

Town of Lauderdale-By-The-Sea
Regular Planning and Zoning Board

Agenda

Tuesday, September 19, 2023

6:00 PM



Jarvis Hall 4505 N. Ocean Drive
www.Lauderdalebythesea-fl.gov

LAUDERDALE-BY-THE-SEA TOWN COMMISSION

Regular Planning and Zoning Board

Tuesday, September 19, 2023, 6:00 PM
Jarvis Hall 4505 N. Ocean Drive, 33308

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE TO THE FLAG**

3. **APPROVAL OF MINUTES**

3.a. _____ Planning and Zoning Board Minutes

4. **PUBLIC COMMENTS**

5. **NEW BUSINESS**

5.a. AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE I "IN GENERAL," SECTION 30-11 "DEFINITIONS" AND ARTICLE V "ZONING," SECTION 30-311 "BOATS, BOAT LIFTS, BOATHOUSES, MOORING, AND DOCKING" AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

6. **OLD BUSINESS**

7. **UPDATES/BOARD MEMBER COMMENTS**

8. **ADJOURNMENT**

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING

SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 640-4200 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO ENSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PROCEDURES FOR PUBLIC COMMENTS:

Public Comments may address issues that are not on this meeting's agenda, but should relate to the business of the Town, and should not contain personal attacks. If your comment requires follow up, the Town Manager will have a staff person respond to your concerns, and will advise us of the outcome.

The Town Clerk will read off the names of those who have signed up to speak. When your name is called, please come to the podium, state your name for the record, and indicate whether you are a Town resident. Do not state your address. You have up to three minutes to make your comments, but there is no requirement to use the entire time. If you wish to address a particular Commissioner or member of Town Administration, please do so by use of their title.

If you wish to approach the Commission dais to hand out a document or for some other reason, please request permission and state your reason for doing so. All documents to be provided to the Commission should be handed to the Town Clerk for distribution.

These procedures have been developed to assure that the Town Commission meeting time is efficiently used, and that meetings are conducted in a polite and respectful manner. More information on the decorum rules for Town Commission meetings is

available in Section 2-23 of the Town Code of Ordinances.

INVOCATION:

The Invocation before each Town Commission meeting is a voluntary service of a private citizen, offered to serve the spiritual needs of the members of the Town Commission and solemnize the meeting. It is not intended to be an opportunity to advance or disparage one faith or belief over another. The views expressed in the Invocation have not been previously reviewed by the Town and do not necessarily represent the beliefs of any Town employee or official. No person is required to be present at or participate in the Invocation, and the decision whether to be present or participate in the Invocation will not affect any person's right to actively participate in the official business of the Town or obtain any benefit from the Town. The Town's written Invocation policy is available on its website, and upon written request to the Town Clerk.all static



Agenda Item No: 3.a.

Town Commission Agenda Item Report

Meeting Date: September 19, 2023

Submitted By:

Submitting Department: Administration

Item Type: Action Item

Agenda Section: APPROVAL OF MINUTES

Subject Title: _____ Planning and Zoning Board Minutes

Explanation:

Recommendation:

Exhibits:

1. June Minutes

NON APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
LIVE STREAMED FROM JARVIS HALL
Wednesday, June 7, 2023

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chair Piersante called the in-person Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at approximately 6:03PM.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

ROLL CALL & WELCOME

Board Clerk Megan Small called the roll and present in-person were Chair Ron Piersante, Vice Chair Howard Goldberg, and Board Members Patricia Omana, Denise Lambert and Karen Sylvester. For the record, Wayne Dillistin was absent. Also present in person were Town Attorney James White, Development Services Director Jhanelle Campbell, Town Planner Susan Leven, and Board Clerk Megan Small.

3. APPROVAL OF MINUTES

a. Planning & Zoning (P&Z) Meeting Minutes – May 3, 2023

Vice Chair Goldberg made a motion to approve the minutes of the P&Z Meeting of May 3, 2023 as written. The motion was seconded by Board Member Omana. The motion to approve the May 3, 2023 minutes as written carried 5-0.

4. PUBLIC COMMENTS

Chair Piersante opened the meeting to the public for any comments on items not on the agenda. When an agenda item was presented, public comments regarding that item would be heard at that time. As there were no public comments for items not on the agenda, the Chair closed this portion of Public Comments.

5. TOWN PLANNER REPORT

There was no report for this evening.

6. NEW BUSINESS

6A Case Number 2023-L2-AA-01: Level 2 Administrative Adjustment Request to allow encroachments into the side setbacks for additions to an existing single-family dwelling.

Susan Leven, Town Planner, presented this item via a Slide Presentation for a Level 2 Administrative Adjustment Request for 234 Avalon Ave. This would allow for encroachment in the side setbacks for the two side additions to the existing single-family house in the rear by following the existing, legally non-conforming walls. A Level 2 Administrative Adjustment was permitted for setback encroachments of up to thirty percent (30%) or five (5) feet of the required setback, whichever was less. Town Code stated that an encroachment into the required setbacks shall be approved, if the requested relief was within the limits specified in the Administrative Adjustments Thresholds Table and required review by the Town Staff, the Planning & Zoning Board, and the Town Commission. She said that the applicant addressed

the findings and met the criteria. Town Staff recommended approval of the application. This agenda item would go before the Town Commission at their June 27, 2023 Meeting.

A representative of the applicant was in attendance tonight to answer any questions. The Chair called for board questions/comments. Vice Chair Goldberg commented that there was a similar house and situation in that area which was approved, so he would not have a problem with approving this one. Chair Piersante stated he heard the planner say that the additions would match the current building side setbacks even though it was non-conforming. The Chair invited the applicant to speak on this item. Mike Trifunovic, general contractor, said that the owners would live here after the remodel was finished. He thanked the board for their consideration. The Chair called for public comment but no one from the public wished to speak on this matter. A gentleman who lived next door spoke from the audience and said he just came tonight to see what this was all about. He did not wish to speak and was fine with what was being done. This portion of public comment was closed. As no one else requested to speak or comment, the Chair called for a motion and read into the record the conditions for approval.

Vice Chair Goldberg made a motion to approve with the conditions read into the record for Case Number 2023-L2-AA-01: Level 2 Administrative Adjustment. The motion was seconded by Board Member Sylvester. The motion to approve with conditions carried 5-0.

7. OLD BUSINESS

None.

8. UPDATES/BOARD MEMBER COMMENTS

Vice Chair Goldberg wished everyone a Healthy and Happy July 4th. He reminded about the parade and explained how to sign in, if you wanted to have an exhibit.

9. ADJOURNMENT

Vice Chair Goldberg made a motion to adjourn at approximately 6:14PM. The motion was seconded by Board Member Omana. The motion to adjourn at 6:14PM carried unanimously.

Chair Ron Piersante

ATTEST:

Date Accepted: _____



Agenda Item No: 5.a.

Town Commission Agenda Item Report

Meeting Date: September 19, 2023

Submitted By:

Submitting Department: Development Services

Item Type: Ordinance

Agenda Section: NEW BUSINESS

Subject Title: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE I "IN GENERAL," SECTION 30-11 "DEFINITIONS" AND ARTICLE V "ZONING," SECTION 30-311 "BOATS, BOAT LIFTS, BOATHOUSES, MOORING, AND DOCKING" AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

Explanation:

Recommendation:

Exhibits:

1. 9-16-23 Ordinance 2023-04 Staff Report Marine Structures Part 2
2. Exhibit 1- Ordinance 2022-02 Marine Structure Ordinance
3. Exhibit 2- LBS Canals - Marine Features
4. Exhibit 3 Ordinance 2023-04 PART 2 -
Sec._30_311.___Boats__boat_lifts__boathouses__mooring_and_docking_FINAL



Town of Lauderdale-by-the-Sea
Development Services

To: Planning & Zoning Board
From: Jhanelle Campbell, Development Services Director
Meeting Date: September 19, 2023
Re: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE I "IN GENERAL," SECTION 30-11 "DEFINITIONS" AND ARTICLE V "ZONING," SECTION 30-311 "BOATS, BOAT LIFTS, BOATHOUSES, MOORING, AND DOCKING" AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

Explanation: At its March 22, 2022 meeting, the Town Commission directed staff to review the Town Code requirements for marine structures and compare them to similar codes in other jurisdictions. As a result of this research, the Commission adopted Ordinance 2022-02 (**Exhibit 1**) which addressed the following issues:

1. Clarified definitions for boat lift, dock, dolphin piles, finger piers and piling;
2. Removed duplicative terms;
3. Replaced regulations for marine structures in waterways;
4. Instituted regulations for waterways wider than and narrower than 100 feet in width; and
5. Established a new side setback for docks at commercial properties abutting a residential property

Ordinance 2022-02 only addressed docks and did not address any changes to the distances in which other marine structures could protrude into the waterway. Staff was asked to review this aspect of waterway regulations and we found that the Town Code pertaining to marine structures is more restrictive than many neighboring municipalities and the other regulatory agencies that review marine structures for approval. This includes the location of marine structures (boat lifts) and the width of the navigation channel. The table below outlines these regulations for the Town and neighboring municipalities and the other regulatory agencies that review marine structures.

