



**RECOMENDATIONS OF THE POMPANO  
BEACH MARINE ADVISORY BOARD AND  
THE CITY ENGINEERING STAFF OF  
AMENDMENTS TO CHAPTER 151.0 & 91.10**

## OVERVIEW

In conjunction with the required implementation of the mandated regional tidal flood barrier (seawall) standards adopted by the Broward County Board of Commissioners Article XXV within Chapter 39, the Pompano Beach Marine Advisory Board and the Engineering staff developed and are recommending additional amendments to Chapter 151.0 and sub-chapter 91.10.

These combined amendments will accomplish two objectives. First, to implement into the Pompano Beach Code of Ordinances the mandated County regional tidal flood barrier standards, and to implement several necessary amendments to correct and bring up to date Chapter 151.0 and Sub-chapter 91.10.

### ***Regional Tidal Flood Barrier Standards:***

The purpose of these mandated amendments (Appendix I) is to establish a consistent minimum elevation for tidal flood barriers that will:

- (a) Provide a standard for flood mitigation infrastructure that serves as a barrier to tidal flooding, not seepage, by accounting for water levels predicted under combined conditions of sea level rise, high tides, and high frequency storm surge through the year 2070; and
- (b) Ensure new shoreline structures and major shoreline improvements are designed for use as tidal flood barriers through application of consistent County standards that account for future predicted tidal flood conditions and coastal water levels associated with sea level rise in accordance with current regional sea level rise projections, as updated and adopted by the Broward County Board of County Commissioners

These amendments apply to all new tidal flood barriers, substantial repair or substantial rehabilitation to shorelines and shoreline structures, and the installation of any fixed infrastructure attached to tidal flood barriers (such as mooring structures). This article is not applicable to oceanfront beaches or shorelines seaward of the Coastal Construction Control Line.

### ***Bring Up to Date Chapters 151.0 and 91.10:***

The purpose of these additional amendments recommended by the Marine Advisory Board and the Engineering Staff is to ensure consistency and clarity, and to correct and bring our city's codes up to date as they pertain to both dockage of vessels in and on the waterways within our city (91.10), and the standards for building and maintenance of the docking structures utilized for the mooring of these vessels (151.0). These amendments will make our codes more readable and "user friendly" for our citizens and city staff that utilize the codes by providing a clear definition of terms and understandable provisions while strengthen the city's ability to ensure consistency and adherence.

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## SUMMARY OF AMENDMENTS CHAPTER 151

### 151.01 INTENT:

- **151.01** Add tidal flood barriers (seawalls) as a permissible structure.
- **151.01(A)** Consolidate the existing defined terms used throughout the current chapter 151; Add the term Vessel. Incorporate the County definitions of; bank, berm, green-gray infrastructure, mooring structures, north American vertical datum, public nuisance, rip-rap, seawall, seawall cap, shoreline tidal flood barrier and tidally influenced area.

### 151.02 PERMIT REQUIRED:

- **151.02(A)** Add the correct defined terms, tidal flood barriers, banks, berms, green-grey infrastructure, seawalls, seawall caps, upland stem walls, rip-rap, derelict erosion control structures, or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding, footers or any other similar infrastructure as requiring a permit and add the word repair as a requirement to obtain a permit.
- **151.02(A)(1)** Incorporate the defined term mooring structures and clarify the permit requirements for the repair of mooring structures to include sub-stringers, stringers, and ledgers. Excluding 25% of a dock's decking replacement as a permissible requirement.
- **151.02(A)(2)** Replace the term docks and incorporate the defined terms mooring structures or similar structures, shoreline or shoreline structures, banks, berms, green-grey infrastructure, seawalls, seawall caps, footers, upland stem walls, rip-rap, derelict erosion control structures, or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding or any other similar infrastructure. Clarify the requirements for structures destroyed by fire or other causality to shall be reconstructed under current applicable regulations versus may.
- **151.02(A)(3)** Add the correct defined term mooring structures. Clarify the requirements for nonconforming structures to be brought up to current code when damaged or require maintenance. Add the requirement that the replacement of nonconforming structures must have been properly permitted at the time of installation.
- **151.02(J)** Increase the fee for revised plans from \$40 to \$100.

### 151.03 STRUCTURES IN WATERWAYS:

- **151.03** Defined terms amended and moved to 151.01.
- **151.03(A)** Add the measurement standards for mooring structures.
- **151.03(B)** Clarify the current code not allowing structures within 5' setback or cause a vessel to extend into the 5' setback.
- **151.03(C)** Clarify the current code not allowing structures into the navigational channel or cause a vessel to extend into the navigational channel.
- **151.03(D)** Insertion of the current code provisions for derelict structures.
- **151.03(E)** To correct and clarify the current provision for docks in waterways less than 50'.
- **151.03(F)** Allow davits, lifts and floating vessel platforms in waterways less than 50'

- **151.03(G)** For waterways greater than 50' add the defined term mooring structures and to amend and move the navigational channel definition to 151.01. Amend/correct the definition of navigational channel to include a measurement for a navigational channel on waterways 40' or less versus having no measurement.
- **151.03(G)(1)** Correct the measurement standard to only include the defined term measurement reference line versus property line.
- **151.03(G)(2)** Add the correct defined term vessel. Correct the measurement standard to only include the defined term measurement reference line versus property line.
- **151.03(G)(3)** Adding a new provision to allow dock decking height above the seawall cap in order to match landward decking.
- **151.03(G)(4)** Adding the correct defined term vessel. Extending the seaward length of a vessel lift or platform from 20' to 28'. Correct the measurement standard to only include the defined term measurement reference line.
- **151.03(G)(5)** Add the word approved to clarify a permit must be approved to allow an access platform. Add the word permitted to clarify that the dock the access platform is located on must be properly permitted. Add the term vessel and correct references to other code provisions.
- **151.03(G)(6)&(7)** Correct the measurement standard to only include the defined term measurement reference line versus property line.
- **151.03(G)(8)** Adding a new provision limiting the number of dolphin pilings at single family residences to two or two clusters.
- **151.03(G)(10)** Adding the correct defined term mooring structures in place of docks and boatlifts.
- **151.03(H)** Correcting the structures that are allowed into the 5' setback to docks, fixed docks or floating docks or similar structures. Allowing the above structures into the 5' setback on waterways less than 50'. Clarification to the provision that the 5' setback pertains to the "side" property line.
- **151.03(H)(1)** Add the correct defined term vessel.
- **151.03(I)** Correct references to other sections of the code.
- **151.03(I)(1)** Change the requirement to may versus shall (see 151.03(I)(2)). Add the defined term vessel.
- **151.03(I)(2)** Adding the provisions to authorize the City Engineer to divide a shared use waterway when neighbors cannot agree.

#### **151.05 TIDAL FLOOD BARRIERS:**

- **151.05(A-K)** Adding the mandated provisions of the County's Regional Tidal Flood Barrier Standards and establishing a height minimum from no height minimum to 5' NAVD88.
- **151.05(L)** Adding the correct defined terms. Update contacts; City Engineer, City Official and Code Compliance Officer as contacts for violations. Move defined terms to 151.01
- **151.05(M)** Setting the maximum width of a seawall cap to 36"
- **151.05(N)** Setting the distance from an existing tidal flood barrier to a new tidal flood barrier of 12" and authorizing the City Engineer to approve distances greater than 12" when the removal of a tidal flood barrier may cause structural damage the adjacent tidal flood barriers.

**151.06 DISREGARD OF NOTICE:**

**151.06** Adding the correct defined term tidal flood barrier or rip-rap.

**151.07 BACKFILLING TIDAL FLOOD BARRIERS – RIP-RAP:**

- **151.07(A)&(B)** Allowing the backfilling of tidal flood barriers to the level of the finished floor elevation if the seawall cap exceeds the level of the finished floor elevation. Adding the correct defined terms tidal flood barrier or rip-rap and seawall cap.

**151.08 STRUCTURES ON SEAWALL CAPS, TIDAL FLOOD BARRIERS AND RIP-RAPS:**

- **151.08** Incorporate the correct defined terms mooring structures, tidal flood barrier or seawall cap.

**151.09 REQUIRED DISCLOSURE IN CONTRACTS FOR SALE OF REAL ESTATE:**

- **151.09** A provision required by the County's Regional Tidal Flood Barrier Standards

**151.10 VARIANCES:**

- **151.10(B)** A provision prohibiting from variances 151.03(B) and 151.03(C) - a mooring structure or any other similar structures erected or installed into the navigational channel or 5' setback or cause a watercraft or vessel to extend into the navigational channel or 5' setback is prohibited.

## AMENDED CHAPTER 151: BEACHES AND WATERWAYS

### Section

- 151.01 Intent
- 151.02 Permit required
- 151.03 Structures in waterways
- 151.04 Bulkhead lines
- 151.05-Tidal Flood Barriers
- 151.06 Disregard of notice
- 151.07 Backfilling Tidal Flood Barriers
- 151.08 Structures on Seawall Caps, Tidal Flood Barriers or Rip-Rap
- 151.09 Required Disclosure in Contracts For Sale of Real Estate
- 151.10 Variances

### § 151.01 INTENT.

The intent of this chapter is to permit construction in, over and upon the waterways within the city, of Mooring Structures, Tidal Flood Barriers, Rip-Rap or any similar marine structures which do not interfere with navigation, endanger life or property, or deny the public reasonable access to public waterways. Structures not similar in nature to those listed herein shall be prohibited.

(Ord. 94-06, passed 12-14-93; Am. Ord. 2012-47, passed 6-12-12) Penalty, see § 10.99

- (A) For the purposes of this article, the following terms, phrases, words, and their derivation shall have the meanings given herein, except when the context clearly indicates a different meaning. In the interpretation and application of this article, the definitions provided for herein shall control over definitions which that may be included in other documents or manuals, including, but not limited to, the Florida Building Code. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and the word "may" is permissive.

**BANK** means the level space separating a waterway from an inland area, often elevated, and constructed of compacted soil.

**BERM** means an earthen mound designed with impermeability to resist the flow of tidal waters through to an adjacent property or public right-of-way.

**COMMON DOCKING AREA.** The Terminus of a canal river basin or waterway, excluding the navigational channel, that is shared by Lots adjacent to each other and created when the outer boundary Lot lines intersect with the adjacent shared Lot lines when extended into a canal or waterway.

**GREEN-GREY INFRASTRUCTURE OR GREEN-GREY MATERIALS** is a combination of engineered and natural features that provide environmental qualities and ecosystem value.

**LOT** Shall be defined as it presently or as it may hereafter be amended in Chapter 155.4215

**MEASUREMENT REFERENCE LINE** means the measurement standard utilized for the purpose of measuring the distance for Mooring Structures, Tidal Flood Barriers, Rip-Rap and all other similar structures in waterways. When the recorded property line is seaward of the wet face of the original tidal flood barrier or Rip-Rap, the wet face of the original Tidal Flood Barrier or Rip-Rap is to be utilized as the measurement reference line. When the property line is landward of the original Tidal Flood Barrier or Rip-Rap greater than one foot, the Measurement Reference Line is the wet face of the original Tidal Flood Barrier. In all other instances, including when the property line will become landward of a new or proposed Tidal Flood Barrier or Rip-Rap, the Measurement Reference Line is the recorded property line.

**MOORING STRUCTURES** means a Vessel dock, slip, davit, hoist, Vessel lift, floating Vessel platform, personal watercraft / jet ski platform, mooring pile or similar structures that may be attached to land or a Tidal Flood Barrier, to which a Vessel can be moored.

**NAVIGATIONAL CHANNEL** shall be defined as the 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.

**NORTH AMERICAN VERTICAL DATUM (NAVD88 OR NAVD)** means the vertical control for 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.

**PUBLIC NUISANCE** means a condition injurious to the public health or safety of the community or neighborhood, or injurious to any considerable number of persons, or a condition that obstructs the free passage or use, in the customary manner, of any public right-of-way.

**REVERSE CORNER LOT** means any Lot when its boundary line abutting a canal or waterway that is concave.

**RIP-RAP** means a foundation of unconsolidated boulders, stone, rubble, concrete without protruding rebar, or similar materials placed on or near a shoreline to mitigate wave impacts and prevent erosion.

**SEAWALL** means the vertical or near vertical (often interlocking) structures placed between an upland area and a waterway or waterbody for erosion control.

**SEAWALL CAP** means the concrete box structure (usually reinforced) that connects Seawall panels, piles and anchoring system (if present) together at the top.

**SHORELINE** means the tidally influenced area where land meets water.

**SUBSTANTIAL REPAIR OR SUBSTANTIAL REHABILITATION** means:

- a. Any modification to shoreline or shoreline structures (such as Tidal Flood Barriers) along more than fifty percent (50%) of the length of the property's Shoreline; or
- b. Any modifications, alterations, or installation of appurtenant structures (such as a Mooring Structures) which exceed 50% of the cost as determined by the City Engineer of a Tidal Flood Barrier or raised Seawall Cap along the property's Shoreline.

**TERMINUS** means the ending point or boundary limit of a dead-end canal, river, basin or waterway

**TIDAL FLOOD BARRIER** means any structure or shoreline feature including, but not limited to, Banks, Berms, Green-Grey Infrastructure, Seawalls, Seawall Caps, upland stem walls, or other infrastructure that impedes tidal waters from flowing onto adjacent property or public right-of-way and located within or along a Tidally Influenced Area. This definition is not meant to include Rip-Rap, derelict erosion control structures, or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding.

**TIDALLY-INFLUENCED AREAS** means the real property adjacent to, or effected by a waterway with water level changes in response to the daily tide.

**VESSEL** means a watercraft used or capable of being used as a means of transportation on water, except:

1. A seaplane;
2. An amphibious vehicle for which a certificate of title is issued pursuant to FS chapter 319 or a similar statute of another state;



3. Non-motor-powered watercraft less than 16 feet in length;
4. Watercraft that operate only on a permanently fixed, manufactured course and the movement of which is restricted to or guided by means of a mechanical device to which the watercraft is attached or by which the watercraft is controlled.
5. A stationary floating structure that:
  - a. Does not have and is not designed to have a mode of propulsion of its own;
  - b. Is dependent for utilities upon a continuous utility hookup to a source originating on shore; and
  - c. Has a permanent, continuous hookup to a shoreside sewage system;
6. Watercraft owned by the United States, a state, or a foreign government or a political subdivision of any of them; and
7. Watercraft used solely as a lifeboat on another watercraft.

**§ 151.02 PERMIT REQUIRED.**

(A) It shall be unlawful for any person to construct, repair, erect or install Mooring Structures, or any similar marine structures, Tidal Flood Barriers, Banks, Berms, Green-Grey Infrastructure, Seawalls, Seawall Caps, upland stem walls, Rip-Rap, derelict erosion control structures, or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding, footers or any other similar infrastructure designed and constructed to perform as a flood barrier, over or upon the canals, waterways, rivers, or basins within the city without first obtaining an engineering permit from the City Engineer, as provided in this chapter and a building permit from the City Building Official as provided in [Chapter 152](#). The qualified applicant for the proposed work, as defined in F.S. Chapter 489 and Chapter 9 of the Broward County Ordinances, shall also be required to seek the necessary approvals, permits and/or exemptions from the Broward County Environmental Protection and Growth Management Department, Florida Department of Environmental Protection or South Florida Water Management District, United States Army Corps of Engineers, and other governmental agencies as applicable, unless subject to the exceptions set forth in F.S. § 403.813.

- (1) Permits shall be required for replacement of a Mooring Structure's structural elements including, but not limited to pilings, sub-stringers, stringers, and ledgers, however, replacement of 25% or less of existing decking within a calendar year shall be exempt from the requirement to obtain a permit.
- (2) Nonconforming Mooring Structures or similar structures, Shoreline or shoreline structures, Banks, Berms, Green-Grey Infrastructure, Seawalls, Seawall Caps, footers, upland stem walls, Rip-Rap, derelict erosion control structures, or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding or any other similar infrastructure that were properly permitted by the city at the time of initial installation which are destroyed by fire or other casualty or act of God shall only be reconstructed in conformity with all current applicable regulations.
- (3) Nonconforming Mooring Structures or similar dock structures, that were properly permitted by the city at the time of initial installation which are damaged or otherwise require maintenance may be repaired and remain in their existing nonconforming configuration, provided that they were properly permitted by the city at the time of initial installation, and such repairs do not require replacement of more than 50% of the combined structural elements as determined by the City Engineer including, but not limited to pilings, stringers, sub-stringers and ledgers, but excluding wood or fabricated wood decking.

('58 Code, § 44.01) (Ord. 720, passed 10-14-59; Am. Ord. 66-33, passed 3-21-66; Am. Ord. 73-4, passed 11-8-72; Am. Ord. 94-06, passed 12-14-93; Am. Ord. 2012-47, passed 6- 12-12)

(B) The application for a permit prescribed by (A) above shall describe the work to be done, shall include detailed cost information on the value of the proposed work, and the manner in which it is to be done; shall conform with the requirements listed herein; and shall comply in all applicable respects with the requirements of the technical codes of [Chapter 152](#).

