



**CITY OF POMPANO BEACH
MARINE ADVISORY BOARD**

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TO: Mark Berman, ESQ., City Attorney
FROM: Frank Pelly, Chair
RE: Proposed Changes to Code of Ordinances
DATE: August 25, 2018

The Marine Advisory Board has approved and is now recommending changes to the following three Code Of Ordinances.

I have outlined a brief description of the change and rational for each change in order to assist you in evaluating the language we are proposing. Please review and let me know if you would like to sit and walk through these changes or of any questions.

Kind Regards,

Frank Pelly
954 290-4098

1) 151.02 PERMIT REQUIRED.

151.02 (A) (N)

In response to amendments to FS 408.813 (Permits issues by the district center—State) provided by Mark Berman for review.

The amendment to FS 408.813 effects the City's prerequisite of obtaining either a State permit or a written exception issued by the State in order to secure a City permit.

- The City can no longer require a State permit or written exception for certain activities.
- The amendment FS 408.813 lists (and amends) the certain activities associated with the various types of projects.

Amendment:

151.02 (A) ...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.

151.02 (N)... Applicants for floating vessel platforms and floating boat lifts in tidal waters which qualify for the exemption contained within F.S. § 403.813(l)(s), ~~shall provide proof of said exemption from all necessary governmental agencies as applicable.~~

2) 151.07 BACKFILLING SEAWALLS.

151.07 (A)

Proposed by staff to address any potential erosion and/or runoff when a seawall is raised and backfilled to a height greater than that adjoining property.

Amendment:

(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.

3) 151.03 STRUCTURES IN WATERWAYS.

The measurement reference line for structures in the waterway is the property line. Under the current code, when the property line is one foot or greater behind the seawall ("landward") the measurement reference line utilized is the existing seawall.

The current code does not define the measurement reference line when the property line extends out into the waterway ("seaward" of the existing seawall). This amendment updates the current code to reflect the measurement reference line when the property line is seaward one foot or greater than the existing seawall.

Amendment:

MEASUREMENT REFERENCE LINE. A measurement standard utilized for 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 ~~the~~ an existing seawall (a minimum of one foot greater); ~~and where then~~ the wet face of the existing seawall is ~~then to be~~ utilized as the reference line for distance measurement into the waterway for such structures, in lieu of the recorded property line, in each case.