Table 1

Agency	Marine Structure Allowance (boat lifts)	Navigational Channel
Lauderdale By-The-Sea	20% of the width of the waterway	...*the navigational channel shall be the center 40 percent of the width of a waterway with: a. The center of the channel coinciding with the centerline of the waterway; and b. In a navigable dead-end waterway, the navigational channel shall end a distance from the terminus of the dead-end waterway that is equal to the distance between the navigational channel and seawall or shoreline, as measured along the same waterway before its terminus. This shall be interpreted to mean that the distance of the standard mooring area from the terminus shall be equal to the width of the standard mooring area along one side of the waterway and the navigational channel shall end at the standard mooring area or marina mooring area of the terminus. The dimensions of the navigational channel adjacent to a marina mooring area may be modified by the Town pursuant to 30-311.
Broward County DEP	25% of the width of the waterway	No navigational channel definition.
Army Corp of Engineers	25% of the width of the waterway	No navigational channel definition.
Fort Lauderdale	33%of the width of the waterway, or twenty-five (25) feet into the waterway, whichever is less, as measured from the recorded property line along the waterway.	No navigational channel definition

Agency	Marine Structure Allowance (boat lifts)	Navigational Channel
Pompano	No mooring structures or any other similar structures may be erected or installed into the navigational channel or cause a watercraft or vessel to extend into the navigational channel.	45% of the width of a canal, river, basin, or waterway with a width of greater than 40 feet. All other canals, rivers, basins, or waterways 40 feet or less, the navigational channel is 55% of the width of the canal, river basin, or waterway. The center of the navigational channel shall coincide with the centerline of the canal, river, basin, or waterway. Where the navigational channel runs to the terminus of a dead-end canal, river, basin or waterway, the navigational channel shall end a distance from the dead-end canal, river, basin or waterway that is equal to the distance between the navigational channel and tidal flood barrier, rip-rap or shoreline as measured along the same canal, river, basin or waterway but before the terminus of a dead-end canal, river, basin or waterway.
Lighthouse Point	For a waterway or canal that is 100 feet or more in width, boat elevators shall be placed at least 25 feet from the centerline of the waterway. For a waterway or canal that is less than 100 feet in width, boat elevators shall be placed at least 20 feet from the centerline of the canal or waterway.	No navigational channel definition.

*Exception for LBTS Marina Mooring areas

To finalize the canal dredging project in our Town, our contractor requested a survey of the canals. The survey identified **several** instances of existing, non-complying structures in our waterways that would benefit from a modification to the waterway code (**Exhibit 2**). During the Town Commission meeting held on April 25, 2023, Staff requested guidance and received a directive to amend the code

to accommodate these non-compliant structures in our waterways. The attached Ordinance (**Exhibit 3**) addresses these issues and proposes the following changes:

1. Line 57-58: Removes the requirement for the navigation channel to be the center 40% of the width of the waterway.
2. Line 111-112: Extends the allowance for boat lifts to protrude into the waterway from 20% to 25 % as measured from the recorded property line.

These changes will provide increased flexibility for residents seeking to install boat lifts on their docks, all the while ensuring the preservation of a sufficiently navigable waterway.

Recommendation: Staff recommends approval of Ordinance 2023-04.

Attachments:

Exhibit 1 Ordinance 2022-02

Exhibit 2 Channel Survey

Exhibit 3 Ordinance 2023-04

ORDINANCE 2022-02

**AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED
LAND DEVELOPMENT REGULATIONS,” ARTICLE I “IN
GENERAL,” SECTION 30-11, “DEFINITIONS” AND
ARTICLE V “ZONING,” SECTION 30-311 “BOATS, BOAT
LIFTS, BOAT HOUSES, MOORING, AND DOCKING” AND
PROVIDING FOR CODIFICATION, SEVERABILITY,
CONFLICTS, AND FOR AN EFFECTIVE DATE.**

WHEREAS, the Town of Lauderdale-By-The-Sea (the “Town”) Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town’s regulations are current and consistent with the Town’s regulatory needs; and

WHEREAS, at its March 22, 2022 meeting, the Town Commission directed staff to review the Town Code requirements for marine structures and compare it to similar codes in other jurisdictions; and

WHEREAS, this review revealed both similarities and differences on how marine structures, including docks, are regulated in the Town and other jurisdictions; and

WHEREAS, Staff has concluded that the Town’s standards for docks in the Intracoastal Waterway are much stricter than would be allowed by other municipalities; and

WHEREAS, accordingly, the Town Commission desires to amend Town Code Section 30-311 to better define the types of marine structures allowed within the Code; and

WHEREAS, the Town Commission desires to amend the Town Code to regulate structures on the Intracoastal Waterway differently than smaller canals within the Town; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the contents of this Ordinance at a duly noticed public hearing on April 27, 2022 and recommended the amendments be approved with one amendment: to increase the side setback for

marine structures on commercial properties abutting residential properties from the existing five feet to twenty-five feet; and

WHEREAS, the Town staff evaluated the Board’s recommendation, and recommends that the Town Commission increase the existing five-foot side setback to ten feet for those commercial properties on the Intracoastal Waterway when they abut residential properties; and

WHEREAS, at first reading, the Town Commission directed revisions to the Ordinance including segregating issues relating to waterways 100 feet and under in width from those over 100 feet in width, consideration of retaining finger pier construction within the Code, and reviewing the regulations for boat lifts to consider measuring from the water’s edge as opposed to the property line; and

WHEREAS, the Town Commission conducted first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and participation by interested members of the public and staff, the Town Commission has determined that this Ordinance is consistent with the Town’s Comprehensive Plan and in the best interest of the Town, its residents, and its visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:

SECTION 1. Recitals. The preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

SECTION 2. Amendment. Chapter 30, “Unified Land Development Regulations,” Article I, “In General,” Section 30-11, “Definitions” of the Town Code of Ordinances, is hereby amended as follows¹:

¹ Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~. Additions to existing text since 1st reading are shown in double underline. Deletions since 1st reading are shown in ~~double-strikethrough~~.

Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS

ARTICLE I. IN GENERAL

* * *

Sec. 30-11. – Definitions.

* * *

(c) *Abbreviations and definitions.*

* * *

(2) *Terms defined.*

* * *

"Boat lift" shall mean any device fixed to the ground, a seawall, post, piling or a dock, designed to lift watercraft clear of the water.

* * *

"Dock" shall mean any structure and appurtenances thereto extending into or above any body of water including, but not limited to, lakes, canals or waterways, designed and used primarily for the securing of watercraft in the water, fishing, swimming or other water-related activity. "Dock" shall also be used to mean "wharf" or "boat slip". The word "dock" as used herein shall include any structure extending out from the seawall that is generally parallel to a seawall or property line which it abuts.

"Dolphin Pile" shall mean a single pile or cluster of closely driven piles used as a fender for a dock or as a mooring or guide for watercraft, but not used as a channel marker or as a dock piling.

* * *

"Finger pier" shall mean a docking and mooring facility which extends into any body of water in a direction generally perpendicular to a seawall or property line. This term shall include "T" and "L"-shaped docks.

* * *

"Piling" shall mean the vertical support member of a dock.