- (C) The application shall be accompanied by detailed plans and specifications for the structure at the proposed site, together with a site plan or survey showing the location of the proposed structure or alteration in conjunction with adjoining lands, waters, and channels. The plans and specifications must be prepared by an engineer licensed in the State of Florida. As-built drawings and final certification of completion and compliance to that engineer's design shall be submitted to the city before the city's final acceptance.
- (D) The engineering fee for a permit shall be 4% of the cost of the proposed construction, as submitted by the applicant and as verified by the Building Official or designee, with a minimum fee of \$100.
- ('58 Code, § 44.01.1) (Ord. 574-A, passed - - ) (Ord. 529, passed - - ; Am. Ord. 63-50, passed 8-6-63; Am. Ord. 94-06, passed 12-14-93; Am. Ord. 2012-47, passed 6-12-12; Am. Ord. 2019-04, passed 10-23-18)
- (E) Engineering permit fees shall be waived for the construction of city owned capital improvement projects.
- (F) Project cost valuation by city. Should the applicant for the permit fail to supply the Building Official with its detailed cost information, the Building Official shall value the cost of the improvement using information obtained from generally accepted construction cost data publications.
- (G) Application for permit. An Engineering Division permit application must be submitted by a qualified applicant, according to Chapter 489 of the Florida Statutes and Chapter 9 of the Broward County Code of Ordinances, for the proposed work.
- (H) Double Fee. Any permit applicant who has commenced any construction work for which an engineering permit is required prior to the permit being issued shall be subject to a penalty of 100% of the usual application fee in addition to the required application fees. The payment of the double fee shall not relieve any person, firm, or corporation from compliance with all applicable regulations and codes, nor shall it relieve the person, firm, or corporation from being subject to any of the penalties therein.
- (I) Re-inspection fees. If the Engineering Inspector, while performing a partial or final inspection of the construction work, finds that the work does not conform or comply with approved plans or the city's Code of Ordinances, he/she shall notify the contractor or property owner and indicate the required corrections. The contractor or property owner shall notify the Engineering Inspector to request a re-inspection after the required corrections have been made. A re-inspection fee of \$30 will be charged for the re-inspection; however, when an extra inspection is necessary due to any of the below listed reasons, a fee charge of four times the amount of the first re-inspection shall be imposed:
- (1) Wrong address provided for the initial inspection by the permittee or contractor.
  - (2) Repairs or correction not completed when re-inspection has been requested.
  - (3) Work not ready or job site inaccessible for inspection.
  - (4) The final or other inspections could not be performed due to the actions of the permittee or contractor.
  - (5) Second or subsequent failed inspection of the same repair/correction.
- Payment of re-inspection fees shall be made prior to the issuance of city final inspection and permit close-out. No further inspections will be scheduled or performed until all outstanding re-inspection fees have been paid.
- (J) Plan revisions or change of contractor. A fee of \$100 will be charged for all revised plans submitted for review or for a change of contractor application. An estimate of the cost of construction for the additional work shall be submitted with the revised plans. A revised permit and plan approval will be issued for this work. If additional work is shown on the revised plans, a permit fee will be charged based on 4% of the cost of construction of the additional work.
- (K) Nonrefundable fees. All permit fees and re-inspection fees are nonrefundable.

(L) Time limitation. Permits shall expire and become null and void if the work authorized by the permit is not commenced within 180 days from the issuance date of the permit, or if such work is commenced and is abandoned or suspended for a period of 90 days. If work has commenced, and the permit becomes null and void or expires because of abandonment or a lack of progress, a new permit for the proposed work shall be obtained before proceeding with the work. If the work covered by the permit has not commenced, or has commenced and been suspended or abandoned, the City Engineer may extend such permit for a single period of 180 days from the date of expiration of the original permit, if request for extension is made prior to the expiration date of the original permit. No permit shall remain valid for a period in excess of two years.

(M) Voided permits. Permits may be voided in the event permit fees or re-inspection fees are not paid in full and/or due to forged signatures, or any false statement or misrepresentation of fact, on permit applications or documents.

(Ord. 2012-47, passed 6-12-12; Am. Ord. 2019-04, passed 10-23- 18) Penalty, see § 10.99

### **§ 151.03 STRUCTURES IN WATERWAYS.**

(A) Measurement standards for all structures except for wooden, fabricated wood, or concrete docks shall be from the Measurement Reference Line seaward to the end of the structure including pilings. Measurement standards for wooden, fabricated wood, or concrete docks and finger piers shall be from the Measurement Reference Line seaward to the end of the dock's decking.

(B) No Mooring Structures or other similar structures may be erected or installed within five feet of an extended side property line or cause a watercraft or Vessel to extend within five feet of an extended side property line.

(C) 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.

(D) Any structure erected pursuant to this section shall be kept in good repair by the owner thereof and shall be subject to removal by the city in the event that they are unsafe or create a hazard to navigation as determined by the City Engineer or City Building Official, the cost thereof to be assessed against the owner. However, opportunity for notice and a hearing shall be afforded to the owner prior to such removal by the city.

(E) In a canal, river, basin, or waterway 50 feet in width or less, fixed, or floating docks shall not be constructed or installed more than five feet waterward of the Measurement Reference Line.

(F) In a canal, river, basin, or waterway 50 feet in width or less, Vessel davits, hoist, Vessel lift, floating Vessel platform, personal watercraft / jet ski platform are permitted to be constructed seaward to the Navigational Channel.

(G) In a canal, river, basin, or waterway which is more than 50 feet in width, Mooring Structures or any other marine structures must be constructed or installed pursuant to the following conditions.

(1) Fixed Vessel docks, floating docks or wharves may be constructed or installed to extend into any canal, river, basin, or waterway a distance of 10% of the width of the canal, river, basin, or waterway or a distance of eight feet whichever is less, as measured from the Measurement Reference Line.

(2) Fixed finger piers and floating finger piers may be constructed or erected to extend into any canal, river, basin, or waterway a distance of 20% of the width of the canal, river, basin, or waterway or a distance of 20 feet, whichever is less, as measured from the Measurement Reference Line. A finger pier (floating or stationary) shall not be constructed to a width greater than four feet. The distance between finger piers shall not be less than 25 feet.

- (3) Fixed Vessel docks, wharves, or finger piers shall not be constructed or erected so as to cause the elevation of the deck to exceed the elevation of the top of the abutting Tidal Flood Barrier or Rip-Rap, with the exception that decking on fixed Vessel docks, wharves, or finger piers may be elevated above the abutting Tidal Flood Barrier or Rip-Rap a total of two inches in order to meet any surface finish of the abutting Tidal Flood Barrier or Rip-Rap.
  - (4) Vessel davits, elevator lifts, cradle lifts, floating lifts, floating Vessel platforms, personal watercraft / jet ski platform used for the express purpose of storing a watercraft out of the water or any other similar form of Vessel lifting device may be constructed or installed to extend into any canal, river, basin, or waterway, in a fully raised position, a distance equal to 20% of the width of the canal, river, basin, or waterway or a distance of 28 feet, whichever is less, as measured from the Measurement Reference Line.
  - (5) If an elevator lift is permitted, approved, and built, an access platform may be constructed pursuant to an approved permit to facilitate access to Vessels when the lift is in the down position. Said access platform, attached to a permitted and approved dock structure, shall be limited to the spacing between the battered support beams of the elevator and shall not extend more than three feet beyond the dock into the waterway or exceed ten feet in width. Said access platform is deemed an accessory to the elevator lift and its authorized placement is contingent upon the existence of a permitted and properly operating lift at the location. Should the lift fall into disrepair and no longer function or is removed and not replaced, then an approved existing access platform must be removed if it causes the dock structure to exceed any of the size restrictions set forth in this section, including but not limited to, the requirements of subsection (F) and (G)(1) above.
  - (6) In a canal, river, basin, or waterway less than 150 feet, but more than 50 feet in width, dolphin, mooring, or fender piles and/or mooring buoys may not be installed in any canal, river, basin, or waterway any further than the Navigational Channel boundary line as measured from the Measurement Reference Line.
  - (7) In a canal, river, basin, or waterway 150 feet or greater in width, dolphin, mooring, or fender piles and/or mooring buoys may not be installed in any canal, river, basin, or waterway any further than 40 feet as measured from the Measurement Reference Line.
  - (8) In a canal, river, basin, or waterway, adjacent to single-family zoned Lots, dolphin, mooring, or fender piles are limited to two or two clusters per Lot.
  - (9) All dolphin, mooring, and fender piles shall have a six-inch wide fluorescent or reflective band placed two feet below the top of the piling. Mooring buoys shall have a reflective band a minimum of four inches wide.
  - (10) No roofs or similar covering structures may be installed in, over, or upon any canal, river basin, or waterway within the city. This shall include covered structures over Mooring Structures or other similar structures.
- (H) Docks, fixed docks, floating docks, or similar structures meeting the requirements of subsection A through G above may be constructed or installed within five feet of the extended side property line once the following conditions have been met prior to any permit being issued pursuant to the terms of this section:
- (1) The affected abutting property owners shall enter into an agreement with the city which states the property owners have reviewed and approved the proposed plans as they relate to the placement of the above structures which is erected within five feet of the extended side property line and the owners indemnify the city for any claim brought against the city for the placement of structures installed within five feet of the extended side property line. The agreement shall be approved by the Office of the City Attorney for legal content and recorded 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.

- (2) No watercraft or any type of Vessel shall be docked within five feet of the extended side property line.
  - (3) Fire suppression systems shall be installed in accordance with all applicable fire codes.
- (I) In addition to the requirements contained in subsections (A) through (G), if two or more Lots share a Common Docking Area, the following conditions must be met prior to any permit being issued under the terms of this section.
- (1) The affected property owners may enter into an agreement with the city which shall state the property owners have reviewed and approved the proposed plans as it relates to the placement of any structure in the Common Docking Area as well as the proposed docking of any Vessel or watercraft as permitted in § 91.10. The agreement shall be approved by the Office of the City Attorney for legal content and recorded 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.
  - (2) In lieu of provisions in (I) (1) above, the City Engineer may divide the Common Docking Area from the seaward intersection of the extended Lot lines to the wet face of the Tidal Flood Barriers or Rip-Rap corner of the adjoining Lots.
- (J) The provisions of subsections (H) through (I) shall not apply where a court of competent jurisdiction has adjudicated the docking rights of the adjoining property owners.
- (K) Diagrams which document examples of the different docking provisions and waterways described by this section shall be maintained by and with the Code Enforcement Division.

('58 Code, § 44.01) (Ord. 529, passed - - ; Am. Ord. 63-50, passed 8-6-63; Am. Ord. 66-33, passed 3-21-66; Am. Ord. 73-4, passed 11-8-72; Am. Ord. 94-06, passed 12-14-93; Am. Ord. 96-8, passed 11-7-95; Am. Ord. 96-80, passed 7-9-96; Am. Ord. 2006-48, passed 7-11-06; Am. Ord. 2012-47, passed 6-12-12; Am. Ord. 2013-30, passed 12-11-12; Am. Ord. 2017-09, passed 12-13-16; Am. Ord. 2018- 57, passed 5-22-18; Am. Ord. 2019-04, passed 10-23-18) Penalty, see § 10.99

#### **§ 151.04 BULKHEAD LINES.**

There is hereby established in Hillsboro Bay, a bulkhead line the legal description and location of which is as more fully shown on that drawing dated November 19, 1965, and bearing drawing No. PB-28-65, a copy of which is made a part hereof as if set forth in full, and is on file in the office of the City Clerk. This section and the creation of any bulkhead or bulkhead line in accord with the provisions hereof shall in no way affect required front, side, or rear yards or other similar building setback lines applicable to the property abutting the bulkhead or bulkhead line under other provisions of this code.

('58 Code, § 44.01.2) (Ord. 66-40, passed 4-4-66; Am. Ord. 94-06, passed 12-14-93)

## § 151.05 TIDAL FLOOD BARRIERS.

- (A) All new or Substantial Repair Or Substantial Rehabilitation Of Banks, Berms, Green-Grey Infrastructure, Seawalls, Seawall Caps, upland stem walls, or other similar infrastructure shall be designed and constructed to perform as Tidal Flood Barriers. Tidal Flood Barriers shall have a minimum elevation of five feet NAVD88 and shall not exceed an elevation of five feet ten inches NAVD88. Persons desiring to construct or repair a Tidal Flood Barrier or Rip-Rap shall obtain all required permits and furnish a plan to the City Engineer for approval, which are prepared by an engineer licensed in the State of Florida, showing elevations, and proposed and adjacent Seawalls referenced to North American Vertical Datum of 1988 (NAVD 88).
- (B) All property owners must maintain a Tidal Flood Barrier in good repair. A Tidal Flood Barrier is presumed to be in disrepair and a Public Nuisance if it allows tidal waters to flow unimpeded through or over the barrier and onto adjacent property or public right-of-way. Failure to maintain a Tidal Flood Barrier in good repair shall be a citable offense. The owner of the Tidal Flood Barrier shall demonstrate progress towards repairing the cited defect within sixty (60) days after receiving a citation and shall complete repairs within three hundred sixty-five (365) days after receipt of the citation. If the required repair or rehabilitation meets the Substantial Repair or Substantial Rehabilitation threshold, no later than three hundred sixty-five (365) days after receipt of the citation, the property shall design, obtain permits, cause to be constructed, and obtain final inspection approval of Seawall improvements that meet the minimum elevation and design requirements.
- (C) Tidal Flood Barriers below a minimum five feet NAVD88 elevation shall be improved, designed, and constructed so as to prevent tidal waters from impacting adjacent property or public right-of-way. Causing, suffering, or allowing the trespass of tidal waters onto adjacent property or public right-of-way is hereby declared a Public Nuisance and a citable offense requiring abatement. The owner shall demonstrate progress toward addressing the cited concern within sixty (60) days after receipt of the citation and complete the construction of an approved remedy no later than three hundred sixty-five (365) days after receipt of the citation.
- (D) Tidal Flood Barriers shall be designed and constructed to prevent tidal waters from flowing through the barrier, while still allowing for the release of upland hydrostatic pressure.
- (E) To the extent practicable, Tidal Flood Barriers shall be designed and constructed to adjoin immediately proximate Tidal Flood Barriers to close gaps and prevent trespass of tidal water.
- (F) All Tidal Flood Barriers below five feet NAVD88 undergoing Substantial Repair Or Substantial Rehabilitation shall be brought to the minimum height of five feet NAVD 88 and shall be constructed along the property's entire shoreline.
- (G) All Tidal Food Barriers below five feet NAVD88 shall be brought to the minimum height of five feet NAVD88 when modifications, alterations, or installation of appurtenant structures (such as Mooring Structures) exceed 50% of the cost of a Tidal Flood Barrier along the property's entire Shoreline.
- (H) All Tidal Flood Barriers shall be constructed with natural lime rock Rip-Rap, or other approved habitat enhancement, at the waterward face of the structure.
- (I) Property owners are encouraged to consider approaches and materials that enhance the biological value of traditional (flat surface) Seawalls and flood barriers with the incorporation of living shoreline features, use of hybrid green-grey materials, and the use of biological forms, where practicable.
- (J) This section shall not be construed to require the installation of a Seawall where other protection measures serve as an equally effective Tidal Flood Barrier.
- (K) Tidal Flood Barriers capable of automatically being elevated in advance of high tides to prevent tidal flooding are permissible, provided that automation cannot require daily human intervention.

- (L) Whenever it shall come to the attention of the City Engineer or the City Building Official or designee, that any property adjacent to any natural or artificial canal, stream, or other body of water requires the construction of or maintenance of a Tidal Flood Barrier, Rip-Rap, derelict erosion control structures or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding on the property in order to abate a Public Nuisance or abate a condition which is injurious to the health, safety, or welfare of the neighborhood or community or dangerous to the navigability of any canal, stream, or other body of water or to abate a condition causing soil erosion or mitigation of soil to such body of water the City Engineer or the City Building Official or designee shall inspect the premises. The City Engineer or the City Code Compliance Officer or designee of the city shall give to the owner or person having a beneficial interest in the property notice of the condition. This notice shall require the owner or person having beneficial interest in the property to obtain all necessary approvals and permits to abate the condition and to complete construction or repair within three hundred and sixty-five days (365). Proper service shall be as set forth in F.S. Ch. 162 and [Chapter 37](#) of this code. In the event that after a hearing before the Pompano Beach Special Magistrate for Code Enforcement a violation of this section is found, the Special Magistrate shall hear testimony by the alleged violator and the City Engineer or the City Building Official or designee or their designees prior to setting a time for compliance. Such testimony shall include a listing of the regulatory agencies which will be involved in the permitting process and the magnitude of the work which will be involved to abate the condition.
- (M) The maximum width of a Seawall Cap cannot exceed thirty-six inches seaward from the wet face of the existing Tidal Flood Barrier or Rip-Rap.
- (N) Unless approved by the City Engineer, the wet-face of a reconstructed Tidal Flood Barrier or Rip-Rap shall not exceed twelve inches from the wet-face of the existing Tidal Flood Barrier or Rip-Rap. A request to exceed twelve inches must include; a signed and sealed detailed drawing of the existing Tidal Flood Barrier or Rip-Rap, a signed and sealed statement by a licensed Florida engineer that structural damage will occur to the adjacent properties if a new Tidal Flood Barrier or Rip-Rap is installed within twelve inches of the existing wet face of the existing Tidal Flood Barrier or Rip-Rap and all necessary approvals, permits and/or exemptions from the Broward County Environmental Protection and Growth Management Department, Florida Department of Environmental Protection or South Florida Water Management District, United States Army Corps of Engineers, and other governmental agencies as applicable, unless subject to the exceptions set forth in F.S. § 403.813.

('58 Code, § 44.01.3) (Ord. 70-19, passed 2-17-70; Am. Ord. 85-19, passed 1-29-85; Am. Ord. 90-30, passed 2-6-90; Am. Ord. 91-52, passed 5-7-91; Am. Ord. 94-06, passed 12-14-93; Am. Ord. 2012-47, passed 6-12-12; Am. Ord. 2017-69, passed 9-26-17) Penalty, see § 10.99

**§ 151.06 DISREGARD OF NOTICE.**

- (A) It shall be an offense and a violation of this code to refuse or fail to commence or complete repair or construction of the Tidal Flood Barrier or Rip-Rap as set forth in the notice received by the property owner or the person having a beneficial interest in the property pursuant to § [151.05](#) herein.
- (B) No building permits shall be issued for any construction, enlargement, alteration, repairing, moving, removing, installation, or demolishing or other such work on any building, structure, or any part thereof (other than the required Tidal Flood Barrier or Rip-Rap) until the owner or the one having beneficial interest has complied with all provisions herein or any final order issued by the City of Pompano Beach Special Magistrate for code compliance.

('58 Code, § 44.01.7) (Ord. 72-49, passed 6-27-72; Am. Ord. 85-19, passed 1-29-85; Am. Ord. 94-06, passed 12-14-93) Penalty, see § 10.99

**§ 151.07 BACKFILLING TIDAL FLOOD BARRIERS, RIP-RAP.**

- (A) All existing Tidal Flood Barrier or Rip-Rap and newly erected or repaired Tidal Flood Barriers or Rip-Rap shall be backfilled with clean fill material. The fill material shall be backfilled to the finished elevation of the Seawall Cap, or to the level of the finished floor elevation if the Seawall Cap exceeds the level of the finished floor elevation.

