



**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: April 26, 2017

The Marine Advisory Board has unanimously 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) 151.05(C) SEAWALLS.

The current code requires:

- 1) Newly or repaired seawalls to be consistent with adjacent seawalls
- 2) When the seawall elevation of the new or repaired seawall is greater than (eleven inches) the adjacent properties seawall, the newly or repaired seawall must step down to the adjacent properties seawall.

The intent of residents raising the seawalls is to protect their property from the rising tides. The stepped transition allows the rising tide to enter the homeowners yard and prevents the homeowner from grading their property to the height of the seawall. As a result the Marina Advisory Board is recommending the following changes to the Code Of Ordinances Chapter 151 Section 151.05 (c).

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

2) 151.08 STRUCTURES ON WALLS.

Based on our research of the neighboring cities, Pompano Beach is the only city that prohibits the installation of lifts, cleats, davits, (basically anything on the seawall). As a result, for example, if a resident wishes to attach a lift to their seawall cap they must install a dock to attach the lift. In addition, there are several homes within the City that have cleats and other related structures on their seawall cap that are in violation. This change will allow such structures, which of course would require plans approved by an engineer. Lastly, our code needs some clarity regarding the placing of terraces, retaining walls and stairs onto the seawall. These changes will clarify the code, however, although silent, it is the intent of these changes to allow tile to be installed on the cap. Our understanding is this is allowed today. As a result the Marina Advisory Board is recommending the following changes to the Code Of Ordinances Chapter 151 Section 151.08.

No dock, deck, finger pier, terraces, retain walls, stairs or other related structures shall be erected on top of or over a seawall.

3) 91.10 DOCKING AND LIVING ABOARD BOATS.

The current code does not allow perpendicular docking for small personal watercraft. Throughout the City there are several perpendicular floating platforms which wave-runners and small, primarily rubber rafts are stored/docked on the platform. Perpendicular docking is very difficult and at times dangerous. As a result the Marina Advisory Board is recommending the following changes to the Code Of Ordinances Chapter 91 section 91.10 (c) in order to:

- 1) Allow the perpendicular docking of wave-runners and small (primarily) rubber boats.
- 2) Restrict the size limitation of the personal watercraft to 13 feet.
- 3) Restrict the number of personal watercraft that can be stored/docked on the platform at a residential lot to four.

(c) 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 are defined as a vessel less than thirteen feet in length which uses either an outboard or an inboard motor powered by a jet pump as its primary source of motive power, provided that the personal watercraft is 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.