* * *

SECTION 3. Amendment. Chapter 30, “Unified Land Development Regulations,” Article V, “Zoning,” Section 30-311, “Boats, boat lifts, boathouses, mooring and docking” of the Town Code of Ordinances, is hereby amended as follows²:

Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS

ARTICLE V. ZONING

* * *

DIVISION 2. DISTRICTS

* * *

Subdivision Q. Supplemental Regulations.

Sec. 30-311. – Boats, boat lifts, boathouses, mooring, and docking.

(a) *Intent.*

(1) The intent of this section is to permit construction in and upon the waterways of docks, boatslips, wharves, finger piers, boat lifts, dolphin piles, ~~fender or mooring piles~~ and other related structures which do not interfere with navigation, endanger life or property, or delay the public reasonable viable access to public waterways.

(2) Structures not similar in nature to those listed herein are prohibited.

(3) The requirements contained in this section shall apply and control the development on the waterways Town-wide.

(4) Marinas shall comply with this section.

(b) *Permit required.*

(1) It shall be unlawful for any person to construct or erect docks, ~~wharves~~, piers, or dolphin piles, ~~mooring or fender piles~~ or any type of boat lifting or mooring device or any other structure on or in waterways without first obtaining:

a. Any required Broward County permits and/or approvals, and subsequently, a building permit from the Town; and

² Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~. Additions to existing text since 1st reading are shown in double underline. Deletions since 1st reading are shown in ~~double strikethrough~~.

113 b. The necessary approvals and/or permits from the United States Army Corps of
 114 Engineers, or other governmental agencies as applicable to certain navigable
 115 waterways.

116 (c) *Structures in waterways 100 feet or less in width.*

117 ~~(1) In a waterway 50 feet in width or less, boat slips, wharves, finger piers, docks, boat~~
 118 ~~lifts, or dolphin, fender or mooring piles, or any other structures shall not be~~
 119 ~~constructed or erected into any waterway more than five feet beyond the recorded~~
 120 ~~property line.~~

121 ~~(2)~~ (1) In a waterway ~~which~~ that is ~~more than 50~~ 100 feet or less in width, ~~boat slips, wharves,~~
 122 ~~finger piers, docks, boat lifts, or dolphin, fender, or mooring~~ piles may be constructed or
 123 erected in a standard or marina mooring area under the following conditions providing
 124 the navigation channel is not encroached upon:

125 a. ~~Boat slips, docks or wharves~~ Docks or wharves may be constructed or erected to extend into any waterway
 126 a distance of ten percent of the width of the waterway or distance of eight feet,
 127 whichever is less, as measured from the recorded property line.

128 b. *Finger piers.* ~~1. Finger Piers~~ Finger Piers may be constructed or erected to extend into ~~any~~
 129 ~~waterway a standard mooring area or a marina mooring area established under~~
 130 ~~Section 30-311(e)(f).~~ Section 30-311(f). subject to the requirements below:

Finger Pier	Waterway <u>Waterway</u>	Marina Mooring Area (established pursuant to 30-311(f)(e))
Length	Ten percent of the width of the water or a distance of 20 feet, whichever is less, measured from the recorded property line. <u>Ten percent of the width of the waterway or a distance of 20 feet, whichever is less, measured from the recorded property line.</u>	Sixteen percent of the width of the waterway or a distance of 25 feet, whichever is less, as measured from the recorded property line.
Width	No greater than necessary to meet ADA access requirements. <u>No greater than necessary to meet ADA access requirements</u>	No greater than necessary to meet ADA access requirements.

Separation	Not less than 25 feet	Not less than 20 feet
	Not less than 25 feet	

~~2. Any finger pier(s) in existence and constructed pursuant to a valid building permit issued prior to the effective date of this Section shall be deemed legal, nonconforming structures subject to the provisions of Article IV, Division 8, Section 30-137, Nonconforming Uses and Structures, as set forth in this Chapter of the Town Code.~~

c. Boat lifts, lifting devices.

- ~~1. Boat davits, elevator lifts, cradle lifts, floating lifts, or any other similar form of boat lifting device~~ Boat lifts may be constructed or erected to extend into any waterway in a fully raised position, a distance equal to 20 percent of the width of the waterway or a distance of 20 feet, whichever is less, as measured from the recorded property line.
2. A vertical guide pole with reflective identification marking shall be permanently mounted to the outer end of the lift and shall extend a minimum of six feet above the surface of the water at all times.

d. Dolphin, ~~mooring or fender~~ piles.

1. Dolphin, ~~mooring or fender~~ piles may be erected to extend into any waterway no further than the navigation channel boundary line, as measured from the recorded property line.
2. Dolphin, ~~mooring, or fender~~ piles shall have a six-inch wide reflective band placed two feet below the top of the piling.
3. The minimum spacing between dolphin, ~~fender or mooring~~ piles shall be ten feet.

~~(2) In a waterway that is more than 100 feet in width, docks, boat lifts, or dolphin piles may be constructed or erected in a standard or marina mooring area under the following conditions providing the navigation channel is not encroached upon:~~

- ~~a. Docks may be constructed or erected to extend into the waterway a maximum distance of fifteen (15) feet, as measured from the recorded property line.~~
- ~~b. Finger piers are specifically prohibited.~~
- ~~c. Boat lifts.~~

~~1. Boat lifts may be constructed or erected to extend into any waterway in a fully raised position, a distance equal to 20 percent of the width of the waterway or a distance of 20 feet, whichever is less, as measured from the recorded property line.~~

~~2. A vertical guide pole with reflective identification marking shall be permanently mounted to the outer end of the lift and shall extend a minimum of six feet above the surface of the water at all times.~~

~~d. Dolphin piles.~~

~~1. Dolphin piles may be erected to extend into any waterway no further than the navigation channel boundary line as measured from the recorded property line.~~

~~2. Dolphin piles shall have a six-inch wide reflective band placed two feet below the top of the piling.~~

~~3. Dolphin piles shall be a minimum of ten feet apart.~~

~~(2)(3)~~ Setbacks.

1. No boat docks, wharves, finger piers, boat lifts lifting or mooring devices, dolphin piles or other similar structures may be erected in the waterway, within five feet of an extended side property line.

2. For only those commercial properties on the Intracoastal Waterway and abutting a residential property, no docks, finger piers, boat lifts, or dolphin piles may be erected in the waterway within 10 feet of an extended side property line that is adjacent to a residential use.

~~(3)(4)~~ Boat docks, wharves, or and finger piers shall not be constructed or erected where the elevation of the deck exceeds the elevation of the top of the abutting seawall.

~~(4)(5)~~ Common docking area. In addition to the provisions contained in sub-sections (1) through ~~(3)(4)~~, if two or more lots share a common docking area, the following conditions must be met prior to any permit being issued pursuant to this section:

a. The affected property owners shall enter into an agreement with the Town which shall state the property owners have reviewed and approved the proposed plans as they relate to the placement of any structure in the common docking area as well as the proposed docking of any boat or watercraft.

b. The agreement shall be approved by the Town and thereafter recorded by the property owners along with a copy of the approved plans in the Public Records of Broward County, Florida, and shall be considered to be a restriction running with the land and shall bind the heirs, successors and assigns of the property owners.

(5)(6) Where a court of competent jurisdiction has adjudicated the docking rights of the adjoining property owners, the provisions of subsections (1) through (4)(5) shall not apply, to the extent they are superseded by the Court's ruling, if proof of such adjudication is submitted with the building permit application.

(6)(7) Any structure erected in any waterway shall be kept in good repair by the owner thereof and shall be subject to removal by the Town in the event that they are unsafe or create a hazard to navigation as determined by the Town, the cost thereof to be assessed against the owner. Opportunity for notice and a hearing shall be afforded to the owner prior to such removal by the Town.

(7)(8) Boathouses and boat canals dug or excavated into any of the platted waterfront lots are prohibited.

(d) Structures in waterways over 100 feet in width. (Intracoastal Waterway)

(1) In a waterway that is more than 100 feet in width, docks, boat lifts, or dolphin piles may be constructed or erected in a standard or marina mooring area under the following conditions, providing the navigation channel is not encroached upon:

a. Docks may be constructed or erected to extend into the waterway a maximum distance of fifteen (15) feet, as measured from the recorded property line.

b. Finger piers ~~are specifically prohibited.~~ may be constructed or erected a distance of 10 percent of the width of the waterway or a distance of 20 feet, whichever is less, as measured from the recorded property line, no wider than necessary to meet ADA access requirements, and separated by not less than 25 feet.

c. Boat lifts.