There shall be no depressions, holes, or any other conditions which would allow stagnant water to accumulate anywhere landward behind the Tidal Flood Barrier or Rip-Rap or cause excess or concentrated drainage into the adjoining property.

- (B) All Tidal Flood Barriers or Rip-Raps shall be maintained in such a manner as to prevent the erosion or damage to any adjoining property. All holes, depressions, or other similar conditions occurring on property behind existing Tidal Flood Barrier or Rip-Rap as a result of settlement, erosion, or any other condition of the soil or Tidal Flood Barrier or Rip-Rap shall be filled and maintained at the finished elevation of the Tidal Flood Barrier or Rip-Rap or to the level of the finished floor elevation if the Seawall Cap exceeds the level of the finished floor elevation.

('58 Code, § 44.01) (Ord. 529, passed - - ; Am. Ord. 66-33, passed 3-21-66; Am. Ord. 73-4, passed 11-8-72; Am. Ord. 85-19, passed 1-29-85; Am. Ord. 94-06, passed 12-14-93; Am. Ord. 2019- 04, passed 10-23-18) Penalty, see § 10.99

#### **§ 151.08 STRUCTURES ON SEAWALL CAPS, TIDAL FLOOD BARRIERS AND RIP-RAPS.**

No Mooring Structures, terrace, retaining wall, stairway or other related structures shall be erected on top of or over a Tidal Flood Barrier or Seawall Cap.

(Ord. 94-06, passed 12-14-93; Am. Ord. 2017-69, passed 9-26-17) Penalty, see § 10.99

#### **151.09 REQUIRED DISCLOSURE IN CONTRACTS FOR SALE OF REAL ESTATE**

In any contract for the sale of real estate located in tidally influenced areas of Broward County executed after December 31, 2021, the seller shall include in the contract or a rider to the contract the following disclosure in not less than fourteen-point, capitalized, bold-faced type:

**THIS REAL ESTATE IS LOCATED IN A TIDALLY INFLUENCED AREA. THE OWNER MAY BE REQUIRED BY COUNTY OR MUNICIPAL ORDINANCE TO MEET MINIMUM TIDAL FLOOD BARRIER ELEVATION STANDARDS DURING CONSTRUCTION OR SUBSTANTIAL REPAIR OR SUBSTANTIAL REHABILITATION OF SEAWALLS, BANKS, BERMS, AND SIMILAR INFRASTRUCTURE OR WHEN REQUIRED TO ABATE NUISANCE FLOODING.**

#### **§ 151.10 VARIANCES.**

- (A) The Zoning Board of Appeals of the City shall hear and decide any variance requests from the regulations contained within this chapter.
- (B) The provisions under 151.03(B) and (C) is prohibited from variances.
- (C) Any such application for variance must first be submitted to the Marine Advisory Board for its review and recommendations.
- (D) The procedures, applications, form, timetables, and fees for the filing of a variance from these regulations shall be the same as that provided for a variance from any zoning ordinance as provided in [Chapter 155](#).

(Ord. 98-10, passed 11-25-97)



# AMENDED REDLINE CHAPTER 151: BEACHES AND WATERWAYS

## Section

151.01	Intent
151.02	Permit required
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151.05	<del>Seawalls</del> <u>Tidal Flood Barriers</u>
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151.08	Structures on <del>seawalls</del> <u>Seawall Caps, Tidal Flood Barriers or Rip-Rap</u>
151.09	<u>Required Disclosure in Contracts For Sale of Real Estate</u>
<u>151.10</u>	Variances

### § 151.01 INTENT.

The intent of this chapter is to permit construction in, over and upon the waterways within the city ~~of fixed docks, floating docks, floating vessel platforms, wharves, finger piers, boat lifting devices (floating or stationary), dolphin, fender or mooring piles, mooring buoys, and other related structures,~~ of Mooring Structures, Tidal Flood Barriers, Rip-Rap or any similar marine structures which do not interfere with navigation, endanger life or property, or deny the public reasonable access to public waterways. Structures not similar in nature to those listed herein shall be prohibited.

(Ord. 94-06, passed 12-14-93; Am. Ord. 2012-47, passed 6-12-12) Penalty, see § 10.99

(A) For the purposes of this article, the following terms, phrases, words, and their derivation shall have the meanings given herein, except when the context clearly indicates a different meaning. In the interpretation and application of this article, the definitions provided for herein shall control over definitions which that may be included in other documents or manuals, including, but not limited to, the Florida Building Code. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and the word "may" is permissive.

**BANK** means the level space separating a waterway from an inland area, often elevated, and constructed of compacted soil.

**BERM** means an earthen mound designed with impermeability to resist the flow of tidal waters through to an adjacent property or public right-of-way.

**COMMON DOCKING AREA.** The Terminus of a canal river basin or waterway, excluding the navigational channel, that is shared by Lots adjacent to each other and created when the outer boundary Lot lines intersect with the adjacent shared Lot lines when extended into a canal or waterway.

**GREEN-GREY INFRASTRUCTURE OR GREEN-GREY MATERIALS** is a combination of engineered and natural features that provide environmental qualities and ecosystem value.

**LOT** Shall be defined as it presently or as it may hereafter be amended in Chapter 155.4215

**MEASUREMENT REFERENCE LINE** means the measurement standard utilized for the purpose of measuring the distance for Mooring Structures, Tidal Flood Barriers, Rip-Rap and all other similar structures in waterways. When the recorded property line is seaward of the wet face of the original tidal flood barrier or Rip-Rap, the wet face of the original Tidal Flood Barrier or Rip-Rap is to be utilized as the measurement reference line. When the property line is landward of the original Tidal Flood Barrier or Rip-Rap greater than one foot, the Measurement Reference Line is the wet face of the original Tidal Flood Barrier. In all other instances, including when the property line will become landward of a new or proposed Tidal Flood Barrier or Rip-Rap, the Measurement Reference Line is the recorded property line.

**MOORING STRUCTURES** means a Vessel dock, slip, davit, hoist, Vessel lift, floating Vessel platform,

personal watercraft/jet ski platform, mooring pile or similar structures that may be attached to land or a Tidal Flood Barrier, to which a Vessel can be moored.

**NAVIGATIONAL CHANNEL** shall be defined as the 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.

**NORTH AMERICAN VERTICAL DATUM (NAVD88 OR NAVD)** means the vertical control for 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.

**PUBLIC NUISANCE** means a condition injurious to the public health or safety of the community or neighborhood, or injurious to any considerable number of persons, or a condition that obstructs the free passage or use, in the customary manner, of any public right-of-way.

**REVERSE CORNER LOT** means any Lot when its boundary line abutting a canal or waterway that is concave.

**RIP-RAP** means a foundation of unconsolidated boulders, stone, rubble, concrete without protruding rebar, or similar materials placed on or near a shoreline to mitigate wave impacts and prevent erosion.

**SEAWALL** means the vertical or near vertical (often interlocking) structures placed between an upland area and a waterway or waterbody for erosion control.

**SEAWALL CAP** means the concrete box structure (usually reinforced) that connects Seawall panels, piles and anchoring system (if present) together at the top.

**SHORELINE** means the tidally influenced area where land meets water.

**SUBSTANTIAL REPAIR OR SUBSTANTIAL REHABILITATION** means:

a. Any modification to shoreline or shoreline structures (such as Tidal Flood Barriers) along more than fifty percent (50%) of the length of the property's Shoreline; or

b. Any modifications, alterations, or installation of appurtenant structures (such as a Mooring Structures) which exceed 50% of the cost as determined by the City Engineer of a Tidal Flood Barrier or raised Seawall Cap along the property's Shoreline.

**TERMINUS** means the ending point or boundary limit of a dead-end canal, river, basin or waterway

**TIDAL FLOOD BARRIER** means any structure or shoreline feature including, but not limited to, Banks, Berms, Green-Grey Infrastructure, Seawalls, Seawall Caps, upland stem walls, or other infrastructure that impedes tidal waters from flowing onto adjacent property or public right-of-way and located within or along a Tidally Influenced Area. This definition is not meant to include Rip-Rap, derelict erosion control structures, or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding.

**TIDALLY-INFLUENCED AREAS** means the real property adjacent to, or effected by a waterway with water level changes in response to the daily tide.

VESSEL means a watercraft used or capable of being used as a means of transportation on water, except: 1.A seaplane;

2. An amphibious vehicle for which a certificate of title is issued pursuant to FS chapter 319 or a similar statute of another state;
3. Non-motor-powered watercraft less than 16 feet in length;
4. Watercraft that operate only on a permanently fixed, manufactured course and the movement of which is restricted to or guided by means of a mechanical device to which the watercraft is attached or by which the watercraft is controlled.

5.A stationary floating structure that:

- a. Does not have and is not designed to have a mode of propulsion of its own;
- b. Is dependent for utilities upon a continuous utility hookup to a source originating on shore; and
- c.Has a permanent, continuous hookup to a shoreside sewage system;

6. Watercraft owned by the United States, a state, or a foreign government or a political subdivision of any of them; and
7. Watercraft used solely as a lifeboat on another watercraft.

## § 151.02 PERMIT REQUIRED.

(A) —(A) It shall be unlawful for any person to construct, repair, erect or install ~~fixed docks, floating docks, wharves, piers, or dolphin piles, mooring piles, or fender piles, mooring buoys or any type of boat lifting device or mooring device, platform or any other fixed or floating structure in, over,~~ Mooring Structures, or any similar marine structures, Tidal Flood Barriers, Banks, Berms, Green-Grey Infrastructure, Seawalls, Seawall Caps, upland stem walls, Rip-Rap, derelict erosion control structures, or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding, footers or any other similar infrastructure designed and constructed to perform as a flood barrier, over

or upon the canals, waterways, rivers, or basins within the city without first obtaining an engineering permit from the City Engineer, as provided in this chapter and a building permit from the City Building Official as provided in ~~Chapter 152,~~ Chapter 152. The qualified applicant for the proposed work, as defined in F.S. Chapter 489 and Chapter 9 of the Broward County Ordinances, shall also be required to seek the necessary approvals, permits and/or exemptions from the Broward County Environmental Protection and Growth Management Department, Florida Department of Environmental Protection or South Florida Water Management District, United States Army Corps of Engineers, and other governmental agencies as applicable, unless subject to the exceptions set forth in F.S. § 403.813.

(1) —(1) Permits shall be required for replacement of a Mooring Structure's structural elements including, but not limited to, pilings, sub-stringers, stringers, and ~~footers, as well as~~ ledgers, however, replacement ~~of more than 25% of decking.~~ (2) Replacement of 25% or less of existing decking within a calendar year shall be exempt from the requirement to obtain a permit.

(2) —(3) Nonconforming docks and other similar marine structures as described above Nonconforming Mooring Structures or similar structures, Shoreline or shoreline structures, Banks, Berms, Green-Grey Infrastructure, Seawalls, Seawall Caps, fo o t e r s , upland stem walls, Rip-Rap, derelict erosion control structures, or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding or an y o t h e r similar infrastructure that were properly permitted by the city at the time of initial installation which are destroyed by fire or other casualty or act of God ~~may~~ shall only be reconstructed in conformity with all current applicable regulations.

(3) Nonconforming structures Mooring Structures or similar dock structures, that were properly permitted by the city at the time of initial installation which are damaged or otherwise require maintenance may be repaired and remain in their existing nonconforming configuration, provided that they were properly permitted by the city at the time of initial installation, and such repairs do not require replacement of more than 50% of the combined structural elements as determined by the City Engineer including, but not limited to, pilings, stringers, sub-stringers and ~~footers, at any one time or collectively within a one-year period~~ ledgers, but excluding wood or fabricated wood decking.

('58 Code, § 44.01) (Ord. 720, passed 10-14-59; Am. Ord. 66-33, passed 3-21-66; Am. Ord. 73-4, passed 11-8-72; Am. Ord. 94-06, passed 12-14-93; Am. Ord. 2012-47, passed 6- 12-12)

(B) ~~(B)~~ The application for a permit prescribed by (A) above shall describe the work to be done, shall include detailed cost information on the value of the proposed work, and the manner in which it is to be done; shall conform with the requirements listed herein; and shall comply in all applicable respects with the requirements of the technical codes of ~~Chapter 152.~~Chapter 152.

(C) ~~(C)~~ The application shall be accompanied by detailed plans and specifications for the structure at the proposed site, together with a site plan or survey showing the location of the proposed structure or alteration in conjunction with adjoining lands, waters, and channels. The plans and specifications must be prepared by an engineer licensed in the State of Florida. As-built drawings and final certification of

completion and compliance to that engineer's design shall be submitted to the city before the city's final acceptance.

(D) ~~(D)~~ The engineering fee for a permit shall be 4% of the cost of the proposed construction, as submitted by the applicant and as verified by the Building Official or designee, with a minimum fee of \$100.

('58 Code, § 44.01.1) (Ord. 574-A, passed - - ) (Ord. 529, passed - - ; Am. Ord. 63-50, passed 8-6-63; Am. Ord. 94-06, passed 12-14-93; Am. Ord. 2012-47, passed 6-12-12; Am. Ord. 2019-04, passed 10-23-18)

(E) ~~(E) Permit fees for city capital improvement projects.~~ Engineering permit fees shall be waived for the construction of city owned capital improvement projects.

(F) ~~(F)~~ Project cost valuation by city. Should the applicant for the permit fail to supply the Building Official with its detailed cost information, the Building Official shall value the cost of the improvement using information obtained from generally accepted construction cost data publications.

(G) ~~(G)~~ Application for permit. An Engineering Division permit application must be submitted by a qualified applicant, according to Chapter 489 of the Florida Statutes and Chapter 9 of the Broward County Code of Ordinances, for the proposed work.

(H) ~~(H)~~ Double Fee. Any permit applicant who has commenced any construction work for which an engineering permit is required prior to the permit being issued shall be subject to a penalty of 100% of the usual application fee in addition to the required application fees. The payment of the double fee shall not relieve any person, firm, or corporation from compliance with all applicable regulations and codes, nor shall it relieve the person, firm, or corporation from being subject to any of the penalties therein.

(I) ~~(I)~~ Re-inspection fees. If the Engineering Inspector, while performing a partial or final inspection of the construction work, finds that the work does not conform or comply with approved plans or the city's Code of Ordinances, he/she shall notify the contractor or property owner and indicate the required corrections. The contractor or property owner shall notify the Engineering Inspector to request a re-inspection after the required corrections have been made. A re-inspection fee of \$30 will be charged for the re-inspection; however, when an extra inspection is necessary due to any of the below listed reasons, a fee charge of four times the amount of the first re-inspection shall be imposed:

- (1) Wrong address provided for the initial inspection by the permittee or contractor;
  - (2) Repairs or correction not completed when re-inspection has been requested;
  - (3) Work not ready or job site inaccessible for inspection;
  - (4) The final or other inspections could not be performed due to the actions of the permittee or contractor;
  - (5) Second or subsequent failed inspection of the same repair/correction.
- Payment of re-inspection fees shall be made prior to the issuance of city final inspection and permit close-out. No further inspections will be scheduled or performed until all outstanding re-inspection fees have been paid.

~~(J)~~ ~~(H)~~ Plan revisions or change of contractor. A fee of \$~~40~~100 will be charged for all revised plans submitted for review or for a change of contractor application. An estimate of the cost of construction for the additional work shall be submitted with the revised plans. A revised permit and plan approval will be issued for this work. If additional work is shown on the revised plans, a permit fee will be charged based on 4% of the cost of construction of the additional work.

~~(K)~~ ~~(K)~~ Nonrefundable fees. All permit fees and re-inspection fees are nonrefundable.

~~(L)~~ ~~(L)~~ Time limitation. Permits shall expire and become null and void if the work authorized by the permit is not commenced within 180 days from the issuance date of the permit, or if such work is commenced and is abandoned or suspended for a period of 90 days. If work has commenced, and the permit becomes null and void or expires because of abandonment or a lack of progress, a new permit for the proposed work shall be obtained before proceeding with the work. If the work covered by the permit has not commenced, or has commenced and been suspended or abandoned, the City Engineer may extend such permit for a single period of 180 days from the date of expiration of the original permit, if request for extension is made

prior to the expiration date of the original permit. No permit shall remain valid for a period in excess of two years.

~~(M)~~ ~~(M)~~ Voided permits. Permits may be voided in the event permit fees or re-inspection fees are not paid in full and/or due to forged signatures, or any false statement or misrepresentation of fact, on permit applications or documents.

(Ord. 2012-47, passed 6-12-12; Am. Ord. 2019-04, passed 10-23- 18) Penalty, see § 10.99

#### § 151.03 ~~STRUCTURES IN WATERWAYS.~~ STRUCTURES IN WATERWAYS.

~~(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—COMMON DOCKING AREA. That part of a canal or waterway that is shared by lots adjacent to each other and adjacent or contiguous to a canal or waterway and created when boundary lot lines intersect when extended into a canal or waterway, but excluding the navigational channel area.~~

~~—LOT. Shall be defined in this subsection (A) as it presently or as it may hereafter be amended in Chapter~~

#### 155.

~~MEASUREMENT REFERENCE LINE. A measurement standard utilized for the purpose of distance measurement for structures in waterways regulated under this section, where a recorded property line of the adjacent waterfront property is either landward or seaward of the wet face of an existing seawall by one foot or more; in such instance, the wet face of the existing seawall is to be utilized as the reference line for distance measurement into the waterway for such structures; in all other instances, the reference line is the recorded property line.~~

~~—REVERSE CORNER LOT. Any lot when its boundary line abutting a canal or waterway is concave.~~

(A) Measurement standards for all structures except for wooden, fabricated wood, or concrete docks shall be from the Measurement Reference Line seaward to the end of the structure including pilings. Measurement standards for wooden, fabricated wood, or concrete docks and finger piers shall be from the Measurement Reference Line seaward to the end of the dock's decking.

(B) No Mooring Structures or other similar structures may be erected or installed within five feet of an extended side property line or cause a watercraft or Vessel to extend within five feet of an extended side property line.

