

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, AMENDING CHAPTER 151, "BEACHES AND WATERWAYS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 151.02, "PERMIT REQUIRED," TO ADDRESS CONDITIONS UNDER WHICH CERTAIN PERMITS ARE NOT REQUIRED CONSISTENT WITH STATE LAW; BY AMENDING SECTION 151.03, "STRUCTURES IN WATERWAYS," TO MODIFY THE DEFINITION OF SEAWARD MEASUREMENT REFERENCE LINE TO INCLUDE PROPERTY LINES EXTENDING INTO THE WATERWAY; AND BY AMENDING SECTION 151.07, "BACKFILLING SEAWALLS," TO ADDRESS POTENTIAL RUNOFF OR EROSION CAUSED BY SEAWALL RESTORATION PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 151.02, "Permit Required," of the Pompano Beach Code of Ordinances is hereby amended as follows:

§ 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.

...

~~(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.~~

SECTION 2. That Section 151.03, "Structures in Waterways," of the Pompano Beach Code of Ordinances is hereby amended as follows:

§ 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.

...

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 ~~the~~ an existing seawall ~~by (a minimum of one foot or greater), more; and where in such instance,~~ 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 all other instances, the reference line is in lieu of the recorded property line.

...

SECTION 3. That Section 151.07, "Backfilling Seawalls," of the Pompano Beach Code of Ordinances is hereby amended as follows:

§ 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.

SECTION 4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2018.

PASSED SECOND READING this _____ day of _____, 2018.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

JES/jmz
9/11/18
L:ord/ch151/2018-321