



TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee Feldman, ICMA-CM, City Manager

DATE: May 7, 2013

TITLE: Quasi-Judicial/Public Hearing/Resolution granting a Waiver of Limitations for E. Mark Pawuk, Trustee of the Emil Pawuk Disclaimer Trust, u/a/d May 1, 2008, as to an undivided 30.25% interest and E. Mark Pawuk, Trustee of the Emil Pawuk New Family Trust, u/a/d May 1, 2008 as to an undivided 69.75% interest/ 435 Seabreeze Blvd. via ULDR Sections 47-19.3 C., D. and E.

Recommendation

It is recommended that the City Commission adopt a resolution granting a Waiver of Limitations for the renovation an existing marina including the expansion of its westernmost slips through the replacement of the western portion of the marina with floating docks. The proposed project includes the removal of the three westernmost fixed finger piers, the installation of two floating piers, the relocation of two triple pile clusters, and the installation of six triple pile clusters, at 435 Seabreeze Blvd.

Background

The applicant is seeking a resolution granting a waiver of the limitations of Unified Land and Development Regulations (ULDR) Sec 47-19.3 for the renovation of an existing marina extending a maximum of 696.4' into the New River Sound, at 435 Seabreeze Blvd. (see **Exhibit 2**). Although there is not a fee associated with obtaining a waiver of limitations, an application fee in the amount of \$300 is required. The applicant's narrative specifies that four (4) matters provide justification for this waiver request:

1. The extraordinary width of the waterway at this location
2. Reduction of navigational impediments within the New River Sound
3. All new structures will be within the revised sovereign submerged land lease and current boat show lease
4. Proposed slips will accommodate larger vessels experiencing difficulty accessing current slips

The City's Unified Land and Development Regulations (UDLR), Section 47-19.3 C limits the maximum distance of finger piers to 25 feet or 25%, whichever is less, and Section D limits the maximum distance of dolphin or mooring pilings to 30% of the width of the waterway, or 25', whichever is less. Section 47.19.3.E authorizes the City Commission to waive this limitation based upon a finding of extraordinary circumstances. A Waiver of Limitations authorizes an applicant to permit and/or construct a mooring structure/device beyond the restrictions specified in the Unified Land Development Regulations (ULDR).

Resource Impact

There is no fiscal impact associated with this action

Attachment(s)

Exhibit 1 – Staff Memo

Exhibit 2 – Application (unanimously approved by Marine Advisory Board April 4, 2013)

Exhibit 3 – Code Sec. 47-19.3

Exhibit 4 – April 4, 2013 Marine Advisory Board Minutes

Exhibit 5 – Hall of Fame Marine – Proposed Plan

Exhibit 6 – Resolution

Prepared by: Carolyn Bean, Administrative Assistant, x 5348

Department Director: Phil Thornburg, Director