(C) 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.

(D) Any structure erected pursuant to this section shall be kept in good repair by the owner thereof and shall be subject to removal by the city in the event that they are unsafe or create a hazard to navigation as determined by the City Engineer or City Building Official, the cost thereof to be assessed against the owner. However, opportunity for notice and a hearing shall be afforded to the owner prior to such removal by the city.

(E) —(B)—In a canal, river, basin, or waterway 50 feet in width or less, ~~wharves, finger piers, fixed docks, floating docks, boat lifts (floating or stationary), floating vessel platforms, dolphin, fender or mooring piles, mooring buoys or any other structures~~fixed, or floating docks shall not be constructed or installed more than five feet waterward of the ~~recorded property line or measurement reference line.~~Measurement Reference Line.

(F) —(C)—In a canal, river, basin, or waterway 50 feet in width or less, Vessel davits, hoist, Vessel lift, floating Vessel platform, personal watercraft / jet ski platform are permitted to be constructed seaward to the Navigational Channel.

(G) In a canal, river, basin, or waterway which is more than 50 feet in width, wharves, finger piers, fixed docks, floating docks, boat lifts (floating or stationary), floating vessel platforms, dolphin, fender or mooring piles, and/or mooring buoysMooring Structures or any other marine structures must be

constructed or installed pursuant to the following conditions. ~~provided that the navigational channel is not encroached upon:~~

~~—(1) For the purpose of this section, the NAVIGATIONAL CHANNEL shall be defined as the 45% of the width of a canal, river, basin, or waterway with a minimum width of 40 feet. 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 seawall 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.~~

(1) —(2)—Fixed ~~boat~~Vessel docks, floating docks or wharves may be constructed or installed to extend into any canal, river, basin, or waterway a distance of 10% of the width of the canal, river, basin, or waterway or a distance of eight feet whichever is less, as measured from the ~~recorded property line or measurement reference line.~~Measurement Reference Line.

(2) —(3)—Fixed finger piers and floating finger piers may be constructed or erected to extend into any canal, river, basin, or waterway a distance of 20% of the width of the canal, river, basin, or waterway or a distance of 20 feet, whichever is less, as measured from the ~~recorded property line or measurement property line~~Measurement Reference Line. A finger pier (floating or stationary) shall not be constructed to a width greater than four feet. The distance between finger piers shall not be less than 25 feet.

(3) Fixed Vessel docks, wharves, or finger piers shall not be constructed or erected so as to cause the elevation of the deck to exceed the elevation of the top of the abutting Tidal Flood Barrier or Rip- Rap, with the exception that decking on fixed Vessel docks, wharves, or finger piers may be elevated above the abutting Tidal Flood Barrier or Rip-Rap a total of two inches in order to meet any surface finish of the abutting Tidal Flood Barrier or Rip-Rap.

(4) —(4)—~~Boat~~Vessel davits, elevator lifts, cradle lifts, floating lifts, floating Vessel platforms, personal watercraft / jet ski platform used for the express purpose of storing a watercraft out of the water or any other similar form of ~~boat~~Vessel lifting device may be constructed or installed to extend into any canal, river, basin, or waterway, in a fully raised position, a distance equal to 20% of the width of the canal, river, basin, or waterway or a distance of ~~20~~28 feet, whichever is less, as measured from the ~~recorded property line or measurement reference line~~Measurement Reference Line.

~~(5)~~ ~~(5)~~ If an elevator lift is permitted, approved, and built, an access platform may be constructed pursuant to an approved permit to facilitate access to ~~vessels~~Vessels when the lift is in the down position. Said access platform, attached to ~~an~~a permitted and approved dock structure, shall be limited to the spacing between the battered support beams of the elevator and shall not extend more than three feet beyond the dock into the waterway or exceed ten feet in width. Said access platform is deemed an accessory to the elevator lift and its authorized placement is contingent upon the existence of a permitted and properly operating lift at the location. Should the lift fall into disrepair and no longer function or is removed and not replaced, then an approved existing access platform must be removed if it causes the dock structure to exceed any of the size restrictions set forth in this section, including but not limited to, the requirements of subsection ~~(C,F) and (G)~~(21) above.

~~(6)~~ ~~(6)~~ In a canal, river, basin, or waterway less than 150 feet, but more than 50 feet in width, dolphin, mooring, or fender piles and/or mooring buoys may not be installed in any canal, river, basin, or waterway any further than the ~~navigation channel~~Navigation Channel boundary line as measured from the ~~recorded property line or measurement property line.~~Measurement Reference Line.

~~(7)~~ In a canal, river, basin, or waterway 150 feet or greater in width, dolphin, mooring, or fender piles and/or mooring buoys may not be installed in any canal, river, basin, or waterway any further than 40 feet as measured from the ~~recorded property line or measurement property line.~~ DolphinMeasurement Reference Line.

~~(8)~~ In a canal, river, basin, or waterway, adjacent to single-family zoned Lots, dolphin, mooring, or fender piles are limited to two or two clusters per Lot.

~~(9)~~ All dolphin, mooring, and fender piles shall have a six -inch wide fluorescent or reflective band placed two feet below the top of the piling. Mooring buoys shall have a reflective band a minimum of four inches wide. The minimum spacing between dolphin, fender, and/or mooring piles shall be ten feet.

~~(10)~~ ~~(7)~~ No roofs or similar covering structures may be installed in, over, or upon any canal, river basin, or waterway within the city. This shall include covered structures over ~~docks and boatlifts.~~ (D) No Mooring Structures or other similar structures.

~~(H)~~ Docks, fixed docks, floating docks, ~~wharves, finger piers, boat lifts (floating or stationary), mooring devices, dolphin, mooring or fender piles, mooring buoys or other similar structures may be erected~~or similar structures meeting the requirements of subsection A through G above may be constructed or installed within five feet of ~~an~~the extended side property line ~~or cause a watercraft to extend within five feet of an extended side property line unless~~once the following conditions have been met prior to any permit being issued pursuant to the terms of this section:

~~(1)~~ ~~(1)~~ The affected abutting property owners shall enter into an agreement with the city which states the property owners have reviewed and approved the proposed plans as they relate to the placement of ~~any structure~~the above structures which is erected within five feet of the extended side property line and the owners indemnify the city for any claim brought against the city for the placement of structures installed within five feet of the extended side property line. The agreement shall be approved by the Office of the City Attorney for legal content and recorded 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.

~~(2)~~ ~~The width of the canal, river, basin or waterway along which the structure is erected must have a minimum width of 50 feet.~~

~~(3)~~ ~~No boat lifts (floating or stationary) shall be erected within five feet of the extended property line.~~

~~(2)~~ ~~(4)~~ ~~Watercraft~~No watercraft or any type of Vessel shall ~~not~~ be docked within five feet of the extended side property line.

~~(3)~~ ~~(5)~~ Fire suppression systems shall be installed in accordance with all applicable fire codes.

~~—(E) Fixed boat docks, floating docks, wharves, or finger piers shall not be constructed or erected so as to cause the elevation of the deck to exceed the elevation of the top of the abutting seawall.~~

(I) ~~—(F)~~ In addition to the requirements contained in subsections (A) through ~~(DG)~~, if two or more ~~lots share a common docking area, in lieu of provisions found in subsections (D)(1)–(5)~~ Lots share a Common Docking Area, the following conditions must be met prior to any permit being issued under the terms of this section.

(1) The affected property owners ~~shall~~may enter into an agreement with the city which shall state the property owners have reviewed and approved the proposed plans as it relates to the placement of any structure in the ~~common docking area~~Common Docking Area as well as the proposed docking of any ~~boat~~Vessel or watercraft as permitted in § ~~91.10.91.10~~. The agreement shall be approved by the Office of the City Attorney for legal content and recorded 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.

(2) ~~—(G)~~ In lieu of provisions in (I) (1) above, the City Engineer may divide the Common Docking Area from the seaward intersection of the extended Lot lines to the wet face of the Tidal Flood Barriers or Rip-Rap corner of the adjoining Lots.

(J) The provisions of subsections ~~(BH)~~ through ~~(FI)~~ shall not apply where a court of competent jurisdiction has adjudicated the docking rights of the adjoining property owners.

~~—(H) Any structure erected pursuant to this section shall be kept in good repair by the owner thereof and shall be subject to removal by the city in the event that they are unsafe or create a hazard to navigation as determined by the City Engineer or City Building Inspector, the cost thereof to be assessed against the owner. However, opportunity for notice ~~an~~ a hearing shall be afforded to the owner prior to such removal by the city.~~

~~—(I) For the purpose of this section, TERMINUS shall mean the ending point or boundary limit of a dead end canal, river, basin or waterway.~~

(K) ~~—(J)~~ Diagrams which document examples of the different docking provisions and waterways described by this section shall be maintained by and with the Code Enforcement Division.

('58 Code, § 44.01) (Ord. 529, passed - - ; Am. Ord. 63-50, passed 8-6-63; Am. Ord. 66-33, passed 3-21-66; Am. Ord. 73-4, passed 11-8-72; Am. Ord. 94-06, passed 12-14-93; Am. Ord. 96-8, passed 11-7-95; Am. Ord. 96-80, passed 7-9-96; Am. Ord. 2006-48, passed 7-11-06; Am. Ord. 2012-47, passed 6-12-12; Am. Ord. 2013-30, passed 12-11-12; Am. Ord. 2017-09, passed 12-13-16; Am. Ord. 2018- 57, passed 5-22-18; Am. Ord. 2019-04, passed 10-23-18) Penalty, see § 10.99

## § 151.04 BULKHEAD LINES.

There is hereby established in Hillsboro Bay, a bulkhead line the legal description and location of which is as more fully shown on that drawing dated November 19, 1965, and bearing drawing No. PB-28-65, a copy of which is made a part hereof as if set forth in full, and is on file in the office of the City Clerk. This section and the creation of any bulkhead or bulkhead line in accord with the provisions hereof shall in no way affect required front, side, or rear yards or other similar building setback lines applicable to the property abutting the bulkhead or bulkhead line under other provisions of this code.

('58 Code, § 44.01.2) (Ord. 66-40, passed 4-4-66; Am. Ord. 94-06, passed 12-14-93)



§ 151.05—~~SEAWALLS~~TIDAL FLOOD BARRIERS.

- (A) —(A) All new or Substantial Repair Or Substantial Rehabilitation Of Banks, Berms, Green- Grey Infrastructure, Seawalls, Seawall Caps, upland stem walls, or other similar infrastructure shall be designed and constructed to perform as Tidal Flood Barriers. Tidal Flood Barriers shall have a minimum elevation of five feet NAVD88 and shall not exceed an elevation of five feet ten inches NAVD88. Persons desiring to construct or repair a Tidal Flood Barrier or Rip-Rap shall obtain all required permits and furnish a plan to the City Engineer for approval, which are prepared by an engineer licensed in the State of Florida, showing elevations, and proposed and adjacent Seawalls referenced to North American Vertical Datum of 1988 (NAVD 88).
- (B) All property owners must maintain a Tidal Flood Barrier in good repair. A Tidal Flood Barrier is presumed to be in disrepair and a Public Nuisance if it allows tidal waters to flow unimpeded through or over the barrier and onto adjacent property or public right-of-way. Failure to maintain a Tidal Flood Barrier in good repair shall be a citable offense. The owner of the Tidal Flood Barrier shall demonstrate progress towards repairing the cited defect within sixty (60) days after receiving a citation and shall complete repairs within three hundred sixty-five (365) days after receipt of the citation. If the required repair or rehabilitation meets the Substantial Repair or Substantial Rehabilitation threshold, no later than three hundred sixty-five (365) days after receipt of the citation, the property shall design, obtain permits, cause to be constructed, and obtain final inspection approval of Seawall improvements that meet the minimum elevation and design requirements.
- (C) Tidal Flood Barriers below a minimum five feet NAVD88 elevation shall be improved, designed, and constructed so as to prevent tidal waters from impacting adjacent property or public right-of-way. Causing, suffering, or allowing the trespass of tidal waters onto adjacent property or public right-of-way is hereby declared a Public Nuisance and a citable offense requiring abatement. The owner shall demonstrate progress toward addressing the cited concern within sixty (60) days after receipt of the citation and complete the construction of an approved remedy no later than three hundred sixty- five (365) days after receipt of the citation.
- (D) Tidal Flood Barriers shall be designed and constructed to prevent tidal waters from flowing through the barrier, while still allowing for the release of upland hydrostatic pressure.
- (E) To the extent practicable, Tidal Flood Barriers shall be designed and constructed to adjoin immediately proximate Tidal Flood Barriers to close gaps and prevent trespass of tidal water.
- (F) All Tidal Flood Barriers below five feet NAVD88 undergoing Substantial Repair Or Substantial Rehabilitation shall be brought to the minimum height of five feet NAVD 88 and shall be constructed along the property's entire shoreline.
- (G) All Tidal Food Barriers below five feet NAVD88 shall be brought to the minimum height of five feet NAVD88 when modifications, alterations, or installation of appurtenant structures (such as Mooring Structures) exceed 50% of the cost of a Tidal Flood Barrier along the property's entire Shoreline.
- (H) All Tidal Flood Barriers shall be constructed with natural lime rock Rip-Rap, or other approved habitat enhancement, at the waterward face of the structure.
- (I) Property owners are encouraged to consider approaches and materials that enhance the biological value of traditional (flat surface) Seawalls and flood barriers with the incorporation of living shoreline features, use of hybrid green-grey materials, and the use of biological forms, where practicable.
- (J) This section shall not be construed to require the installation of a Seawall where other protection measures serve as an equally effective Tidal Flood Barrier.
- (K) Tidal Flood Barriers capable of automatically being elevated in advance of high tides to prevent tidal flooding are permissible, provided that automation cannot require daily human intervention.

(L) Whenever it shall come to the attention of the City Engineer or the City Building ~~Inspector~~Official or designee, that any property adjacent to any natural or artificial canal, stream, or other body of water requires the construction of or maintenance of a ~~seawall~~Tidal Flood Barrier, Rip-Rap, derelict erosion control structures or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding on the property in order to abate a ~~public nuisance~~Public Nuisance or abate a condition which is injurious to the health, safety, or welfare of the neighborhood or community or dangerous to the navigability of any canal, stream, or other body of water or to abate a condition causing soil erosion or mitigation of soil to such body of water the City Engineer or the City Building Official or designee shall inspect the premises. The City Engineer or the City ~~Building Official~~Code Compliance Officer or designee of the city shall give to the owner or person having a beneficial interest in the property notice of the condition. This notice shall require the owner or person having beneficial interest in the property to obtain all necessary approvals and permits to abate the condition and to complete construction or repair within three hundred and sixty-five days (365). Proper service shall be as set forth in F.S. Ch. 162 and ~~Chapter 37~~Chapter 37 of this code. In the event that after a hearing before the Pompano Beach Special Magistrate for Code Enforcement a violation of this section is found, the Special Magistrate shall hear testimony by the alleged violator and the ~~Pompano Beach~~City Engineer or the City Building Official or City Engineer designee or their designees prior to setting a time for compliance. Such testimony shall include a listing of the regulatory agencies which will be involved in the permitting process and the magnitude of the work which will be involved to abate the condition.

~~—(B) For the purposes of this chapter, a SEAWALL shall mean a man-made structure that is built along and parallel to a shoreline for the purpose of protecting and stabilizing the shore against erosion and wave action. A SEAWALL shall also include, for the purpose of this chapter, riprap to protect and stabilize the shore against erosion and wave action, and shall be designed by a professional engineer registered in the state.~~

~~—(C) The desired elevation of seawalls shall not exceed an elevation of five feet ten inches NAVD 88. Persons desiring to construct or repair a seawall shall obtain all required permits and furnish a plan to the City Engineer for approval, which are prepared by an engineer in the State of Florida, showing elevations or proposed and adjacent seawalls referenced to North American Vertical Datum of 1988 (NAVD 88).~~

(M) The maximum width of a Seawall Cap cannot exceed thirty-six inches seaward from the wet face of the existing Tidal Flood Barrier or Rip-Rap.

(N) Unless approved by the City Engineer, the wet-face of a reconstructed Tidal Flood Barrier or Rip-Rap shall not exceed twelve inches from the wet-face of the existing Tidal Flood Barrier or Rip-Rap. A request to exceed twelve inches must include: a signed and sealed detailed drawing of the existing Tidal Flood Barrier or Rip-Rap, a signed and sealed statement by a licensed Florida engineer that structural damage will occur to the adjacent properties if a new Tidal Flood Barrier or Rip-Rap is installed within twelve inches of the existing wet face of the existing Tidal Flood Barrier or Rip-Rap and all necessary approvals, permits and/or exemptions from the Broward County Environmental Protection and Growth Management Department, Florida Department of Environmental Protection or South Florida Water Management District, United States Army Corps of Engineers, and other governmental agencies as applicable, unless subject to the exceptions set forth in F.S. § 403.813.

('58 Code, § 44.01.3) (Ord. 70-19, passed 2-17-70; Am. Ord. 85-19, passed 1-29-85; Am. Ord. 90-30, passed 2-6-90; Am. Ord. 91-52, passed 5-7-91; Am. Ord. 94-06, passed 12-14-93; Am. Ord. 2012-47, passed 6-12-12; Am. Ord. 2017-69, passed 9-26-17) Penalty, see § 10.99

## § 151.06 DISREGARD OF NOTICE.

(A) —(A) It shall be an offense and a violation of this code to refuse or fail to commence or complete repair or construction of the ~~seawall~~Tidal Flood Barrier or Rip-Rap as set forth in the notice received by the property owner or the person having a beneficial interest in the property pursuant to § ~~151.05~~151.05 herein.

~~('58 Code, § 44.01.6)~~

~~(B)~~ —(B) No building permits shall be issued for any construction, enlargement, alteration, repairing, moving, removing, installation, or demolishing or other such work on any building, structure, or any part thereof (other than the required seawall Tidal Flood Barrier or Rip-Rap) until the owner or the one having beneficial interest has complied with all provisions herein or any final order of the Code Enforcement Board of the city issued by the City of Pompano Beach Special Magistrate for code compliance.