1. Boat lifts may be constructed or erected to extend into any waterway in a fully raised position, a distance equal to 20 percent of the width of the waterway or a distance of 20 feet, whichever is less, as measured from the recorded property line.

2. A vertical guide pole with reflective identification marking shall be permanently mounted to the outer end of the lift and shall extend a minimum of six feet above the surface of the water at all times.

d. Dolphin piles.

1. Dolphin piles may be erected to extend into any waterway no further than the navigation channel boundary line as measured from the recorded property line.

2. Dolphin piles shall have a six-inch wide reflective band placed two feet below the top of the piling.

225 3. Dolphin piles shall be a minimum of ten feet apart.

226 ~~(e)(4)~~ *Docking and mooring of watercraft.*

227 (1) No watercraft shall be docked or moored:

228 a. Except at an approved dock, ~~wharf, boat slip,~~ finger pier, tender or mooring dolphin
 229 pile within a standard mooring area or a marina mooring area designated pursuant to a
 230 conditional use approval;

231 b. Such that it extends beyond the standard mooring area or if applicable, the marina
 232 mooring area; ~~or~~

233 c. Such that it extends within five feet of an extended side property line; or

234 d. Such that it extends into the navigational channel.

235 (2) The DSD shall have the right and authority to regulate the size or number of watercraft
 236 moored at a specific property when necessary to protect public safety.

237 ~~(f)(e)~~ *Designation of a marina mooring area.* A marina, or any applicant for a marina, located in
 238 the B-1 zoning district may request approval of a designated marina mooring area as part of a
 239 conditional use application or conditional use amendment for the marina. Such designation
 240 shall be subject to all the requirements of section 30-271.

241
 242 * * *

243

244 **SECTION 4. Codification.** This Ordinance shall be codified in accordance with the
 245 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall
 246 become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that
 247 the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be
 248 changed to “section,” “article” or such other appropriate word or phrase in order to accomplish
 249 such intentions.

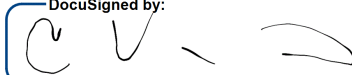
250 **SECTION 5. Severability.** If any section, sentence, clause, or phrase of this Ordinance is
 251 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
 252 shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 6. Conflicting Ordinances. All prior ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 7. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage on second reading.

Passed on the first reading, this 10th day of May, 2022.

Passed and adopted on the second reading, this 14th day of June, 2022.

DocuSigned by:

B0A8AE8CC88D4A1...
MAYOR CHRIS VINCENT

	First Reading	Second Reading
Mayor Vincent	Yea	Yea
Vice-Mayor Malkoon	Yea	Absent
Commissioner Pouloupoulos	Yea	Yea
Commissioner Strauss	Yea	Yea
Commissioner Oldaker	Yea	Yea

ATTEST:

DocuSigned by:

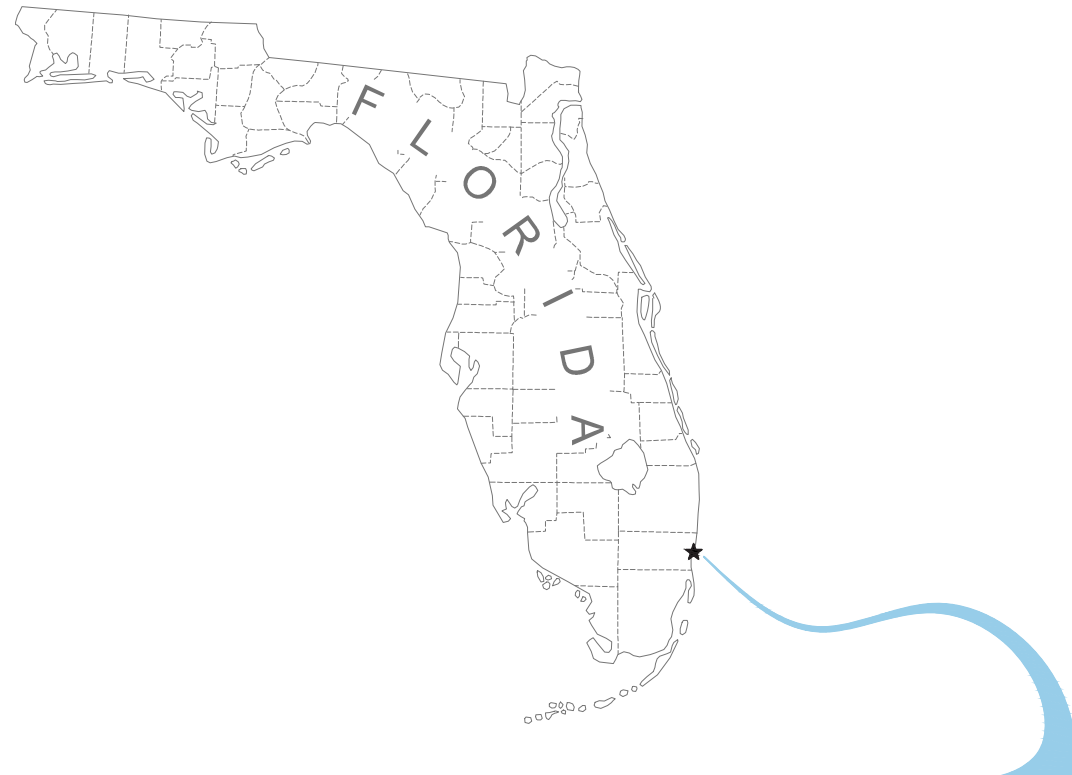
DCE4FD743A4A498...
Town Clerk Katrina Adler

APPROVED AS TO FORM:

DocuSigned by:

