

PROPOSED

ORDINANCE NO. 2020-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO REQUIREMENTS FOR FLOATING VESSEL PLATFORMS AND FLOATING BOAT LIFTS; AMENDING SECTIONS 27-332 AND 27-336 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Commissioner Lamar P. Fisher)

WHEREAS, Section 403.813(1)(s), Florida Statutes, provides exemption criteria for the construction, installation, operation, or maintenance of floating vessel platforms or floating boat lifts (collectively, "FVPs"), authorizes a state general permit for FVPs that do not meet such criteria, and authorizes a single permitting or registration of FVPs by local governments no more stringent than the exemption criteria and state general permit;

WHEREAS, Chapter 27 of the Broward County Code of Ordinances, the Broward County Natural Resource Protection Code, regulates the construction, installation, operation, and maintenance of docks to prevent degradation of aquatic and wetland resources, and provides for certain general licenses in Section 27-336 of the Broward County Code of Ordinances ("Code"); and

WHEREAS, the Board of County Commissioners of Broward County, Florida, deems it in the best interests of the citizens of Broward County to amend the Natural Resource Protection Code to specifically provide for general licensing of FVPs within Broward County in a manner no more stringent than the exemption criteria and state general permit,

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

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 Section 1. Section 27-332 of the Broward County Code of Ordinances is hereby
2 amended to read as follows:

3 **Sec. 27-332. Definitions.**

4 The definitions in this article apply only to this article. The general definitions of this
5 chapter ~~[section 27-4]~~ in Section 27-4 shall apply unless in conflict with a definition
6 contained herein.

7 . . .

8 *Dock* means a facility, ~~such as~~ including, but not limited to, ~~a piers, walkways or~~
9 ~~other structures, that are~~ pier, walkway, or other structure constructed within a waterward
10 area ~~and is~~ for the specific purpose of mooring a vessel, except that this definition shall
11 not be interpreted to include any floating vessel platform as defined in this section.

12 . . .

13 *Filling* means ~~the deposition~~ placing, by any means, of materials in or on regulated
14 aquatic resources or jurisdictional wetlands as defined by this article.

15 *Floating Vessel Platform* or *FVP* means a floating vessel platform or floating boat
16 lift used to store, moor, or support a vessel, such as a boat, jet ski, canoe, or kayak, out
17 of the water when not in use.

18 . . .

19 Section 2. Section 27-336 of the Broward County Code of Ordinances is hereby
20 amended to read to read as follows:

21 **Sec. 27-336. General licenses.**

22 (a) *Projects Meeting Criteria for General License:* Projects described below
23 shall qualify for a general license upon application to EPGMD, and subject to the
24 requirements of this section:

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1 *Requirements To Obtain a General License:*

2 . . .

3 (4) A general license for the construction, installation, operation, or
4 maintenance of an FVP will be issued within ten (10) days after a complete
5 application under this section if the FVP meets the following requirements:

6 a. Floats at all times in the water for the sole purpose of supporting a
7 vessel so that the vessel is out of the water when not in use;

8 b. Either (i) is wholly contained within a boat slip previously permitted
9 under Sections 403.91-403.929, 1984 Supplement to the Florida
10 Statutes 1983, as amended, or Part IV of Chapter 373, Florida
11 Statutes; (ii) does not exceed a combined total of five hundred (500)
12 square feet, or two hundred (200) square feet in an Outstanding
13 Florida Water, as defined in Rule 62-302.200, Florida Administrative
14 Code; or (iii) when associated with a dock that is exempt under
15 Section 403.813(1)(s), Florida Statutes or is associated with a
16 permitted dock with no defined boat slip or attached to a bulkhead
17 on a parcel of land where there is no other docking structure;

18 c. Is not used for any commercial purpose or for mooring vessels that
19 remain in the water when not in use, and does not substantially
20 impede the flow of water, create a navigational hazard, or
21 unreasonably infringe upon the riparian rights of adjacent property
22 owners, as defined in Section 253.141, Florida Statutes;

23 d. Is constructed and used so as to minimize adverse impacts to
24 submerged lands, wetlands, shellfish areas, aquatic plant and animal

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1 species, and other biological communities, including by locating such
2 structures in areas where seagrasses are least dense adjacent to the
3 dock or bulkhead; and

4 e. Is not constructed in areas specifically prohibited for boat mooring
5 under conditions of a permit issued in accordance with
6 Sections 403.91-403.929, 1984 Supplement to the Florida Statutes
7 1983, as amended, or Part IV of Chapter 373, Florida Statutes, or
8 other form of authorization issued by a local government.

9 (5) A general license for the construction, installation, operation, or
10 maintenance of an FVP will be issued within ten (10) days after receipt of a
11 complete application under this section if the FVP does not meet the general
12 license criteria of Section 27-336(a)(4), above, but complies with the
13 general permit requirements of Rule 62-330.428 of the Florida
14 Administrative Code, as amended.

15 (6) Applicants that do not meet the criteria for issuance of an FVP General
16 License under Section 27-336(4) or 27-336(5), above, shall obtain a
17 General License or Environmental Resource License as otherwise required
18 by Section 27-336 or 27-337.

19 Section 3. Severability.

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

3 Section 4. Inclusion in the Broward County Code of Ordinances.

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

9 Section 5. Effective Date.

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

11

12 ENACTED

PROPOSED

13 FILED WITH THE DEPARTMENT OF STATE

14 EFFECTIVE

15

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

17 By /s/ Michael C. Owens 02/21/2020

18 Michael C. Owens (date)
Senior Assistant County Attorney

19 By /s/ Maite Azcoitia 02/21/2020

20 Maite Azcoitia (date)
Deputy County Attorney

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