('58 Code, § 44.01.7) (Ord. 72-49, passed 6-27-72; Am. Ord. 85-19, passed 1-29-85; Am. Ord. 94-06, passed 12-14-93) Penalty, see § 10.99

#### § 151.07 BACKFILLING ~~SEAWALLS,~~ TIDAL FLOOD BARRIERS, RIP-RAP.

~~(A)~~ —(A) All existing seawalls Tidal Flood Barrier or Rip-Rap and newly erected or repaired seawalls on private property Tidal Flood Barriers or Rip-Rap shall be backfilled with clean fill material. The fill material shall be backfilled to the finished elevation of the seawall, Seawall Cap, or to the level of the finished floor elevation if the Seawall Cap exceeds the level of the finished floor elevation. There shall be no depressions, holes, or any other conditions which would allow stagnant water to accumulate anywhere landward behind the seawall, Tidal Flood Barrier or Rip-Rap or cause excess or concentrated drainage into the adjoining property.

~~(B)~~ —(B) Existing seawalls All Tidal Flood Barriers or Rip-Raps shall be maintained in such a manner as to prevent the erosion or damage to any adjoining property. All holes, depressions, or other similar conditions occurring on property behind existing seawalls Tidal Flood Barrier or Rip-Rap as a result of settlement, erosion, or any other condition of the soil or seawall Tidal Flood Barrier or Rip-Rap shall be filled and maintained at the finished elevation of the seawall Tidal Flood Barrier or Rip-Rap or to the level of the finished floor elevation if the Seawall Cap exceeds the level of the finished floor elevation.

('58 Code, § 44.01) (Ord. 529, passed - - ; Am. Ord. 66-33, passed 3-21-66; Am. Ord. 73-4, passed 11-8-72; Am. Ord. 85-19, passed 1-29-85; Am. Ord. 94-06, passed 12-14-93; Am. Ord. 2019- 04, passed 10-23-18) Penalty, see § 10.99

#### § 151.08 STRUCTURES ON ~~WALLS~~ SEAWALL CAPS, TIDAL FLOOD BARRIERS AND RIP-RAPS.

~~No dock, deck, finger pier~~ No Mooring Structures, terrace, retaining wall, stairway or other related structures shall be erected on top of or over a seawall Tidal Flood Barrier or Seawall Cap.

(Ord. 94-06, passed 12-14-93; Am. Ord. 2017-69, passed 9-26-17) Penalty, see § 10.99

#### § ~~151.09~~ REQUIRED DISCLOSURE IN CONTRACTS FOR SALE OF REAL ESTATE

In any contract for the sale of real estate located in tidally influenced areas of Broward County executed after December 31, 2021, the seller shall include in the contract or a rider to the contract the following disclosure in not less than fourteen-point, capitalized, bold-faced type:

**THIS REAL ESTATE IS LOCATED IN A TIDALLY INFLUENCED AREA. THE OWNER MAY BE REQUIRED BY COUNTY OR MUNICIPAL ORDINANCE TO MEET MINIMUM TIDAL FLOOD BARRIER ELEVATION STANDARDS DURING CONSTRUCTION OR SUBSTANTIAL REPAIR OR SUBSTANTIAL REHABILITATION OF SEAWALLS, BANKS, BERMS, AND SIMILAR INFRASTRUCTURE OR WHEN REQUIRED TO ABATE NUISANCE FLOODING.**

**§ 151.10 VARIANCES.**

- (A) ~~—(A)—~~ The Zoning Board of Appeals of the City shall hear and decide any variance requests from the regulations contained within this chapter.
- (B) The provisions under 151.03(B)~~—(1)—~~and (C) is prohibited from variances.
- (C) Any such application for variance must first be submitted to the Marine Advisory Board for its review and recommendations.
- (D) ~~—(2)—~~ The procedures, applications, form, timetables, and fees for the filing of a variance from these regulations shall be the same as that provided for a variance from any zoning ordinance as provided in ~~Chapter 155.~~Chapter 155.

(Ord. 98-10, passed 11-25-97)

## CHAPTER 151: BEACHES AND WATERWAYS

### Section

- 151.01 Intent
- 151.02 Permit required
- 151.03 Structures in waterways
- 151.04 Bulkhead lines
- 151.05 Seawalls
- 151.06 Disregard of notice
- 151.07 Backfilling seawalls
- 151.08 Structures on seawalls
- 151.09 Variances

#### § 151.01 INTENT.

The intent of this chapter is to permit construction in, over and upon the waterways within the city of fixed docks, floating docks, floating vessel platforms, wharves, finger piers, boat lifting devices (floating or stationary), dolphin, fender or mooring piles, mooring buoys, and other related structures, which do not interfere with navigation, endanger life or property, or deny the public reasonable access to public waterways. Structures not similar in nature to those listed herein shall be prohibited.

(Ord. 94-06, passed 12-14-93; Am. Ord. 2012-47, passed 6-12-12) Penalty, see § 10.99

#### § 151.02 PERMIT REQUIRED.

(A) It shall be unlawful for any person to construct, erect or install fixed docks, floating docks, wharves, piers, or dolphin piles, mooring piles, or fender piles, mooring buoys or any type of boat lifting device or mooring device, platform or any other fixed or floating structure in, over, or upon the canals, waterways, rivers, or basins within the city without first obtaining an engineering permit from the City Engineer, as provided in this chapter and a building permit from the City Building Official as provided in Chapter 152. The qualified applicant for the proposed work, as defined in F.S. Chapter 489 and Chapter 9 of the Broward County Ordinances, shall also be required to seek the necessary approvals, permits and/or exemptions from the Broward County Environmental Protection and Growth Management Department, Florida Department of Environmental Protection or South Florida Water Management District, United States Army Corps of Engineers, and other governmental agencies as applicable, unless subject to the exceptions set forth in F.S. § 403.813.

(1) Permits shall be required for replacement of structural elements including, but not limited to, pilings, stringers and footers, as well as replacement of more than 25% of decking.

(2) Replacement of 25% or less of existing decking within a calendar year shall be exempt from the requirement to obtain a permit.

(3) Nonconforming docks and other similar marine structures as described above that were properly permitted by the city at the time of initial installation which are destroyed by fire or other casualty or act of God may only be reconstructed in conformity with all current applicable regulations. Nonconforming structures which are damaged or otherwise require maintenance may be repaired and remain in their existing nonconforming configuration, provided such repairs do not require replacement of more than 50% of structural elements including, but not limited to, pilings, stringers and footers, at any one time or collectively within a one-year period. ('58 Code, § 44.01) (Ord. 720, passed 10-14-59; Am. Ord. 66-33, passed 3-21-66; Am. Ord. 73-4, passed 11-8-72; Am. Ord. 94-06, passed 12-14-93; Am. Ord. 2012-47, passed 6-12-12)

(B) The application for a permit prescribed by (A) above shall describe the work to be done, shall include detailed cost information on the value of the proposed work, and the manner in which it is to be done; shall conform with the requirements listed herein; and shall comply in all applicable respects with the requirements of the technical codes of Chapter 152.

(C) The application shall be accompanied by detailed plans and specifications for the structure at the proposed site, together with a site plan or survey showing the location of the proposed structure or alteration in conjunction with adjoining lands, waters and channels. The plans and specifications must be prepared by an engineer licensed in the State of Florida. As-built drawings and final certification of completion and compliance to that engineer's design shall be submitted to the city before the city's final acceptance.

(D) The engineering fee for a permit shall be 4% of the cost of the proposed construction, as submitted by the applicant and as verified by the Building Official or designee, with a minimum fee of \$100.

('58 Code, § 44.01.1) (Ord. 574-A, passed - - )

(Ord. 529, passed - - ; Am. Ord. 63-50, passed 8-6-63; Am. Ord. 94-06, passed 12-14-93; Am. Ord. 2012-47, passed 6-12-12; Am. Ord. 2019-04, passed 10-23-18)

(E) Permit fees for city capital improvement projects. Engineering permit fees shall be waived for the construction of city owned capital improvement projects.

(F) Project cost valuation by city. Should the applicant for the permit fail to supply the Building Official with its detailed cost information, the Building Official shall value the cost of the improvement using information obtained from generally accepted construction cost data publications.

(G) Application for permit. An Engineering Division permit application must be submitted by a qualified applicant, according to Chapter 489 of the Florida Statutes and Chapter 9 of the Broward County Code of Ordinances, for the proposed work.

(H) Double Fee. Any permit applicant who has commenced any construction work for which an engineering permit is required prior to the permit being issued shall be subject to a penalty of 100% of the usual application fee in addition to the required application fees. The payment of the double fee shall not relieve any person, firm, or corporation from compliance with all applicable regulations and codes, nor shall it relieve the person, firm, or corporation from being subject to any of the penalties therein.

(I) Re-inspection fees. If the Engineering Inspector, while performing a partial or final inspection of the construction work, finds that the work does not conform or comply with approved plans or the city's Code of Ordinances, he/she shall notify the contractor or property owner and indicate the required corrections. The contractor or property owner shall notify the Engineering Inspector to request a re-inspection after the required corrections have been made. A re-inspection fee of \$30 will be charged for the re-inspection; however, when an extra inspection is necessary due to any of the below listed reasons, a fee charge of four times the amount of the first re-inspection shall be imposed:

- (1) Wrong address provided for the initial inspection by the permittee or contractor;
- (2) Repairs or correction not completed when re-inspection has been requested;
- (3) Work not ready or job site inaccessible for inspection;
- (4) The final or other inspections could not be performed due to the actions of the permittee or contractor;
- (5) Second or subsequent failed inspection of the same repair/correction.

Payment of re-inspection fees shall be made prior to the issuance of city final inspection and permit close-out. No further inspections will be scheduled or performed until all outstanding re-inspection fees have been paid.

(J) Plan revisions or change of contractor. A fee of \$40 will be charged for all revised plans submitted for review or for a change of contractor application. An estimate of the cost of construction for the additional work shall be submitted with the revised plans. A revised permit and plan approval will be issued for this work. If additional work is shown on the revised plans, a permit fee will be charged based on 4% of the cost of construction of the additional work.

(K) Nonrefundable fees. All permit fees and re-inspection fees are nonrefundable.

(L) Time limitation. Permits shall expire and become null and void if the work authorized by the permit is not commenced within 180 days from the issuance date of the permit, or if such work is commenced and is abandoned or suspended for a period of 90 days. If work has commenced, and the permit becomes null and void or expires because of abandonment or a lack of progress, a new permit for the proposed work shall be obtained before proceeding with the work. If the work covered by the permit has not commenced, or has commenced and been suspended or abandoned, the City Engineer may extend such permit for a single period of 180 days from the date of expiration of the original permit, if request for extension is made prior to the expiration date of the original permit. No permit shall remain valid for a period in excess of two years.

(M) Voided permits. Permits may be voided in the event permit fees or re-inspection fees are not paid in full and/or due to forged signatures, or any false statement or misrepresentation of fact, on permit applications or documents.

(Ord. 2012-47, passed 6-12-12; Am. Ord. 2019-04, passed 10-23- 18) Penalty, see § 10.99

### § 151.03 STRUCTURES IN WATERWAYS.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COMMON DOCKING AREA.** That part of a canal or waterway that is shared by lots adjacent to each other and adjacent or contiguous to a canal or waterway and created when boundary lot lines intersect when extended into a canal or waterway, but excluding the navigational channel area.

**LOT.** Shall be defined in this subsection (A) as it presently or as it may hereafter be amended in Chapter 155.

**MEASUREMENT REFERENCE LINE.** A measurement standard utilized for the purpose of distance measurement for structures in waterways regulated under this section, where a recorded property line of the adjacent waterfront property is either landward or seaward of the wet face of an existing seawall by one foot or more; in such instance, the wet face of the existing seawall is to be utilized as the reference line for distance measurement into the waterway for such structures; in all other instances, the reference line is the recorded property line.

**REVERSE CORNER LOT.** Any lot when its boundary line abutting a canal or waterway is concave.

(B) In a canal, river, basin or waterway 50 feet in width or less, wharves, finger piers, fixed docks, floating docks, boat lifts (floating or stationary), floating vessel platforms, dolphin, fender or mooring piles, mooring buoys or any other structures shall not be constructed or installed more than five feet waterward of the recorded property line or measurement reference line.

(C) In a canal, river, basin or waterway which is more than 50 feet in width, wharves, finger piers, fixed docks, floating docks, boat lifts (floating or stationary), floating vessel platforms, dolphin, fender or mooring piles, and/or mooring buoys must be constructed or installed pursuant to the following conditions provided that the navigational channel is not encroached upon:

(1) For the purpose of this section, the **NAVIGATIONAL CHANNEL** shall be defined as the 45% of the width of a canal, river, basin, or waterway with a minimum width of 40 feet. 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 seawall 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.

(2) Fixed boat docks, floating docks or wharves may be constructed or installed to extend into any canal, river, basin, or waterway a distance of 10% of the width of the canal, river, basin, or waterway or a distance of eight feet whichever is less, as measured from the recorded property line or measurement reference line.

(3) Fixed finger piers and floating finger piers may be constructed or erected to extend into any canal, river, basin, or waterway a distance of 20% of the width of the canal, river, basin, or waterway or a distance of 20 feet, whichever is less, as measured from the recorded property line or measurement property line. A finger pier (floating or stationary) shall not be constructed to a width greater than four feet. The distance between finger piers shall not be less than 25 feet.

(4) Boat davits, elevator lifts, cradle lifts, floating lifts, floating platforms used for the express purpose of storing a watercraft out of the water or any other similar form of boat lifting device may be constructed or installed to extend into any canal, river, basin, or waterway, in a fully raised position, a distance equal to 20% of the width of the canal, river, basin, or waterway or a distance of 20 feet, whichever is less, as measured from the recorded property line or measurement reference line.

(5) If an elevator lift is permitted and built, an access platform may be constructed pursuant to an approved permit to facilitate access to vessels when the lift is in the down position. Said access platform, attached to an approved dock structure, shall be limited to the spacing between the battered support beams of the elevator and shall not extend more than three feet beyond the dock into the waterway or exceed ten feet in width. Said access platform is deemed an accessory to the elevator lift and its authorized placement is contingent upon the existence of a permitted and properly operating lift at the location. Should the lift fall into disrepair and no longer function or is removed and not replaced, then an approved existing access platform must be removed if it causes the dock structure to exceed any of the size restrictions set forth in this section, including but not limited to, the requirements of subsection (C)(2) above.

(6) In a canal, river, basin or waterway less than 150 feet, but more than 50 feet in width, dolphin, mooring, or fender piles and/or mooring buoys may not be installed in any canal, river, basin, or waterway any further than the navigation channel boundary line as measured from the recorded property line or measurement property line. In a canal, river, basin or waterway 150 feet or greater in width, dolphin, mooring, or fender piles and/or mooring buoys may not be installed in any canal, river, basin, or waterway any further than 40 feet as measured from the recorded property line or measurement property line. Dolphin, mooring, and fender piles shall have a six

inch wide fluorescent or reflective band placed two feet below the top of the piling. Mooring buoys shall have a reflective band a minimum of four inches wide. The minimum spacing between dolphin, fender, and/or mooring piles shall be ten feet.

(7) No roofs or similar covering structures may be installed in, over, or upon any canal, river basin, or waterway within the city. This shall include covered structures over docks and boatlifts.

(D) No fixed docks, floating docks, wharves, finger piers, boat lifts (floating or stationary), mooring devices, dolphin, mooring or fender piles, mooring buoys or other similar structures may be erected or installed within five feet of an extended side property line or cause a watercraft to extend within five feet of an extended side property line unless the following conditions have been met prior to any permit being issued pursuant to the terms of this section:

(1) The affected abutting property owners shall enter into an agreement with the city which states the property owners have reviewed and approved the proposed plans as they relate to the placement of any structure which is erected within five feet of the extended property line and the owners indemnify the city for any claim brought against the city for the placement of structures installed within five feet of the extended property line. The agreement shall be approved by the Office of the City Attorney for legal content and recorded 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.

(2) The width of the canal, river, basin or waterway along which the structure is erected must have a minimum width of 50 feet.

(3) No boat lifts (floating or stationary) shall be erected within five feet of the extended property line.

(4) Watercraft shall not be docked within five feet of the extended property line.

(5) Fire suppression systems shall be installed in accordance with all applicable fire codes.

(E) Fixed boat docks, floating docks, wharves, or finger piers shall not be constructed or erected so as to cause the elevation of the deck to exceed the elevation of the top of the abutting seawall.

(F) In addition to the requirements contained in subsections (A) through (D), if two or more lots share a common docking area, in lieu of provisions found in subsections (D)(1) - (5), the following conditions must be met prior to any permit being issued under the terms of this section. The affected property owners shall enter into an agreement with the city which shall state the property owners have reviewed and approved the proposed plans as it relates to the placement of any structure in the common docking area as well as the proposed docking of any boat or watercraft as permitted in § 91.10. The agreement shall be approved by the Office of the City Attorney for legal content and recorded 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.

(G) The provisions of subsections (B) through (F) shall not apply where a court of competent jurisdiction has adjudicated the docking rights of the adjoining property owners.

(H) Any structure erected pursuant to this section shall be kept in good repair by the owner thereof and shall be subject to removal by the city in the event that they are unsafe or create a hazard to navigation as determined by the City Engineer or City Building Inspector, the cost thereof to be assessed against the owner. However, opportunity for notice and a hearing shall be afforded to the owner prior to such removal by the city.

(I) For the purpose of this section, TERMINUS shall mean the ending point or boundary limit of a dead-end canal, river, basin or waterway.

(J) Diagrams which document examples of the different docking provisions and waterways described by this section shall be maintained by and with the Code Enforcement Division.