7661C1375CC6435...
Susan L. Trevarthen, Town Attorney

PROJECT LOCATION

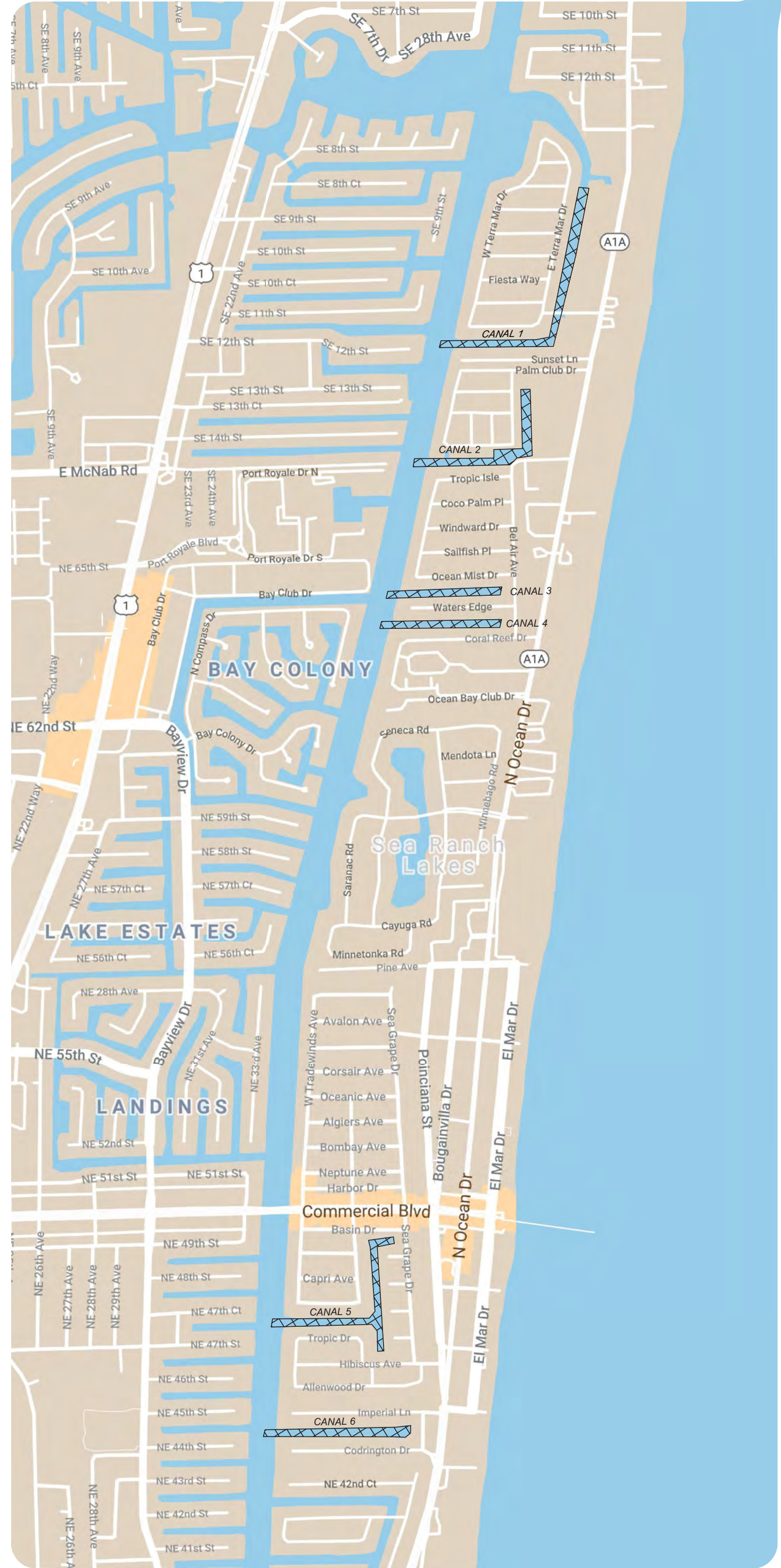


TOWN OF
LAUDERDALE-BY-THE-SEA
SPECIFIC PURPOSE SURVEY

PREPARED FOR

Ahtna
Marine & Construction Co.

2025 E ATLANTIC BOULEVARD
POMPANO BEACH, FL 33062



LEGEND:

- APX APPROXIMATE
LB LICENSED BUSINESS
(P) PLAT
PSM PROFESSIONAL SURVEYOR AND MAPPER
MLW MEAN LOW WATER
NAVD 88 NORTH AMERICAN VERTICAL DATUM OF 1988
STA STATION
TYP TYPICAL

SURVEY NOTES:

1. THIS IS A SPECIFIC PURPOSE SURVEY AS DEFINED IN THE STANDARDS OF PRACTICE FOR SURVEYING AND MAPPING IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE.
2. THIS SURVEY IS CERTIFIED TO AHTNA MARINE & CONSTRUCTION CO.
3. THIS SURVEY IS INTENDED EXCLUSIVELY FOR THE USE BY THOSE TO WHOM IT IS CERTIFIED. IT IS NOT TO BE USED BY OTHERS FOR CONSTRUCTION, PERMITTING, DESIGN OR ANY OTHER USE WITHOUT THE WRITTEN CONSENT OF TERRAQUATIC, INC.
4. THIS SURVEY, AND ANY REPRODUCTION THEREOF, IS NOT VALID WITHOUT AN ORIGINAL OR VERIFIED DIGITAL SIGNATURE AND SEAL OF A FLORIDA REGISTERED SURVEYOR. ADDITIONALLY, THIS SURVEY IS NOT VALID IF PRINTED BEARING A DIGITAL SIGNATURE AND SEAL.
5. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1" = 50' OR SMALLER.
6. UNDERGROUND UTILITIES WERE NOT LOCATED AS PART OF THIS SURVEY.
7. GEOGRAPHIC AND PLANE COORDINATES SHOWN HEREON ARE RELATIVE TO THE NORTH AMERICA DATUM OF 1983, FLORIDA STATE PLANE, ZONE 901, TRANSVERSE MERCATOR PROJECTION IN THE U.S. SURVEY FOOT UNIT OF MEASUREMENT.
8. LOCATIONS OF ALL IMPROVEMENTS WERE OBTAINED USING REAL TIME KINEMATIC GPS METHODOLOGIES WITH BROADCAST CORRECTIONS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION REFERENCE NETWORK AND ARE ACCURATE TO THIRD ORDER, CLASS II.
9. THE SPECIFIC PURPOSE OF THIS SURVEY IS TO SHOW THE WATERWARD LOCATION OF FIXED AND FLOATING MARINE IMPROVEMENTS AND VESSELS WITHIN THE SPECIFIED WATERWAY WITHIN THE TOWN OF LAUDERDALE-BY-THE-SEA.
10. TOPOGRAPHIC DATA WAS COLLECTED UTILIZING A VESSEL MOUNTED VELOCITY VLP-16 LIDAR SENSOR MOTION STABILIZED WITH AN SBG ERIKX-D INERTIAL NAVIGATION SYSTEM IN CONJUNCTION WITH REAL TIME KINEMATIC GPS METHODOLOGIES WITH BROADCAST CORRECTIONS FROM THE TRIMBLE VIRTUAL REFERENCE NETWORK AND ARE ACCURATE TO THIRD ORDER, CLASS II.
11. MARINE FEATURES SHOWN HEREON REPRESENT THE WATERWARD FACE AS THEY EXISTED ON THE DATES INDICATED.
12. THE LOCATION OF FLOATING FEATURES, SUCH AS VESSELS AND FLOATING DOCKS, ARE CONSIDERED APPROXIMATE AS THE HORIZONTAL LOCATION IS SUBJECT TO CHANGE BASED ON TIDAL STAGE, CURRENTS, WIND AND PEOPLE.
13. THIS SURVEY IN NOT INTENDED TO SERVE AS AN INVENTORY OF ALL VESSELS THAT MAY DOCK OR MOORE WITHIN THESE CANALS AS SOME VESSELS MAY HAVE BEEN OUT AT THE TIME OF THE SURVEY.
14. LIMITS OF 50% CUT SHOWN HEREON ARE APPROXIMATE AND BASED ON A BOX CUT OF 50% OF THE PLATTED CANAL WIDTH ALONG THE CENTERLINE. THE CANAL CENTERLINES WERE DETERMINED USING THE BROWARD COUNTY PROPERTY APPRAISERS PARCEL DATA.
15. CANALS 1-5 WERE SURVEYED ON MARCH 2nd, 2023. Canal 6 WAS SURVEYED ON MARCH 14th, 2023.

NOTICE: UNDERGROUND AND
SUBAQUEOUS IMPROVEMENTS
WERE NOT LOCATED AS PART
OF THIS SURVEY



PREPARED FOR:

Ahtna
Marine & Construction Co.

2025 E ATLANTIC BOULEVARD
POMPANO BEACH, FL 33062

TERRAQUATIC
SURVEYING AND MAPPING

TERRAQUATIC, INC. - PHONE: (561) 400-8348
1220 TANGELO TERR, UNIT A12 - DELRAY BEACH, FLORIDA 33444

CERTIFICATION:

KENNETH C. JACKSON, PSM
FLORIDA REGISTRATION LS4549 - CERTIFICATE OF AUTHORIZATION NO. 7324

TOWN OF LAUDERDALE-BY-THE-SEA
SPECIFIC PURPOSE SURVEY
COVER SHEET
BROWARD COUNTY, FLORIDA

DRAWN BY: BL		CHECKED BY: KCJ
JOB No.: 23-1572		DATE: 3/21/23
REV	DESCRIPTION	DATE

SHEET

1
of 6



PREPARED FOR:
Ahtna
Marine & Construction Co.
2025 E ATLANTIC BOULEVARD
POMPANO BEACH, FL 33062

TERRAQUATIC
SURVEYING AND MAPPING
TERRAQUATIC, INC. - PHONE: (561) 400-8348
1220 TANGELO TERR, UNIT A12 - DELRAY BEACH, FLORIDA 33444

TOWN OF LAUDERDALE-BY-THE-SEA
SPECIFIC PURPOSE SURVEY - CANAL 1
CONTOUR MAP
BROWARD COUNTY, FLORIDA

DRAWN BY: BL		CHECKED BY: KCJ
JOB No.: 23-1572		DATE: 3/21/23
REV	DESCRIPTION	DATE

SHEET
2
of 6



PREPARED FOR:
Ahtna
Marine & Construction Co.
2025 E ATLANTIC BOULEVARD
POMPAÑO BEACH, FL 33062

