



Broward County

Legislation Text

File #: 22-1619, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO ADOPT Resolution directing the County Administrator to publish Notice of Public Hearing to be held on November 15, 2022, at 10:00 a.m., in Room 422 of Governmental Center East to consider enactment of a proposed Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO ANCHORING LIMITATION AREAS IN BROWARD COUNTY; CREATING ARTICLE XII OF CHAPTER 21 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); ESTABLISHING ANCHORING LIMITATION AREAS WITHIN CERTAIN AREAS IN HOLLYWOOD, FLORIDA; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Commissioner Beam Furr)

Why Action is Necessary

The proposed Ordinance was prepared by the Office of the County Attorney at the direction of the Board of County Commissioners at its meeting of April 26, 2022.

What Action Accomplishes

Enables the setting of a public hearing during which the Board may consider enacting the proposed Ordinance.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

In 2021 the Florida Legislature passed a bill amending Section 327.4108, Florida Statutes, which allows Broward County (the "County") to establish anchoring limitation areas adjacent to urban areas that have residential docking facilities and significant recreational boating traffic (the "Statute"). Under the Statute, the aggregate total of anchoring limitation areas in the County may not exceed 10% of the County's navigable-in-fact waterways. The City of Hollywood (the "City") has requested that the County designate two areas within the City as anchoring limitation areas in accordance with the Statute. In order for anchoring limitation areas to be established, the County must give notice to the Florida Fish and Wildlife Conservation Commission ("FWCC") of its intent to consider enacting an

ordinance so that the FWCC may give required statutory notice. The Board may thereafter enact an ordinance consistent with the requirements and processes set forth in the Statute.

On April 26, 2022 (Agenda Item No. 68), the Board directed this Office to draft an Interlocal Agreement (“ILA”) with the City regarding the establishment of two anchoring limitation areas in the City, and, if the ILA were to be approved and executed, to draft an ordinance designating said anchoring limitation areas. The resulting ILA was approved by the City Commission at its meeting of September 22, 2022. An item has been placed on the Board’s agenda of October 11, 2022, to consider approval of the ILA. Subject to the Board’s approval of that item, the Board may approve setting this proposed Ordinance for a public hearing to consider enactment on November 15, 2022, providing sufficient time for the FWCC to provide the required statutory notice.

Subject to certain limitations and exceptions required by the Statute, the proposed Ordinance would generally prohibit all persons from anchoring a vessel in an anchoring limitation area for more than 45 consecutive days in any six-month period. The proposed Ordinance also authorizes a law enforcement officer or agency to remove and impound a vessel that fails to comply with the requirements of the anchoring limitations, after a process whereby the vessel owner or operator can submit proof that the vessel has not exceeded the anchoring limitations.

County staff has estimated the navigable-in-fact waterways east of fixed bridges to be 3,811 acres, as shown in light blue on Exhibit 3. Based on that estimate, State law limits the County to designating a total of 381 acres as anchoring limitation areas. The City’s request would utilize approximately 162 acres, which is roughly 43% of the total area available for designation within the County. If the County wishes to reallocate the available area for designation in the future, aside from amending the Ordinance, the County would be required to exercise its right to terminate the ILA with the City upon 30 days’ written notice to the City. The legal descriptions and sketches of the two proposed anchoring limitation areas provided by the City and confirmed by County staff are attached as Exhibit 4.

Source of Additional Information

Maite Azcoitia, Deputy County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

The Fiscal Impact Statement by the Office of Management and Budget will be provided at the time of the public hearing, in compliance with Section 18.5(e)(7) of the Broward County Administrative Code.