('58 Code, § 44.01) (Ord. 529, passed - - ; Am. Ord. 63-50, passed 8-6-63; Am. Ord. 66-33, passed 3-21-66; Am. Ord. 73-4, passed 11-8-72; Am. Ord. 94-06, passed 12-14-93; Am. Ord. 96-8, passed 11-7-95; Am. Ord. 96-80, passed 7-9-96; Am. Ord. 2006-48, passed 7-11-06; Am. Ord. 2012-47, passed 6-12-12; Am. Ord. 2013-30, passed 12-11-12; Am. Ord. 2017-09, passed 12-13-16; Am. Ord. 2018- 57, passed 5-22-18; Am. Ord. 2019-04, passed 10-23-18) Penalty, see § 10.99

#### § 151.04 BULKHEAD LINES.

There is hereby established in Hillsboro Bay, a bulkhead line the legal description and location of which is as more fully shown on that drawing dated November 19, 1965, and bearing drawing No. PB-28-65, a copy of which is made a part hereof as if set forth in full, and is on file in the office of the City Clerk. This section and the creation of any bulkhead or bulkhead line in accord with the provisions hereof shall in no way affect required front,



side, or rear yards or other similar building setback lines applicable to the property abutting the bulkhead or bulkhead line under other provisions of this code.

('58 Code, § 44.01.2) (Ord. 66-40, passed 4-4-66; Am. Ord. 94-06, passed 12-14-93)

#### § 151.05 SEAWALLS.

(A) Whenever it shall come to the attention of the City Engineer or the City Building Inspector that any property adjacent to any natural or artificial canal, stream, or other body of water requires the construction of or maintenance of a seawall on the property in order to abate a public nuisance or abate a condition which is injurious to the health, safety, or welfare of the neighborhood or community or dangerous to the navigability of any canal, stream, or other body of water or to abate a condition causing soil erosion or mitigation of soil to such body of water the City Engineer or Building Official shall inspect the premises. The City Engineer or the City Building Official of the city shall give to the owner or person having a beneficial interest in the property notice of the condition. This notice shall require the owner or person having beneficial interest in the property to obtain all necessary approvals and permits to abate the condition and to complete construction or repair. Proper service shall be as set forth in F.S. Ch. 162 and Chapter 37 of this code. In the event that after a hearing before the Pompano Beach Special Magistrate for Code Enforcement a violation of this section is found, the Special Magistrate shall hear testimony by the alleged violator and the Pompano Beach Building Official or City Engineer or their designees prior to setting a time for compliance. Such testimony shall include a listing of the regulatory agencies which will be involved in the permitting process and the magnitude of the work which will be involved to abate the condition.

(B) For the purposes of this chapter, a SEAWALL shall mean a man-made structure that is built along and parallel to a shoreline for the purpose of protecting and stabilizing the shore against erosion and wave action. A SEAWALL shall also include, for the purpose of this chapter, riprap to protect and stabilize the shore against erosion and wave action, and shall be designed by a professional engineer registered in the state.

(C) The desired elevation of seawalls shall not exceed an elevation of five feet ten inches NAVD 88. Persons desiring to construct or repair a seawall shall obtain all required permits and furnish a plan to the City Engineer for approval, which are prepared by an engineer in the State of Florida, showing elevations or proposed and adjacent seawalls referenced to North American Vertical Datum of 1988 (NAVD 88).

('58 Code, § 44.01.3) (Ord. 70-19, passed 2-17-70; Am. Ord. 85-19, passed 1-29-85; Am. Ord. 90-30, passed 2-6-90; Am. Ord. 91-52, passed 5-7-91; Am. Ord. 94-06, passed 12-14-93; Am. Ord. 2012-47, passed 6-12-12; Am. Ord. 2017-69, passed 9-26-17) Penalty, see § 10.99

#### § 151.06 DISREGARD OF NOTICE.

(A) It shall be an offense and a violation of this code to refuse or fail to commence or complete repair or construction of the seawall as set forth in the notice received by the property owner or the person having a beneficial interest in the property pursuant to § 151.05 herein.

('58 Code, § 44.01.6)

(B) No building permits shall be issued for any construction, enlargement, alteration, repairing, moving, removing, installation, or demolishing or other such work on any building, structure, or any part thereof (other than the required seawall) until the owner or the one having beneficial interest has complied with all provisions herein or any order of the Code Enforcement Board of the city.

('58 Code, § 44.01.7)

(Ord. 72-49, passed 6-27-72; Am. Ord. 85-19, passed 1-29-85; Am. Ord. 94-06, passed 12-14-93) Penalty, see § 10.99

#### § 151.07 BACKFILLING SEAWALLS.

(A) All existing seawalls and newly erected or repaired seawalls on private property shall be backfilled with clean fill material. The fill material shall be backfilled to the finished elevation of the seawall. There shall be no depressions, holes, or any other conditions which would allow stagnant water to accumulate anywhere landward behind the seawall, or cause excess or concentrated drainage into the adjoining property.

(B) Existing seawalls shall be maintained in such a manner as to prevent the erosion or damage to any adjoining property. All holes, depressions, or other similar conditions occurring on property behind existing

seawalls as a result of settlement, erosion, or any other condition of the soil or seawall shall be filled and maintained at the finished elevation of the seawall.

('58 Code, § 44.01) (Ord. 529, passed - - ; Am. Ord. 66-33, passed 3-21-66; Am. Ord. 73-4, passed 11-8-72; Am. Ord. 85-19, passed 1-29-85; Am. Ord. 94-06, passed 12-14-93; Am. Ord. 2019- 04, passed 10-23-18) Penalty, see § 10.99

§ 151.08 STRUCTURES ON WALLS.

No dock, deck, finger pier, terrace, retaining wall, stairway or other related structures shall be erected on top of or over a seawall.

(Ord. 94-06, passed 12-14-93; Am. Ord. 2017-69, passed 9-26-17) Penalty, see § 10.99

§ 151.09 VARIANCES.

(A) The Zoning Board of Appeals of the City shall hear and decide any variance requests from the regulations contained within this chapter.

(B) (1) Any such application for variance must first be submitted to the Marine Advisory Board for its review and recommendations.

(2) The procedures, applications, form, timetables, and fees for the filing of a variance from these regulations shall be the same as that provided for a variance from any zoning ordinance as provided in Chapter 155.

(Ord. 98-10, passed 11-25-97)

## SUMMARY OF AMENDMENTS CHAPTER 91.10

### 91.10 DOCKING AND LIVE ABOARD VESSELS:

- **91.10(A)** Consolidate the existing defined terms used throughout the existing chapter 91.10. Add the term vessel. Incorporate the County definitions of; mooring structure, rip-rap, shoreline and tidal flood barrier.
- **91.10(B)** Insertion of existing code regarding live aboard vessels.
- **91.10(C)** Adding the correct defined term mooring structures. Adding the phrase single-family and multifamily to clarify the meaning of residentially zoned districts.
- **91.10(D)(1)** Adding the correct defined term vessel.
- **91.10(D)(2)** Consolidate existing provisions for the prohibition of rafting of vessels. Add to provision applicability to multi-family and commercial zoned lots.
- **91.10(D)(3)** Adding the correct defined terms vessels and mooring structures.
- **91.10(D)(3)(A)** Adding the correct defined terms Vessels, rip-rap, shoreline, tidal flood barrier.
- **91.10(E)** Adding the correct defined terms vessel, mooring structure. Adding the already existing provision (to clarify) that no vessel or watercraft shall be docked in any canal or waterway in such a manner as to have any part of the vessel or watercraft is extended within five feet of an extended side boundary lot line or encroach into the navigational channel.
- **91.10(E)(1)** Adding the correct defined terms, vessel, mooring structure, tidal flood barrier, rip-rap or shoreline.
- **91.10(E)(2)** Adding the correct defined term, common docking area.
- **91.10(E)(3)** Adding the correct defined term, vessel.
- **91.10(E)(4)** Adding the correct defined term, vessel.
- **91.10(E)(5)** Adding the correct defined terms, vessel, Shoreline, tidal flood barrier and rip-rap.
- **91.10(F)** Adding the correct defined terms, vessel, tidal flood barrier, shoreline and rip-rap.

### 91.11 WATERWAYS OR CANALS:

- **91.11** Adding the correct defined term vessel. Correct reference to 155.4215

## AMENDED CHAPTER 91: VESSELS AND WATER RECREATION

### § 91.10 DOCKING AND LIVING ABOARD VESSELS.

- (A) For the purposes of this article, the following terms, phrases, words, and their derivation shall have the meanings given herein, except when the context clearly indicates a different meaning. In the interpretation and application of this article, the definitions provided for herein shall control over definitions which that may be included in other documents or manuals, including, but not limited to, the Florida Building Code. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and the word "may" is permissive.

**COMMON DOCKING AREA.** The Terminus of a canal river basin or waterway, excluding the Navigational Channel, that is shared by Lots adjacent to each other and created when the outer boundary Lot lines intersect with the adjacent shared Lot line when extended into a canal or waterway.

**LIVE ABOARD VESSELS** means any Vessel used solely as a residence; or any Vessel represented as a place of business, a professional or other commercial enterprise, or a legal residence. However, the definition of **LIVE ABOARD** shall not apply to Vessels falling under the definition of **WATER TAXIS** as set forth in § 91.14(A).

**LOT** shall be defined as it is presently or as it may hereafter be amended in Chapter 155.4215

**MOORING STRUCTURE** means a Vessel dock, slip, davit, hoist, Vessel lift, floating Vessel platform, personal watercraft/jet ski platform, mooring pile or similar structures attached to land or a Tidal Flood Barrier, to which a Vessel can be moored.

**NAVIGATIONAL CHANNEL** shall be defined as the 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.

**RAFTING** shall mean a first Vessel being docked or moored at a Tidal Flood Barrier, Rip-Rap or Shoreline of a dock and a second Vessel being docked at the same Tidal Flood Barrier, Rip-Rap or Shoreline but distant from the Tidal Flood Barrier, Rip-Rap or Shoreline so that the first Vessel is in between the second Vessel and the seawall.

**REVERSE CORNER LOT** means any Lot when its boundary line abutting a canal or waterway that is concave.

**RIP-RAP** means a foundation of unconsolidated boulders, stone, rubble, concrete without protruding rebar or similar materials placed on or near a Shoreline to mitigate wave impacts and prevent erosion.

**SHORELINE** means the tidally influenced area where land meets water.

**TERMINUS** means the ending point of a canal, river, basin, or waterway and where the Lots located at said ending point have been platted or designed or developed in such a way that the longest Shoreline of any Lot abutting the canal, river, basin or waterway, is 30 feet or less, and, where it is impossible for said Vessel or watercraft to be docked parallel to the Tidal Flood Barrier, Rip Rap or Shoreline.

**TIDAL FLOOD BARRIER** means any structure or Shoreline feature, including but not limited to, berms, canal banks, green-grey infrastructure, Mooring Structures, seawalls, seawall caps, upland stem walls, or other infrastructure that impedes tidal waters from flowing onto adjacent property or public rights- of-way, located within

or along a tidally-influenced area. This definition is not meant to include rip rap, derelict erosion control structures or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding.

**VESSEL** means a watercraft used or capable of being used as a means of transportation on water, except:

1. A seaplane;
  2. An amphibious vehicle for which a certificate of title is issued pursuant to FS chapter 319 or a similar statute of another state;
  3. Non-motor-powered watercraft less than 16 feet in length;
  4. Watercraft that operate only on a permanently fixed, manufactured course and the movement of which is restricted to or guided by means of a mechanical device to which the watercraft is attached or by which the watercraft is controlled.
  5. A stationary floating structure that:
    - a. Does not have and is not designed to have a mode of propulsion of its own;
    - b. Is dependent for utilities upon a continuous utility hookup to a source originating on shore; and
    - c. Has a permanent, continuous hookup to a shoreside sewage system;
  6. Watercraft owned by the United States, a state, or a foreign government or a political subdivision of any of them; and
  7. Watercraft used solely as a lifeboat on another watercraft.
- (B) It shall be unlawful for any person to live aboard any Vessel or other waterborne craft or structure, unless the Vessel or watercraft is docked at a marina, as defined in § 155.4215 of this code.
- (C) The use of a Mooring Structure other than as accessory to the principal residential use of the property in residentially zoned districts (single-family and multifamily) within the city is prohibited. This includes, but shall not necessarily be limited to, the prohibition of boarding cruise parties or charter parties at a Mooring Structure located at or adjacent to a residentially zoned property (single-family and multifamily) within the city, except that this provision shall not be construed to prohibit such parties on private pleasure craft or the pick-up or drop-off of passengers by a water taxi that has obtained a business tax receipt from the city.
- (D) Dockage
- (1) In canals or waterways adjacent to single-family, multi-family and commercial zoned Lots where the property is improved and has been issued a Certificate of Occupancy for single-family, multi-family and commercial use or in canals or waterways adjacent to property which has been improved and issued a Certificate of Occupancy for single-family, multi-family and commercial use, docking of Vessels or watercraft shall be permitted, provided that no Vessel or watercraft shall be docked in any canal or waterway in such a manner as to have any part of the Vessel or watercraft extended within five feet of an extended side boundary Lot line or encroach into the Navigational Channel.
  - (2) In canals or waterways adjacent to single-family, multi-family and commercial zoned Lots where the property is improved and has been issued a Certificate of Occupancy for single-family, multi-family and commercial use or in canals or waterways adjacent to property which has been improved and issued a Certificate of Occupancy for single-family, multi-family and commercial use, there shall be no Rafting of Vessels so that only one Vessel may be docked or moored at any given space at a Lot or Tidal Flood Barrier Rip-Rap or Shoreline. It is not intended that this provision shall prohibit the temporary Rafting of the Vessel of a house guest for up to one 24- hour visit in a seven-day period; nor is it intended that this shall prohibit Vessels from docking one behind or in front of the other, each adjacent to and parallel to the Tidal Flood Barrier, Rip-Rap or Shoreline but only that no two or more Vessels shall be rafted. It is immaterial whether the second Vessel is tied to the first Vessel or directly to the Tidal Flood Barrier Rip Rap, Shoreline or Mooring Structure.
  - (3) In canals or waterways adjacent to single-family zoned Lots where the property is improved and has been issued a Certificate of Occupancy for single-family use or in canals or waterways adjacent to property which has been improved and issued a Certificate of Occupancy for single-family use, mooring of Vessels or watercraft at or on a Mooring Structure shall be permitted under the following conditions.

- (a) Unless otherwise provided for in this subsection, all Vessels or watercraft located in any canal or waterway shall be docked parallel to the Tidal Flood Barrier, Rip Rap or Shoreline. However, where the Tidal Flood Barrier, Rip Rap or Shoreline is curved or does not form a straight line or is a Reverse Corner Lot and it is impossible for the Vessel or watercraft to be docked parallel to the Tidal Flood Barrier, Rip Rap or Shoreline, the Vessel or watercraft shall be docked as parallel as possible.
- (E) The parallel docking restriction of Vessels or watercraft located in a canal or waterway adjacent to single-family zoned Lots where the property is improved and has been issued a Certificate of Occupancy for single-family use or in canals or waterways adjacent to property which has been improved and issued a Certificate of Occupancy for single-family mooring of Vessels or watercraft at or on a Mooring Structure, shall not apply in the following situations; however, all other applicable restrictions must be met.
1. Where the city or other applicable and authorized agency has issued a permit for a Mooring Structure or other such structure for the purpose of docking of Vessels or watercraft perpendicular to a Tidal Flood Barrier, Rip Rap or Shoreline prior to December 14, 1993, and where the Mooring Structure is in conformance with the approved plans.
  2. Where the property owners within a Common Docking Area, along the city have executed and recorded the proper documents as provided for in § 151.03(I), or the City Engineer has divided the Common Docking Area from the seaward intersection of the extended Lot lines to the wet face of the Tidal Flood Barriers or Rip-Rap corner of the adjoining Lots as provided for in 151.03(I)(2).
  3. Up to four personal watercraft, which for purposes of this section are defined as Vessels less than thirteen feet in length, which use either an outboard or an inboard motor powered by a jet pump as its primary source of propulsion, provided that the personal watercraft are stored out of the water on a floating platform which is in compliance with Chapter 151.
  4. Where a court of competent jurisdiction has adjudicated the docking rights of the adjoining property owners.
  5. Any Vessel or watercraft docked at the Terminus of a dead-end canal or waterway and where the Lots located at said ending point have been platted or designed or developed in such a way that the longest Shoreline of any Lot abutting the canal, river, basin, or waterway is thirty feet or less, and, where it is impossible for said Vessel or watercraft to be docked parallel to the Tidal Flood Barrier, Rip Rap or Shoreline. Any and all Vessels or watercraft so situated shall be docked as parallel as possible to the Tidal Flood Barrier, Rip Rap or Shoreline, however, all other applicable restrictions must be met.
- (F) Nothing contained in this subsection (E) shall prohibit the docking of Vessels or watercraft parallel to the Tidal Flood Barrier, Rip Rap or Shoreline provided all the applicable restrictions have been met.
- (G) Diagrams which document examples of the different docking provisions described by this section are to be maintained by and with the Code Enforcement Division.

('58 Code, § 6A.16) (Ord. 72-48, passed 6-27-72; Am. Ord. 78-53, passed 5-9-78; Am. Ord. 92-47, passed 6-23-92; Am. Ord. 94-06, passed 12-14-93; Am. Ord. 96-8, passed 11-7-95; Am. Ord. 96-80, passed 7-9-96; Am. Ord. 97-32, passed 1-28-97; Am. Ord. 2007-57, passed 7-10-07; Am. Ord. 2017-70, passed 9-26-17; Am. Ord. 2018-57, passed 5-22-18) Penalty, see § 10.99

### **§ 91.11 WATERWAYS OR CANALS.**

No dredge or Vessel used for commercial purposes, i.e., selling of items from the Vessel, shall be allowed to be or remain docked in any of the waterways or canals within the city limits for more than six hours, except when the dredge or Vessel is docked in a marina, as defined in § 155.4215 of this code.

## REDLINE AMENDED CHAPTER 91: VESSELS AND WATER RECREATION

### § 91.10 DOCKING AND LIVING ABOARD ~~BOATS~~VESSELS.

(A) For the purposes of this article, the following terms, phrases, words, and their derivation shall have the meanings given herein, except when the context clearly indicates a different meaning. In the interpretation and application of this article, the definitions provided for herein shall control over definitions which that may be included in other documents or manuals, including, but not limited to, the Florida Building Code. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and the word "may" is permissive.