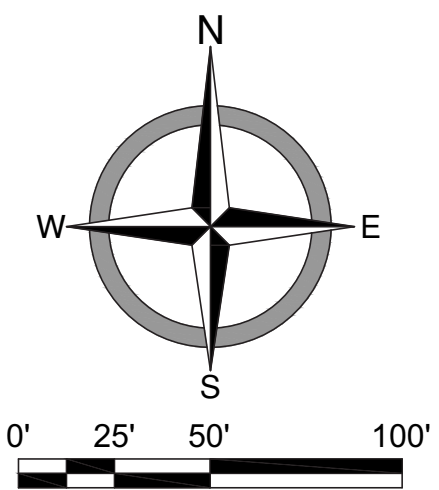
TERRAQUATIC
SURVEYING AND MAPPING
TERRAQUATIC, INC. - PHONE: (561) 400-8348
1220 TANGELO TERR, UNIT A12 - DELRAY BEACH, FLORIDA 33444

TOWN OF LAUDERDALE-BY-THE-SEA
SPECIFIC PURPOSE SURVEY - CANAL 2
CONTOUR MAP
BROWARD COUNTY, FLORIDA

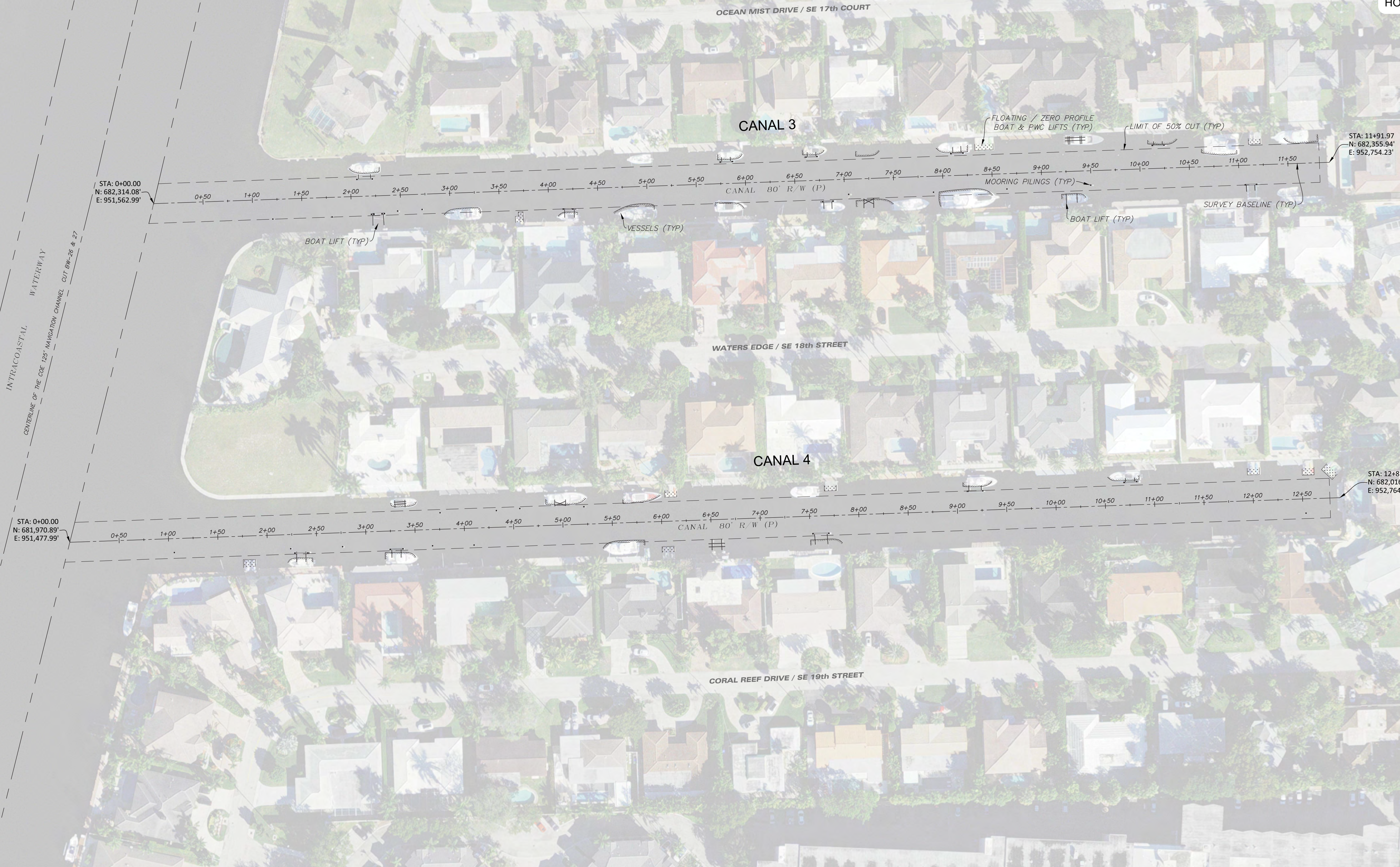
DRAWN BY: BL		CHECKED BY: KCJ	
JOB No.: 23-1572		DATE: 3/21/23	
REV	DESCRIPTION	DATE	

SHEET
3
of 6

1/17/23 INTERIMSURVEY



HORIZONTAL SCALE: 1" = 50'



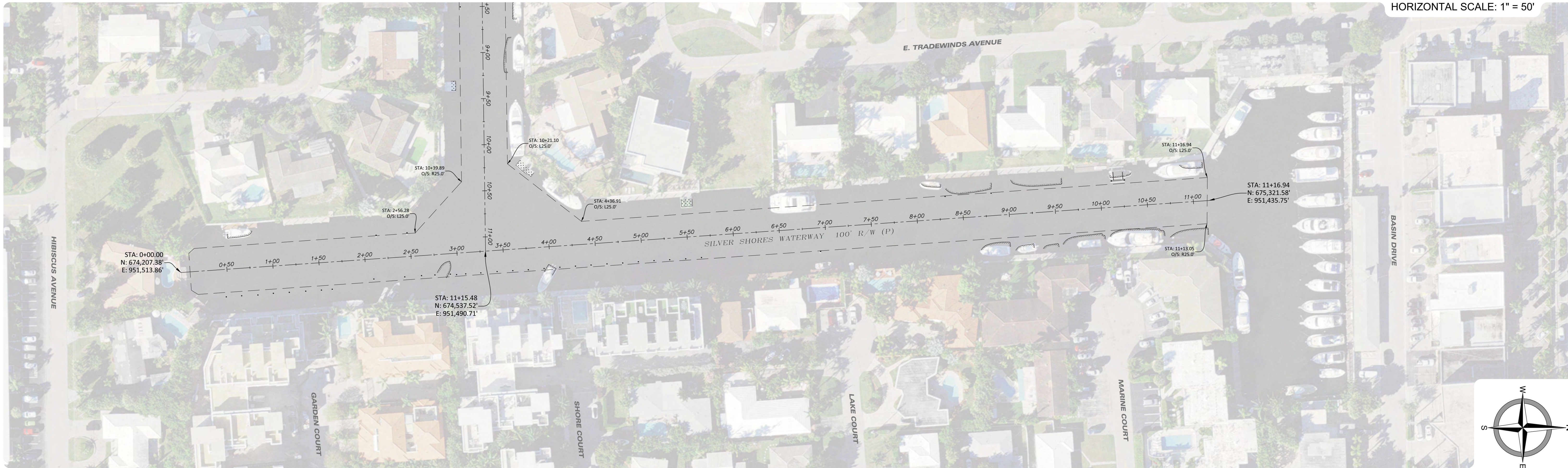
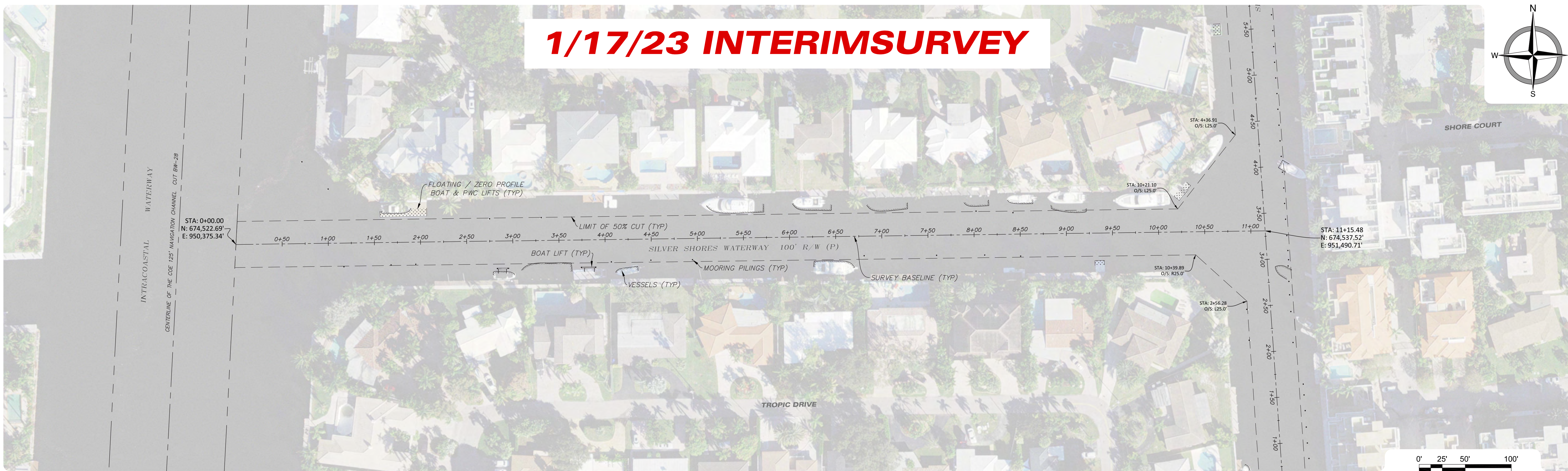
PREPARED FOR:
Ahtna
Marine & Construction Co.
2025 E ATLANTIC BOULEVARD
POMPAHO BEACH, FL 33062

