance between the extensions into the waterway of the two side yard setbacks for the principal building on the corresponding Upland Parcel as if said Upland Parcel were not abutting the waterway.
- (b) For the purposes of this section 7, the term "Public Swale Area" shall be the area within the waterward extension of the side property lines of the Upland Parcel from the edge of the adjacent publicly dedicated right-of-way closest to the waterway to the wet-faced edge of the seawall cap, excluding therefrom the Dock Area.
- (8) Parking in the Public Swale Area by the permit holder or their invitees shall be limited to vehicles engaged in the act of loading or off-loading persons or supplies from the vehicles to the moored vessel. There shall be no fueling of vessels from tank trucks along the adjacent publicly dedicated right-of-way.
- ~~(9)~~(4) Such permits shall not be assignable without the written approval by Resolution of the City Commission.
- ~~(10)~~(5) The holder of such permit shall not charge or collect any rent or fees from anyone using such dock constructed on public property. No sign shall be placed upon such dock indicating it is a private dock.
- ~~(11)~~(6) A permit granted to a permit holder ~~private individual~~ to construct a dock or authorization to use an existing dock upon public property and the acceptance and use of same by the permit holder ~~such private person~~ shall constitute a guarantee from the permit holder ~~such private person~~ to the City to hold the City harmless for any damage or injury to any person using such facilities.
- ~~(12)~~(7) The Public Swale Area ~~Such street ends or public property abutting waterways so used by a private person~~ 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 ~~a reasonable portion upon which he has placed improvements [not exceeding fifty (50) percent of the area].~~
- ~~(13)~~(8) The violation of any provisions of this section or any regulations hereafter enacted shall constitute cause for revocation of the permit.

~~(9) Upon direction of the city, the former holder of a permit shall remove at his own expense any nonfixture improvements placed by him upon public lands, whenever permission is revoked, and shall make the necessary repairs to the city property to place the same in good condition.~~

~~(14)~~(40) The resolution granting the permit or the administrative approval of the permit for a renewal term may specify other terms and conditions pertaining to the use or improvement of the property.

~~(15)~~(41) Only public lands which are not needed by the City for public docking purposes are available for private use under the terms hereof, and the Supervisor of Marine Facilities shall furnish to the City Manager a complete list of all street-ends and other City-owned property abutting waterways which is not needed for dockage purposes from time to time.

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 within ten (10) days from the date of final passage.

PASSED FIRST READING this the ____ day of _____, 2019.

PASSED SECOND READING this the ____ day of _____, 2019

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

ITEM VII

MEMORANDUM MF NO. 19-01

DATE: January 16, 2019

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Manager of Marine Facilities

RE: February 7, 2019 MAB Meeting – Discussion Regarding Talking Points for Broward County Municipal Marine Summit – Wednesday, February 20th, 2019 – War Memorial Auditorium

On Wednesday, February 20th, 2019, a joint meeting for Broward County Marine Advisory Boards and Committees is currently scheduled at 6.30 p.m. in our own War Memorial Auditorium.

In advance of the summit, the MAB is charged with providing suggested global discussion topics for the group. Once determined, I will forward to John Fiore, liaison to the Broward County Marine Advisory Committee, for consideration.

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

**YOU ARE INVITED
TO THE 4th ANNUAL
BROWARD COUNTY
MUNICIPAL MARINE SUMMIT**

February 20, 2019, 6:30 pm

Fort Lauderdale

War Memorial Auditorium

Holiday Park

800 NE 8th Street

Fort Lauderdale, Florida

Refreshments - 6:30 pm

Summit - 7:00 pm

Summit Sponsored by:

City of Fort Lauderdale Marine Advisory Board

Broward County Marine Advisory Committee