**COMMON DOCKING AREA.** The Terminus of a canal river basin or waterway, excluding the Navigational Channel, that is shared by Lots adjacent to each other and created when the outer boundary Lot lines intersect with the adjacent shared Lot line when extended into a canal or waterway.

~~—(A) It shall be unlawful for any person to live aboard any boat or other waterborne craft, unless the boat or watercraft is docked at a marina.~~ **LIVE ABOARD BOATS**~~**LIVE ABOARD VESSELS**~~ means any ~~vessel~~Vessel used solely as a residence; or any ~~vessel~~Vessel represented as a place of business, a professional or other commercial enterprise, or a legal residence. However, the definition of **LIVE ABOARD** shall not apply to ~~vessels~~Vessels falling under the definition of **WATER TAXIS** as set forth in § ~~91.14~~91.14(A).

LOT shall be defined as it is presently or as it may hereafter be amended in Chapter 155.4215

**MOORING STRUCTURE** means a Vessel dock, slip, davit, hoist, Vessel lift, floating Vessel platform, personal watercraft/jet ski platform, mooring pile or similar structures attached to land or a Tidal Flood Barrier, to which a Vessel can be moored.

**NAVIGATIONAL CHANNEL** shall be defined as the 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.

**RAFTING** shall mean a first Vessel being docked or moored at a Tidal Flood Barrier, Rip-Rap or Shoreline of a dock and a second Vessel being docked at the same Tidal Flood Barrier, Rip-Rap or Shoreline but distant from the Tidal Flood Barrier, Rip-Rap or Shoreline so that the first Vessel is in between the second Vessel and the seawall.

**REVERSE CORNER LOT** means any Lot when its boundary line abutting a canal or waterway that is concave.

**RIP-RAP** means a foundation of unconsolidated boulders, stone, rubble, concrete without protruding rebar or similar materials placed on or near a Shoreline to mitigate wave impacts and prevent erosion.

**SHORELINE** means the tidally influenced area where land meets water.

**TERMINUS** means the ending point of a canal, river, basin or waterway and where the Lots located at said ending point have been platted or designed or developed in such a way that the longest Shoreline of any Lot abutting the canal, river, basin or waterway, is 30 feet or less, and, where it is impossible for said Vessel or watercraft to be docked parallel to the Tidal Flood Barrier, Rip Rap or Shoreline.

**TIDAL FLOOD BARRIER** means any structure or Shoreline feature, including but not limited to, berms, canal banks, green-grey infrastructure, Mooring Structures, seawalls, seawall caps, upland stem walls, or other infrastructure that impedes tidal waters from flowing onto adjacent property or public rights- of-way, located

within or along a tidally-influenced area. This definition is not meant to include rip rap, derelict erosion control structures or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding.

**VESSEL** means a watercraft used or capable of being used as a means of transportation on water, except:

1. A seaplane;
2. An amphibious vehicle for which a certificate of title is issued pursuant to FS chapter 319 or a similar statute of another state;
3. Non-motor-powered watercraft less than 16 feet in length;
4. Watercraft that operate only on a permanently fixed, manufactured course and the movement of which is restricted to or guided by means of a mechanical device to which the watercraft is attached or by which the watercraft is controlled.
5. A stationary floating structure that:
  - a. Does not have and is not designed to have a mode of propulsion of its own;
  - b. Is dependent for utilities upon a continuous utility hookup to a source originating on shore; and
  - c. Has a permanent, continuous hookup to a shoreside sewage system;
6. Watercraft owned by the United States, a state, or a foreign government or a political subdivision of any of them;  
and
7. Watercraft used solely as a lifeboat on another watercraft.

(B) It shall be unlawful for any person to live aboard any Vessel or other waterborne craft or structure, unless the Vessel or watercraft is docked at a marina, as defined in § 155.4215 of this code.

~~C —(B)~~ The use of ~~docks~~ a Mooring Structure other than as accessory to the principal residential use of the property in residentially- zoned districts (single-family and multifamily) within the city is prohibited. This includes, but shall not necessarily be limited to, the prohibition of boarding cruise parties or charter parties at a ~~dock~~ Mooring Structure located at or adjacent to a residentially- zoned property (single-family and multifamily) within the city, except that this provision shall not be construed to prohibit such parties on private pleasure craft or the pick-up or drop-off of passengers by a water taxi that has obtained a business tax receipt from the city.

~~D. —(C)~~ Dockage.

~~(1) —(1)~~ In canals or waterways adjacent to single- family, multi-family and commercial zoned ~~lots~~ Lots where the property is improved and has been issued a Certificate of Occupancy for single-family, multi-family and commercial use or in canals or waterways adjacent to property which has been improved and issued a Certificate of Occupancy for single-family, multi-family and commercial use, docking of ~~boats~~ Vessels or watercraft shall be permitted, provided that no ~~boat~~ Vessel or watercraft shall be docked in any canal or waterway in such a manner as to have any part of the ~~boat~~ Vessel or watercraft extended within five feet of an extended side boundary ~~lot~~ Lot line or encroach into the ~~“navigational channel” as defined in Chapter 151.~~ Navigational Channel.

~~(2) —(2)~~ In canals or waterways adjacent to single- family, multi-family and commercial zoned ~~lots~~ Lots where the property is improved and has been issued a Certificate of Occupancy for single-family, multi-family and commercial use or in canals or waterways adjacent to property which has been improved and issued a Certificate of Occupancy for single-family ~~docking of boats or watercraft,~~ multi-family and commercial use, there shall be no Rafting of Vessels so that only one Vessel may be docked or moored at any given space at a Lot or Tidal Flood Barrier Rip-Rap or Shoreline. It is not intended that this provision shall prohibit the temporary Rafting of the Vessel of a house guest for up to one 24- hour visit in a seven-day period; nor is it intended that this shall prohibit Vessels from docking one behind or in front of the other, each adjacent to and parallel to the Tidal Flood Barrier, Rip-Rap or Shoreline but only that no two or more Vessels shall be rafted. It is immaterial whether the second Vessel is tied to the first Vessel or directly to the Tidal Flood Barrier Rip Rap, Shoreline or Mooring Structure.



(3) In canals or waterways adjacent to single-family zoned Lots where the property is improved and has been issued a Certificate of Occupancy for single-family use or in canals or waterways adjacent to property which has been improved and issued a Certificate of Occupancy for single-family use, mooring of Vessels or watercraft at or on a Mooring Structure shall be permitted under the following conditions.

(a) — (a)—Unless otherwise provided for in this subsection, all ~~boats~~Vessels or watercraft located in any canal or waterway shall be docked parallel to the ~~seawall or shoreline~~Tidal Flood Barrier, Rip Rap or Shoreline. However, where the ~~seawall or shoreline~~Tidal Flood Barrier, Rip Rap or Shoreline is curved or does not form a straight line or is a Reverse Corner Lot and ~~where~~ it is impossible for the ~~boat~~Vessel or watercraft to be docked parallel to the ~~seawall or shoreline~~the boatTidal Flood Barrier, Rip Rap or Shoreline, the Vessel or watercraft shall be docked as parallel as possible.

(E) — (b)—The parallel docking restriction ~~for boats~~of Vessels or watercraft located in a canal or waterway adjacent to single-family zoned Lots where the property is improved and has been issued a Certificate of Occupancy for single-family use or in canals or waterways adjacent to property which has been improved and issued a Certificate of Occupancy for single-family mooring of Vessels or watercraft at or on a Mooring Structure, shall not apply in the following situations; however, all other applicable restrictions must be met:.

1. — 1.—Where the city or other applicable and authorized agency has issued a permit for a ~~deck, wharf, pier, dolphin mooring~~Mooring Structure or other such structure for the purpose of docking of ~~boats~~Vessels or watercraft perpendicular to a ~~seawall or shoreline~~Tidal Flood Barrier, Rip Rap or Shoreline prior to December 14, 1993, and where the ~~structure~~Mooring Structure is in conformance with the approved plans.

2. — 2.—Where the property owners within a Common Docking Area, along the city have executed and recorded the proper documents as provided for in § ~~151.03~~151.03(F). or the City Engineer has divided the Common Docking Area from the seaward intersection of the extended Lot lines to the wet face of the Tidal Flood Barriers or Rip-Rap corner of the adjoining Lots as provided for in 151.03(I)(2).

3. Where a court of competent jurisdiction has adjudicated the docking rights of the adjoining property owners.

~~4. Any boat or watercraft docked at the terminus of a dead-end canal or waterway. For the purpose of this subsection TERMINUS shall mean the ending point of a canal, river, basin or waterway and where the lots located at said ending point have been platted or designed or developed in such a way that the longest shoreline of any lot abutting the canal, river, basin or waterway, is 30 feet or less, and, where it is impossible for said boat or watercraft to be docked parallel to the shoreline or seawall. Any and all boats or watercraft so situated shall be docked as parallel as possible to the shoreline or seawall.~~

~~5. Any boat or watercraft docked at a REVERSE CORNER LOT, as defined as it is presently or as it may hereafter be amended, in Chapter 151.~~

4. — 6.—Up to four personal watercraft, which for purposes of this section are defined as ~~vessels~~Vessels less than thirteen feet in length, which use either an outboard or an inboard motor powered by a jet pump as its primary source of propulsion, provided that the personal watercraft are stored out of the water on a floating platform which is in compliance with ~~Chapter 151.~~Chapter 151.

~~7. Nothing contained in this subsection (C) shall prohibit the docking of boats or watercraft parallel to the seawall or shoreline provided all the applicable restrictions have been met.~~

~~(3) On single family zoned lots where the property is improved and has been issued a Certificate of Occupancy for a single family use and which are adjacent to a canal or waterway, all boats or watercraft which are raised above the waterline by any means, mechanical or otherwise, shall be governed by the following:~~

5. Where a court of competent jurisdiction has adjudicated the docking rights of the adjoining property owners.

~~— (a) No part of any boat or watercraft as provided for in this subsection (C) shall be perpendicular to the seawall or shoreline. However, where the seawall or shoreline is curved or does not form a straight line~~Any Vessel or watercraft docked at the Terminus of a dead-end canal or waterway and where the Lots located at said ending point have been platted or designed or developed in such a way that the longest Shoreline of any Lot abutting the canal, river, basin, or waterway is thirty feet or less, and, where it is impossible for ~~the boat~~said Vessel or watercraft to be docked parallel to the ~~seawall or shoreline, the boat~~Tidal Flood Barrier, Rip Rap or Shoreline. Any and all Vessels or watercraft so situated shall be docked as parallel as possible. to the Tidal Flood Barrier, Rip Rap or Shoreline, however, all other applicable restrictions must be met.

~~(b) For purposes of this section~~ LOT shall be defined as it is presently or as it may hereafter be amended in Chapter 155.

~~— (4) There shall be no rafting of boats so that only one boat may be docked or moored at any given space at a lot or seawall. It is not intended that this provision shall prohibit the temporary rafting of the boat of a house guest for up to one 24-hour visit in a seven-day period; nor is it intended that this shall prohibit vessels from docking one behind or in front of the other, each adjacent to and parallel to the seawall but only that no two or more boats shall be rafted. RAFTING shall mean a first vessel being docked or moored at a seawall of a dock and a second vessel being docked at the same seawall but distant from the seawall so that the first vessel is in between the second vessel and the seawall. It is immaterial whether the second vessel is tied to the first vessel or directly to the seawall or dock.~~

(F) Nothing contained in this subsection (E) shall prohibit the docking of Vessels or watercraft parallel to the Tidal Flood Barrier, Rip Rap or Shoreline provided all the applicable restrictions have been met.

(G) — (5) Diagrams which document examples of the different docking provisions described by this section are to be maintained by and with the Code Enforcement Division.

('58 Code, § 6A.16) (Ord. 72-48, passed 6-27-72; Am. Ord. 78-53, passed 5-9-78; Am. Ord. 92-47, passed 6-23-92; Am. Ord. 94-06, passed 12-14-93; Am. Ord. 96-8, passed 11-7-95; Am. Ord. 96-80, passed 7-9-96; Am. Ord. 97-32, passed 1-28-97; Am. Ord. 2007-57, passed 7-10-07; Am. Ord. 2017-70, passed 9-26-17; Am. Ord. 2018-57, passed 5-22-18) Penalty, see § 10.99

§ 91.11 WATERWAYS OR CANALS.

No dredge or Vessel used for commercial purposes, i.e., selling of items from the Vessel, shall be allowed to be or remain docked in any of the waterways or canals within the city limits for more than six hours, except when the dredge or Vessel is docked in a marina, as defined in § 155.4215 of this code.

§ 91.10 DOCKING AND LIVING ABOARD BOATS.

(A) It shall be unlawful for any person to live aboard any boat or other waterborne craft, unless the boat or watercraft is docked at a marina. LIVE ABOARD BOATS means any vessel used solely as a residence; or any vessel represented as a place of business, a professional or other commercial enterprise, or a legal residence. However, the definition of LIVE ABOARD shall not apply to vessels falling under the definition of WATER TAXIS as set forth in § 91.14(A).

(B) The use of docks other than as accessory to the principal residential use of the property in residentially-zoned districts within the city is prohibited. This includes, but shall not necessarily be limited to, the prohibition of boarding cruise parties or charter parties at a dock located at or adjacent to a residentially-zoned property within the city, except that this provision shall not be construed to prohibit such parties on private pleasure craft or the pick-up or drop-off of passengers by a water taxi that has obtained a business tax receipt from the city.

(C) Dockage.

(1) In canals or waterways adjacent to single- family, multi-family and commercial zoned lots where the property is improved and has been issued a Certificate of Occupancy for single-family, multi-family and commercial use or in canals or waterways adjacent to property which has been improved and issued a Certificate of Occupancy for single-family, multi-family and commercial use, docking of boats or watercraft shall be permitted, provided that no boat or watercraft shall be docked in any canal or waterway in such a manner as to have any part of the boat or watercraft extended within five feet of an extended boundary lot line or encroach into the "navigational channel" as defined in Chapter 151.

(2) In canals or waterways adjacent to single- family zoned lots where the property is improved and has been issued a Certificate of Occupancy for single-family use or in canals or waterways adjacent to property which has been improved and issued a Certificate of Occupancy for single-family docking of boats or watercraft shall be permitted under the following conditions.

(a) Unless otherwise provided for in this subsection, all boats or watercraft located in any canal or waterway shall be docked parallel to the seawall or shoreline. However, where the seawall or shoreline is curved or does not form a straight line and where it is impossible for the boat or watercraft to be docked parallel to the seawall or shoreline the boat or watercraft shall be docked as parallel as possible.

(b) The parallel docking restriction for boats or watercraft located in a canal or waterway shall not apply in the following situations; however, all other applicable restrictions must be met:

1. Where the city or other applicable and authorized agency has issued a permit for a dock, wharf, pier, dolphin mooring or other such structure for the purpose of docking of boats or watercraft perpendicular to a seawall or shoreline prior to December 14, 1993, and where the structure is in conformance with the approved plans.

2. Where the property owners along the city have executed and recorded the proper documents as provided for in § 151.03(F).

3. Where a court of competent jurisdiction has adjudicated the docking rights of the adjoining property owners.

4. Any boat or watercraft docked at the terminus of a dead-end canal or waterway. For the purpose of this subsection TERMINUS shall mean the ending point of a canal, river, basin or waterway and where the lots located at said ending point have been platted or designed or developed in such a way that the longest shoreline of any lot abutting the canal, river, basin or waterway, is 30 feet or less, and, where it is impossible for said boat or watercraft to be docked parallel to the shoreline or seawall. Any and all boats or watercraft so situated shall be docked as parallel as possible to the shoreline or seawall.

5. Any boat or watercraft docked at a REVERSE CORNER LOT, as defined as it is presently or as it may hereafter be amended, in Chapter 151 .

6. Up to four personal watercraft, which for purposes of this section are defined as vessels less than thirteen feet in length, which use either an outboard or an inboard motor powered by a jet pump as its primary source of propulsion, provided that the personal watercraft are stored out of the water on a floating platform which is in compliance with Chapter 151.

7. Nothing contained in this subsection (C) shall prohibit the docking of boats or watercraft parallel to the seawall or shoreline provided all the applicable restrictions have been met.

(3) On single-family zoned lots where the property is improved and has been issued a Certificate of Occupancy for a single-family use and which are adjacent to a canal or waterway, all boats or watercraft which are raised above the waterline by any means, mechanical or otherwise, shall be governed by the following:

(a) No part of any boat or watercraft as provided for in this subsection (C) shall be perpendicular to the seawall or shoreline. However, where the seawall or shoreline is curved or does not form a straight line and where it is impossible for the boat or watercraft to be docked parallel to the seawall or shoreline, the boat or watercraft shall be docked as parallel as possible.

(b) For purposes of this section LOT shall be defined as it is presently or as it may hereafter be amended in Chapter 155.

(4) There shall be no rafting of boats so that only one boat may be docked or moored at any given space at a lot or seawall. It is not intended that this provision shall prohibit the temporary rafting of the boat of a house guest for up to one 24- hour visit in a seven-day period; nor is it intended that this shall prohibit vessels from docking one behind or in front of the other, each adjacent to and parallel to the seawall but only that no two or more boats shall be rafted. RAFTING shall mean a first vessel being docked or moored at a seawall of a dock and a second vessel being docked at the same seawall but distant from the seawall so that the first vessel is in between the second vessel and the seawall. It is immaterial whether the second vessel is tied to the first vessel or directly to the seawall or dock.

(5) Diagrams which document examples of the different docking provisions described by this section are to be maintained by and with the Code Enforcement Division.

('58 Code, § 6A.16) (Ord. 72-48, passed 6-27-72; Am. Ord. 78-53, passed 5-9-78; Am. Ord. 92-47, passed 6-23-92; Am. Ord. 94-06, passed 12-14-93; Am. Ord. 96-8, passed 11-7-95; Am. Ord. 96-80, passed 7-9-96; Am. Ord. 97-32, passed 1-28-97; Am. Ord. 2007-57, passed 7-10-07; Am. Ord. 2017-70, passed 9-26-17; Am. Ord. 2018-57, passed 5-22-18) Penalty, see § 10.99

## ARTICLE XXV. – RESILIENCY STANDARDS FOR TIDAL FLOOD PROTECTION

Adopted by the Broward County Board of Commissioners on March 31st, 2020 into the Broward County Code of Ordinances (Code), Article XXV within Chapter 39 serves as a model code and planning foundation for municipal adoption of regionally consistent minimum standards and a basis for resilience investments across the community.