TERRAQUATIC
SURVEYING AND MAPPING
TERRAQUATIC, INC. - PHONE: (561) 400-8348
1220 TANGELO TERR, UNIT A12 - DELRAY BEACH, FLORIDA 33444

TOWN OF LAUDERDALE-BY-THE-SEA
SPECIFIC PURPOSE SURVEY - CANALS 3 & 4
CONTOUR MAP
BROWARD COUNTY, FLORIDA

DRAWN BY: BL		CHECKED BY: KCJ
JOB No.: 23-1572		DATE: 3/21/23
REV	DESCRIPTION	DATE

SHEET
4
of 6



PREPARED FOR:

Ahtna
Marine & Construction Co.

2025 E ATLANTIC BOULEVARD
POMPAÑO BEACH, FL 33062

TERRAQUATIC
SURVEYING AND MAPPING

TERRAQUATIC, INC. - PHONE: (561) 400-8348
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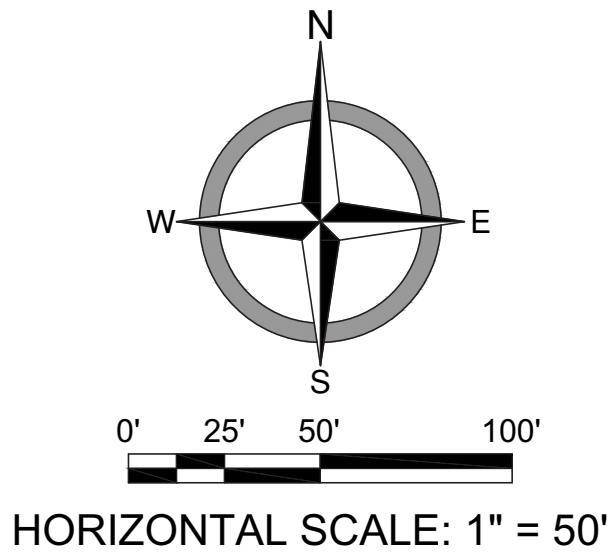
TOWN OF LAUDERDALE-BY-THE-SEA
SPECIFIC PURPOSE SURVEY - CANAL 5
CONTOUR MAP
BROWARD COUNTY, FLORIDA

DRAWN BY: BL		CHECKED BY: KCJ	
JOB No.: 23-1572		DATE: 3/21/23	
REV	DESCRIPTION	DATE	

SHEET

5

of 6



PREPARED FOR:
Ahtna
Marine & Construction Co.
2025 E ATLANTIC BOULEVARD
POMPAÑO BEACH, FL 33062

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1220 TANGELO TERR, UNIT A12 - DELRAY BEACH, FLORIDA 33444

TOWN OF LAUDERDALE-BY-THE-SEA
SPECIFIC PURPOSE SURVEY - CANAL 6
CONTOUR MAP
BROWARD COUNTY, FLORIDA

DRAWN BY: BL		CHECKED BY: KCJ
JOB No.: 23-1572		DATE: 3/21/23
REV	DESCRIPTION	DATE

SHEET
6
of 6

ORDINANCE 2023-04

**AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED
LAND DEVELOPMENT REGULATIONS,” ARTICLE I “IN
GENERAL,” SECTION 30-11 “DEFINITIONS” AND
ARTICLE V “ZONING,” SECTION 30-311 “BOATS, BOAT
LIFTS, BOATHOUSES, MOORING, AND DOCKING” AND
PROVIDING FOR CODIFICATION, SEVERABILITY,
CONFLICTS, AND FOR AN EFFECTIVE DATE.**

WHEREAS, the Town of Lauderdale-By-The-Sea, Florida (the “Town”) Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town’s regulations are current and consistent with the Town’s planning and regulatory needs; and

WHEREAS, at its March 22, 2022 meeting, the Town Commission directed staff to review the Town Code requirements for marine structures and compare them to similar codes in other jurisdictions; and

WHEREAS, this evaluation highlighted both similarities and differences in the regulation of marine structures, including docks, between the Town and other jurisdictions; and

WHEREAS, following this analysis, staff concluded that the Town’s standards for docks in the Intracoastal Waterway are notably more stringent than those permitted in other municipalities; and

WHEREAS, the Town Commission desire to amend the Town Code to provide increased flexibility for residents seeking to install boat lifts on their docks, all the while ensuring the preservation of a sufficiently navigable waterway.

28 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
29 reviewed the provisions of this Ordinance at a duly noticed public hearing on September 9, 2023
30 and recommended the approval of these amendments; and

31 **WHEREAS**, the Town Commission conducted first and second readings of this Ordinance
32 at duly noticed public hearings, as required by law, and after gathering input from interested members
33 of the public and staff, the Town Commission determined that this Ordinance is consistent with the
34 Town’s Comprehensive Plan and in the best interest of the Town, its residents, and its visitors.

35 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN**
36 **OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:**

37
38 **SECTION 1.** Recitals. The preceding “Whereas” clauses are ratified and incorporated as
39 the legislative intent of this Ordinance.

40 **SECTION 2.** Amendment. Chapter 30 “Unified Land Development Regulations,” Article
41 I “In General,” Section 30-11 “Definitions” of the Town Code of Ordinances, is hereby amended as
42 follows¹:

43 **Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS**

44 **ARTICLE I. – IN GENERAL**

45 * * *

46 **Sec. 30-11. - Definitions.**

47 * * *

48 (c) *Abbreviations and definitions.*

¹ Additions to existing text are shown in underline. Deletions are shown in ~~striketrough~~. Additions to existing text since 1st reading are shown in double underline. Deletions since 1st reading are shown in ~~double striketrough~~.

* * *

(2) *Terms defined.*

* * *

~~Navigationa~~l channel. Except when the Town approves an alternative navigational channel as part of the approval of a marina mooring area, the navigational channel shall be the center 40 percent of the width of a waterway with:

a. The center of the channel coinciding with the centerline of the waterway; and

b. In a navigable dead-end waterway, the navigational channel shall end a distance from the terminus of the dead-end waterway that is equal to the distance between the navigational channel and seawall or shoreline, as measured along the same waterway before its terminus. This shall be interpreted to mean that the distance of the standard mooring area from the terminus shall be equal to the width of the standard mooring area along one side of the waterway and the navigational channel shall end at the standard mooring area or marina mooring area of the terminus. The dimensions of the navigational channel adjacent to a marina mooring area may be modified by the Town pursuant to 30-311.

