

RESOLUTION NO. 15-08

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 47-19.3.E. OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE **GRANTING A WAIVER** OF THE LIMITATIONS OF SECTION 47-19.3.C. & D. TO ALLOW STEVEN M. CHESSE AND KAREN CHESSE, TO CONSTRUCT AND MAINTAIN ONE SINGLE-MOORING PILE AND TWO TRIPLE-MOORING PILE CLUSTERS, EXTENDING A MAXIMUM OF 60 FEET FROM THE UPLAND PROPERTY LINE INTO THE WATERS OF MIDDLE RIVER, SUCH PROPERTY BEING LOCATED AT 773 MIDDLE RIVER DRIVE, AND MORE PARTICULARLY DESCRIBED BELOW; SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, Steven M. Chess and Karen Chess, (hereinafter "Applicant") own the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

Lot Fifty-Four (54) in Block Six (6) of SUNRISE, according to the Plat thereof, as recorded in Plat Book 28, Page 42, of the Public Records of Broward County, Florida; said lands lying situate and being in Broward County, Florida

Street Address: 773 Middle River Drive  
Fort Lauderdale, FL 33304-3511

(hereinafter "Property")

WHEREAS, Applicant is requesting approval for installation of one single-mooring pile and two triple-mooring pile clusters extending a maximum of 60 feet from the upland property line into the waters of Middle River; and

WHEREAS, the City's Marine Advisory Board on May 3, 2012, reviewed the application for dock waiver filed by Applicant and unanimously denied approval of the application (13 to 0);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

**SECTION 1.** That pursuant to the provisions of City Code Section 47-19.3.E. of the City of Fort Lauderdale, the City Commission hereby grants a waiver of the limitations of City Code Section 47-19.3.C & D., to allow Applicant to construct one single-mooring pile and two triple-mooring pile clusters, extending a maximum of 60 feet from the upland property line into the waters of Middle River, such distances being more specifically set forth in the Table of Distances set forth below:

**TABLE OF DISTANCES**

<b>PROPOSED STRUCTURES</b>	<b>SURVEYED DISTANCE OF PROPOSED STRUCTURES</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>AMOUNT OF DISTANCE REQUIRING WAIVER</b>
Mooring Cluster #1	60'	25'	35'
Mooring Piling	60'	25'	35'
Mooring Cluster #2	60'	25'	35'

**SECTION 2.** That the above waiver is subject to the following additional conditions to be performed by the Applicant:

1. The Applicant is required to comply with all applicable building and zoning regulations as well as any other Federal and State laws and permitting requirements including the Broward County Environmental Protection and Growth Management Department, the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers.

2. As a general condition of approval and in order to review for final consistency with construction of facilities in accord with this application and City building permits the Applicant is required to provide the City's Supervisor of Marine Facilities with copies of "As Built" drawings from a certified and licensed contractor.
  
3. This property is in an RS-4.4 zoning district and City Code § 8-91 (g) provides:


"The renting of docks, dock space or moorings, and the rental of boats or any portion thereof, for any purpose whatsoever shall be specifically prohibited in residential areas zoned RS-8 and RS-4.4."
  
4. Pursuant to ULDR § 47-5.30, the side yard setback in a RS-4.4 zoning district is ten (10) feet. ULDR § 47-19.3 (h) provides:

"No watercraft shall be docked or anchored adjacent to residential property in such a position that it causes it to extend beyond the side setback lines required for principal buildings on such property, as extended into the waterway, or is of such a length that when docked or anchored adjacent to such property the watercraft extends beyond such side setback lines as extended into the waterway."
  
5. Pursuant to ULDR § 47-34.2, it is unlawful to use property or land or water in a manner which violates the terms and conditions of a development permit or order issued by the City Commission.

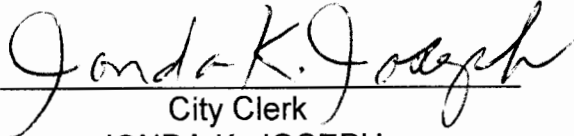
SECTION 3. That all Resolutions or parts of Resolutions in conflict with this Resolution are hereby repealed.

SECTION 4. That this Resolution shall be in full force and effect upon and after its final passage.

ADOPTED this the 21st day of January, 2015.

  
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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

  
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City Clerk  
JONDA K. JOSEPH

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