### Sec. 39-404. Purpose and intent.

The purpose of this article is to establish a consistent minimum elevation for tidal flood barriers that will:

- (a) Provide a standard for flood mitigation infrastructure that serves as a barrier to tidal flooding, not seepage, by accounting for water levels predicted under combined conditions of sea level rise, high tides, and high frequency storm surge through the year 2070; and
- (b) Ensure new shoreline structures and major shoreline improvements are designed for use as tidal flood barriers through application of consistent standards that account for future predicted tidal flood conditions and coastal water levels associated with sea level rise in accordance with current regional sea level rise projections, as updated and adopted by the Broward County Board of County Commissioners.

### Sec. 39-405. Applicability.

This article applies to all new tidal flood barriers, substantial repair or substantial rehabilitation to shorelines and shoreline structures, and the installation of any fixed infrastructure attached to tidal flood barriers (such as mooring structures). This article is not applicable to oceanfront beaches or shorelines seaward of the Coastal Construction Control Line.

### Sec. 39-406. Definitions.

For the purposes of this article, the following terms, phrases, words, and their derivation shall have the meanings given herein, except when the context clearly indicates a different meaning. In the interpretation and application of this article, the definitions provided for herein shall control over definitions that may be included in other documents or manuals, including, but not limited to, the Florida Building Code. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and the word "may" is permissive.

*Bank* means the level space separating a waterway from an inland area, often elevated and constructed of compacted soil.

*Berm* means an earthen mound designed with impermeability to resist the flow of tidal waters through it to an adjacent property or public right-of-way.

*Green-grey infrastructure or green-grey materials* means a combination of engineered and natural features that provide environmental qualities and ecosystem value.

*Mooring structure* means a boat dock, slip, davit, hoist, lift, floating vessel platform, mooring pile, or similar structure attached to land or to a seawall, to which a vessel can be moored.

*North American Vertical Datum (NAVD88)* means the vertical control for 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.

*Public nuisance* means a condition injurious to the public health or safety of the community or neighborhood, or injurious to any considerable number of persons, or a condition that obstructs the free passage or use, in the customary manner, of any public right-of-way.

*Rip-rap* means a foundation of unconsolidated boulders, stone, rubble, concrete without protruding rebar, or similar materials placed on or near a shoreline to mitigate wave impacts and prevent erosion.

*Seawall* means a vertical or near vertical (often interlocking) structure placed between an upland area and a waterway or waterbody for erosion control.

*Seawall cap* means a concrete box structure (usually reinforced) that connects seawall panels, piles, and anchoring system (if present) together at the top.

*Shoreline* means a tidally influenced area where land meets water.

*Substantial repair or substantial rehabilitation* means:

(a) Any modification to the shoreline or a shoreline structure along more than fifty percent (50%) of the length of the property's shoreline; or

(b) Any modification, alteration, or installation of an appurtenant structure (such as a mooring structure) that exceeds fifty percent (50%) of the cost of a tidal flood barrier along the property's shoreline.

*Tidal flood barrier* means any structure or shoreline feature including, but not limited to, banks, berms, green-grey infrastructure, seawalls, seawall caps, upland stem walls, or other infrastructure that impedes tidal waters from flowing onto adjacent property or public right-of-way, and located within or along a tidally influenced area. This definition is not meant to include rip-rap, derelict erosion control structures, or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding.

*Tidally influenced area* means the real property adjacent to, or affected by, a waterway with water level changes in response to the daily tide.

Sec. 39-407. Minimum elevations for coastal infrastructure within tidally influenced areas.

(a) All new or substantially repaired or substantially rehabilitated banks, berms, green-grey infrastructure, seawalls, seawall caps, upland stem walls, or other similar infrastructure shall be designed and constructed to perform as tidal flood barriers. Tidal flood barriers shall have a minimum elevation of five (5) feet NAVD88. Applications for new or substantially repaired or substantially rehabilitated tidal flood barriers submitted prior to January 1, 2035, may be permitted a minimum elevation of four (4) feet NAVD88, if designed and constructed to accommodate a minimum elevation of five (5) feet NAVD88 by January 1, 2050.

(b) All property owners must maintain a tidal flood barrier in good repair. A tidal flood barrier is presumed to be in disrepair if it allows tidal waters to flow unimpeded through or over the barrier and onto adjacent property or public right-of-way. Failure to maintain a tidal flood barrier in good repair shall be a citable offense. The owner of the tidal flood barrier shall demonstrate progress towards repairing the cited defect within sixty (60) days after receiving a citation and shall complete repairs within three hundred sixty-five (365) days after receipt of the citation. If the required repair or rehabilitation meets the substantial repair or substantial rehabilitation threshold,

no later than three hundred sixty-five (365) days after receipt of the citation, the property owner shall design, obtain permits, cause to be constructed, and obtain final inspection approval of seawall improvements that meet the minimum elevation and design requirements.

(c) Tidal flood barriers below a minimum five (5) feet NAVD88 elevation shall be improved, designed, and constructed so as to prevent tidal waters from impacting adjacent property or public right-of-way. Causing, suffering, or allowing the trespass of tidal waters onto adjacent property or public right-of-way is hereby declared a public nuisance and a citable offense requiring abatement. The owner shall demonstrate progress toward addressing the cited concern within sixty (60) days after receipt of the citation and complete the construction of an approved remedy no later than three hundred sixty-five (365) days after receipt of the citation.

(d) Tidal flood barriers shall be designed and constructed to prevent tidal waters from flowing through the barrier, while still allowing for the release of upland hydrostatic pressure.

(e) To the extent practicable, tidal flood barriers shall be designed and constructed to adjoin immediately proximate tidal flood barriers to close gaps and prevent trespass of tidal water.

(f) All tidal flood barriers undergoing substantial repair or substantial rehabilitation shall be constructed along the property's entire shoreline.

(g) All tidal flood barriers shall be constructed with natural limerock rip-rap, or other approved habitat enhancement, at the waterward face of the structure.

(h) Property owners are encouraged to consider approaches and materials that enhance the biological value of traditional (flat surface) seawalls and flood barriers with the incorporation of living shoreline features, use of hybrid green-grey materials, and the use of biological forms, where practicable.

(i) This section shall not be construed to require the installation of a seawall where other flood protection measures serve as an equally effective tidal flood barrier.

(j) Tidal flood barriers capable of automatically being elevated in advance of high tides to prevent tidal flooding are permissible, provided that automation cannot require daily human intervention.

Sec. 39-408. Required disclosure in contracts for sale of real estate.

In any contract for the sale of real estate located in tidally influenced areas of Broward County executed after December 31, 2020, the seller shall include in the contract or a rider to the contract the following disclosure in not less than fourteen-point, capitalized, bold-faced type:

**THIS REAL ESTATE IS LOCATED IN A TIDALLY INFLUENCED AREA. THE OWNER MAY BE REQUIRED BY COUNTY OR MUNICIPAL ORDINANCE TO MEET MINIMUM TIDAL FLOOD BARRIER ELEVATION STANDARDS DURING CONSTRUCTION OR SUBSTANTIAL REPAIR OR SUBSTANTIAL REHABILITATION OF SEAWALLS, BANKS, BERMS, AND SIMILAR INFRASTRUCTURE OR WHEN REQUIRED TO ABATE NUISANCE FLOODING.**





1 WHEREAS, together, Policy 2.21.7 and this proposed amendment creating  
2 Article XXV within Chapter 39 of the Code will serve as a model code and planning  
3 foundation for municipal adoption of regionally consistent minimum standards and a  
4 basis for resilience investments across the community,

5  
6 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
7 BROWARD COUNTY, FLORIDA:

8  
9 Section 1. Article XXV of Chapter 39 of the Broward County Code of  
10 Ordinances is hereby created to read as follows:

11 [Underlining omitted]

12 **ARTICLE XXV. RESILIENCY STANDARDS FOR TIDAL FLOOD PROTECTION**

13 **Sec. 39-404. Purpose and intent.**

14 The purpose of this article is to establish a consistent minimum elevation for tidal  
15 flood barriers that will:

16 (a) Provide a standard for flood mitigation infrastructure that serves as a  
17 barrier to tidal flooding, not seepage, by accounting for water levels predicted under  
18 combined conditions of sea level rise, high tides, and high frequency storm surge  
19 through the year 2070; and

20 (b) Ensure new shoreline structures and major shoreline improvements are  
21 designed for use as tidal flood barriers through application of consistent standards that  
22 account for future predicted tidal flood conditions and coastal water levels associated  
23 with sea level rise in accordance with current regional sea level rise projections, as  
24 updated and adopted by the Broward County Board of County Commissioners.

1 **Sec. 39-405. Applicability.**

2 This article applies to all new tidal flood barriers, substantial repair or substantial  
3 rehabilitation to shorelines and shoreline structures, and the installation of any fixed  
4 infrastructure attached to tidal flood barriers (such as mooring structures). This article is  
5 not applicable to oceanfront beaches or shorelines seaward of the Coastal Construction  
6 Control Line.

7 **Sec. 39-406. Definitions.**

8 For the purposes of this article, the following terms, phrases, words, and their  
9 derivation shall have the meanings given herein, except when the context clearly  
10 indicates a different meaning. In the interpretation and application of this article, the  
11 definitions provided for herein shall control over definitions that may be included in other  
12 documents or manuals, including, but not limited to, the Florida Building Code. Words  
13 used in the present tense include the future tense, words in the plural number include  
14 the singular number, and words in the singular number include the plural number. The  
15 word "shall" is mandatory and the word "may" is permissive.

16 *Bank* means the level space separating a waterway from an inland area, often  
17 elevated and constructed of compacted soil.

18 *Berm* means an earthen mound designed with impermeability to resist the flow of  
19 tidal waters through it to an adjacent property or public right-of-way.

20 *Green-grey infrastructure or green-grey materials* means a combination of  
21 engineered and natural features that provide environmental qualities and ecosystem  
22 value.

23 *Mooring structure* means a boat dock, slip, davit, hoist, lift, floating vessel  
24 platform, mooring pile, or similar structure attached to land or to a seawall, to which a  
vessel can be moored.

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

4 | *Public nuisance* means a condition injurious to the public health or safety of the  
5 community or neighborhood, or injurious to any considerable number of persons, or a  
6 condition that obstructs the free passage or use, in the customary manner, of any public  
7 right-of-way.

8 | *Rip-rap* means a foundation of unconsolidated boulders, stone, rubble, concrete  
9 without protruding rebar, or similar materials placed on or near a shoreline to mitigate  
10 wave impacts and prevent erosion.

11 | *Seawall* means a vertical or near vertical (often interlocking) structure placed  
12 between an upland area and a waterway or waterbody for erosion control.

13 | *Seawall cap* means a concrete box structure (usually reinforced) that connects  
14 seawall panels, piles, and anchoring system (if present) together at the top.

15 | *Shoreline* means a tidally influenced area where land meets water.

16 | *Substantial repair* or *substantial rehabilitation* means:

17 | (a) Any modification to the shoreline or a shoreline structure along more than  
18 fifty percent (50%) of the length of the property's shoreline; or

19 | (b) Any modification, alteration, or installation of an appurtenant structure  
20 (such as a mooring structure) that exceeds fifty percent (50%) of the cost of a tidal flood  
21 barrier along the property's shoreline.

22 | *Tidal flood barrier* means any structure or shoreline feature including, but not  
23 limited to, banks, berms, green-grey infrastructure, seawalls, seawall caps, upland stem  
24 walls, or other infrastructure that impedes tidal waters from flowing onto adjacent  
property or public right-of-way, and located within or along a tidally influenced area. This

1 definition is not meant to include rip-rap, derelict erosion control structures, or  
2 permeable earthen mounds that do not provide an impermeable water barrier to tidal  
3 flooding.

4 *Tidally influenced area* means the real property adjacent to, or affected by, a  
5 waterway with water level changes in response to the daily tide.

6 **Sec. 39-407. Minimum elevations for coastal infrastructure within tidally**  
7 **influenced areas.**

8 (a) All new or substantially repaired or substantially rehabilitated banks,  
9 berms, green-grey infrastructure, seawalls, seawall caps, upland stem walls, or other  
10 similar infrastructure shall be designed and constructed to perform as tidal flood  
11 barriers. Tidal flood barriers shall have a minimum elevation of five (5) feet NAVD88.  
12 Applications for new or substantially repaired or substantially rehabilitated tidal flood  
13 barriers submitted prior to January 1, 2035, may be permitted a minimum elevation of  
14 four (4) feet NAVD88, if designed and constructed to accommodate a minimum  
15 elevation of five (5) feet NAVD88 by January 1, 2050.

16 (b) All property owners must maintain a tidal flood barrier in good repair. A  
17 tidal flood barrier is presumed to be in disrepair if it allows tidal waters to flow  
18 unimpeded through or over the barrier and onto adjacent property or public right-of-way.  
19 Failure to maintain a tidal flood barrier in good repair shall be a citable offense. The  
20 owner of the tidal flood barrier shall demonstrate progress towards repairing the cited  
21 defect within  
22 sixty (60) days after receiving a citation and shall complete repairs within  
23 three hundred sixty-five (365) days after receipt of the citation. If the required repair or  
24 rehabilitation meets the substantial repair or substantial rehabilitation threshold, no later  
than three hundred sixty-five (365) days after receipt of the citation, the property owner

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underscored type are additions.

1 | shall design, obtain permits, cause to be constructed, and obtain final inspection  
2 | approval of seawall improvements that meet the minimum elevation and design  
3 | requirements.

4 |         (c)     Tidal flood barriers below a minimum five (5) feet NAVD88 elevation shall  
5 | be improved, designed, and constructed so as to prevent tidal waters from impacting  
6 | adjacent property or public right-of-way. Causing, suffering, or allowing the trespass of  
7 | tidal waters onto adjacent property or public right-of-way is hereby declared a public  
8 | nuisance and a citable offense requiring abatement. The owner shall demonstrate  
9 | progress toward addressing the cited concern within sixty (60) days after receipt of the  
10 | citation and complete the construction of an approved remedy no later than three  
11 | hundred sixty-five (365) days after receipt of the citation.

12 |         (d)     Tidal flood barriers shall be designed and constructed to prevent tidal  
13 | waters from flowing through the barrier, while still allowing for the release of upland  
14 | hydrostatic pressure.

15 |         (e)     To the extent practicable, tidal flood barriers shall be designed and  
16 | constructed to adjoin immediately proximate tidal flood barriers to close gaps and  
17 | prevent trespass of tidal water.

18 |         (f)     All tidal flood barriers undergoing substantial repair or substantial  
19 | rehabilitation shall be constructed along the property's entire shoreline.

20 |         (g)     All tidal flood barriers shall be constructed with natural limerock rip-rap, or  
21 | other approved habitat enhancement, at the waterward face of the structure.

22 |         (h)     Property owners are encouraged to consider approaches and materials  
23 | that enhance the biological value of traditional (flat surface) seawalls and flood barriers  
24 | with the incorporation of living shoreline features, use of hybrid green-grey materials,  
| and the use of biological forms, where practicable.

1 (i) This section shall not be construed to require the installation of a seawall  
2 where other flood protection measures serve as an equally effective tidal flood barrier.

3 (j) Tidal flood barriers capable of automatically being elevated in advance of  
4 high tides to prevent tidal flooding are permissible, provided that automation cannot  
5 require daily human intervention.

6 **Sec. 39-408. Required disclosure in contracts for sale of real estate.**

7 In any contract for the sale of real estate located in tidally influenced areas of  
8 Broward County executed after December 31, 2020, the seller shall include in the  
9 contract or a rider to the contract the following disclosure in not less than fourteen-point,  
10 capitalized, bold-faced type:

11 **THIS REAL ESTATE IS LOCATED IN A TIDALLY INFLUENCED AREA. THE**  
12 **OWNER MAY BE REQUIRED BY COUNTY OR MUNICIPAL ORDINANCE TO MEET**  
13 **MINIMUM TIDAL FLOOD BARRIER ELEVATION STANDARDS DURING**  
14 **CONSTRUCTION OR SUBSTANTIAL REPAIR OR SUBSTANTIAL**  
15 **REHABILITATION OF SEAWALLS, BANKS, BERMS, AND SIMILAR**  
16 **INFRASTRUCTURE OR WHEN REQUIRED TO ABATE NUISANCE FLOODING.**

17 Section 2. Severability.

18 If any portion of this Ordinance is determined by any court to be invalid, the  
19 invalid portion will be stricken, and such striking will not affect the validity of the  
20 remainder of this Ordinance. If any court determines that this Ordinance, in whole or in  
21 part, cannot be legally applied to any individual, group, entity, property, or circumstance,  
22 such determination will not affect the applicability of this Ordinance to any other  
23 individual, group, entity, property, or circumstance.

24

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underscored type are additions.

1 Section 3. Inclusion in the Broward County Code of Ordinances.

2 It is the intention of the Board of County Commissioners that the provisions of  
3 this Ordinance become part of the Broward County Code of Ordinances as of the effective  
4 date. The sections of this Ordinance may be renumbered or relettered and the word  
5 "ordinance" may be changed to "section," "article," or such other appropriate word or  
6 phrase to the extent necessary in order to accomplish such intention.

7 Section 4. Effective Date.

8 This Ordinance is effective as of the date provided by law.

9  
10 ENACTED March 31, 2020

11 FILED WITH THE DEPARTMENT OF STATE April 1, 2020

12 EFFECTIVE April 1, 2020

13 Approved as to form and legal sufficiency:  
14 Andrew J. Meyers, County Attorney

15 By /s/ Michael C. Owens 03/31/2020  
16 Michael C. Owens (date)  
17 Senior Assistant County Attorney

18 By /s/ Maite Azcoitia 03/31/2020  
19 Maite Azcoitia (date)  
20 Deputy County Attorney

21 MCO/gmb  
22 Tidal Flood Protection Ordinance.doc  
23 03/31/2020  
24 #41039-0001

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