* * *

SECTION 3. Amendment. Chapter 30 “Unified Land Development Regulations,” Article V “Zoning,” Section 30-311, “Boats, boat lifts, boathouses, mooring and docking” of the Town Code of Ordinances, is hereby amended as follows²:

Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS

ARTICLE V. ZONING

* * *

DIVISION 2. DISTRICTS

* * *

Subdivision Q. Supplemental Regulations.

Sec. 30-311. Boats, boat lifts, boathouses, mooring and docking.

(a) *Intent.*

² Additions to existing text are shown in underline. Deletions are shown in ~~striketrough~~. Additions to existing text since 1st reading are shown in double underline. Deletions since 1st reading are shown in ~~double striketrough~~.

(1) The intent of this section is to permit construction in and upon the waterways of docks, finger piers, boat lifts, dolphin piles, and other related structures which do not interfere with navigation, endanger life or property, or delay the public reasonable viable access to public waterways.

(2) Structures not similar in nature to those listed herein are prohibited.

(3) The requirements contained in this section shall apply and control the development on the waterways Town-wide.

(4) Marinas shall comply with this section.

(b) *Permit required.*

(1) It shall be unlawful for any person to construct or erect docks, piers, or dolphin piles, or any type of boat lifting or mooring device or any other structure on or in waterways without first obtaining:

- a. Any required Broward County permits and/or approvals, and subsequently, a building permit from the Town; and
- b. The necessary approvals and/or permits from the United States Army Corps of Engineers, or other governmental agencies as applicable to certain navigable waterways.

(c) *Structures in waterways 100 feet or less in width.*

(1) In a waterway that is 100 feet or less in width, finger piers, docks, boat lifts, or dolphin piles may be constructed or erected in a standard or marina mooring area under the following conditions providing the navigation channel is not encroached upon:

- a. Docks may be constructed or erected to extend into any waterway a distance of ten percent of the width of the waterway or distance of eight feet, whichever is less, as measured from the recorded property line.
- b. *Finger piers.* Finger piers may be constructed or erected to extend into a standard mooring area or a marina mooring area established under subsection (f) of this section subject to the requirements below:

Finger pier	Waterway	Marina mooring area (established pursuant to 30-311(f))
Length	Ten percent of the width of the waterway or a distance of 20 feet, whichever is less, measured from the recorded property line.	Sixteen percent of the width of the waterway or a distance of 25 feet, whichever is less, as measured from the recorded property line.
Width	No greater than necessary to meet ADA access requirements.	No greater than necessary to meet ADA access requirements.
Separation	Not less than 25 feet	Not less than 20 feet

c. *Boat lifts.*

- 105 1. Boat lifts may be constructed or erected to extend into any waterway in a fully
106 raised position, a distance ~~equal not to exceed 20~~ 25 percent of the width of
107 the waterway ~~or a distance of 20 feet, whichever is less~~, as measured from the
108 recorded property line.
- 109 2. A vertical guide pole with reflective identification marking shall be
110 permanently mounted to the outer end of the lift and shall extend a minimum
111 of six feet above the surface of the water at all times.
- 112 d. *Dolphin piles.*
- 113 1. Dolphin piles may be erected to extend into any waterway no further than the
114 navigation channel boundary line, as measured from the recorded property
115 line.
- 116 2. Dolphin piles shall have a six-inch wide reflective band placed two feet below
117 the top of the piling.
- 118 3. The minimum spacing between dolphin piles shall be ten feet.
- 119 (2) Setbacks.
- 120 a. No docks, finger piers, boat lifts or, dolphin piles may be erected in the waterway,
121 within five feet of an extended side property line.
- 122 b. For only those commercial properties on the intracoastal waterway and abutting a
123 residential property, no docks, finger piers, boat lifts, or dolphin piles may be
124 erected in the waterway within ten feet of an extended side property line that is
125 adjacent to a residential use.
- 126 (3) Docks and finger piers shall not be constructed or erected where the elevation of the
127 deck exceeds the elevation of the top of the abutting seawall.
- 128 (4) *Common docking area.* In addition to the provisions contained in subsections (1) through
129 (3) above, if two or more lots share a common docking area, the following conditions
130 must be met prior to any permit being issued pursuant to this section:
- 131 a. The affected property owners shall enter into an agreement with the Town which
132 shall state the property owners have reviewed and approved the proposed plans as
133 they relate to the placement of any structure in the common docking area as well as
134 the proposed docking of any boat or watercraft.
- 135 b. The agreement shall be approved by the Town and thereafter recorded by the
136 property owners along with a copy of the approved plans in the public records of
137 Broward County, Florida, and shall be considered to be a restriction running with
138 the land and shall bind the heirs, successors and assigns of the property owners.
- 139 (5) Where a court of competent jurisdiction has adjudicated the docking rights of the
140 adjoining property owners, the provisions of subsections (1) through (4) above shall not
141 apply, to the extent they are superseded by the court's ruling, if proof of such adjudication
142 is submitted with the building permit application.
- 143 (6) Any structure erected in any waterway shall be kept in good repair by the owner thereof
144 and shall be subject to removal by the Town in the event that they are unsafe or create a

- 145 hazard to navigation as determined by the Town, the cost thereof to be assessed against
146 the owner. Opportunity for notice and a hearing shall be afforded to the owner prior to
147 such removal by the Town.
- 148 (7) Boathouses and boat canals dug or excavated into any of the platted waterfront lots are
149 prohibited.
- 150 (d) *Structures in waterways over 100 feet in width (intracoastal waterway).*
- 151 (1) In a waterway that is more than 100 feet in width, docks, boat lifts, or dolphin piles may
152 be constructed or erected in a standard or marina mooring area under the following
153 conditions, providing the navigation channel is not encroached upon:
- 154 a. Docks may be constructed or erected to extend into the waterway a maximum
155 distance of 15 feet, as measured from the recorded property line.
- 156 b. Finger piers may be constructed or erected a distance of ten percent of the width of
157 the waterway or a distance of 20 feet, whichever is less, as measured from the
158 recorded property line, no wider than necessary to meet ADA access requirements,
159 and separated by not less than 25 feet.
- 160 c. Boat lifts.
- 161 1. Boat lifts may be constructed or erected to extend into any waterway in a fully
162 raised position, a distance equal to 20 percent of the width of the waterway or
163 a distance of 20 feet, whichever is less, as measured from the recorded
164 property line.
- 165 2. A vertical guide pole with reflective identification marking shall be
166 permanently mounted to the outer end of the lift and shall extend a minimum
167 of six feet above the surface of the water at all times.
- 168 d. *Dolphin piles.*
- 169 1. Dolphin piles may be erected to extend into any waterway no further than the
170 navigation channel boundary line as measured from the recorded property line.
- 171 2. Dolphin piles shall have a six-inch wide reflective band placed two feet below
172 the top of the piling.
- 173 3. Dolphin piles shall be a minimum of ten feet apart.
- 174 (e) *Docking and mooring of watercraft.*
- 175 (1) No watercraft shall be docked or moored:
- 176 a. Except at an approved dock, finger pier, or dolphin pile within a standard mooring
177 area or a marina mooring area designated pursuant to a conditional use approval;
- 178 b. Such that it extends beyond the standard mooring area or if applicable, the marina
179 mooring area;
- 180 c. Such that it extends within five feet of an extended side property line; or
- 181 d. Such that it extends into the navigational channel.

(2) The DSD shall have the right and authority to regulate the size or number of watercraft moored at a specific property when necessary to protect public safety.

- (f) *Designation of a marina mooring area.* A marina, or any applicant for a marina, located in the B-1 zoning district may request approval of a designated marina mooring area as part of a conditional use application or conditional use amendment for the marina. Such designation shall be subject to all the requirements of section 30-271.

* * *

SECTION 4. Codification. This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section,” “article” or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 6. Conflicting Ordinances. All prior ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 7. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage on second reading.

Passed on the first reading, this ____ day of October, 2023.

Passed and adopted on the second reading, this ____ day of October, 2023.

MAYOR CHRIS VINCENT

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	First Reading	Second Reading
Mayor Vincent		
Vice-Mayor Malkoon		
Commissioner Pouloupoulos		
Commissioner Strauss		
Commissioner Oldaker		

ATTEST:

Katrina Adler, Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney