

RESOLUTION NO. 15-

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 ROBERT J. PALMISANO AND JANE S. PALMISANO, TO CONSTRUCT AND MAINTAIN A FOUR-POST BOAT LIFT EXTENDING A MAXIMUM OF 45' FROM THE APPLICANT'S PROPERTY LINE INTO THE INTRACOSTAL WATERWAY, SUCH PROPERTY BEING LOCATED AT 209 BIRCH ROAD, BOAT SLIP #1, 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.

WHEREAS, ROBERT J. PALMISANO and JANE S. PALMISANO, (hereinafter "Applicant") owns the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

Unit No. 1401 of Alhambra Place Condominium, a Condominium according to the Declaration thereof, recorded in Official Records Book 31973, at Page 698, and all Exhibits and Amendments thereto, including Amendment to Declaration recorded in Official Records Book 38840, Page 25, of the Public Records of Broward County, Florida.

Street Address: 209 N. Birch Road, Unit 1401
Fort Lauderdale, FL 33304

(Parcel ID # 5042 01 AN 0210)

(hereinafter "Property")

WHEREAS, Applicant is requesting approval for the installation of a four-post boat lift

extending a maximum of 45' from the property line into the Intracoastal Waterway (ICW); and

WHEREAS, the Property is located in an IOA Zoning District; and

WHEREAS, the City's Marine Advisory Board on February 5, 2015, reviewed the application for dock waiver filed by Applicant and voted unanimously to approve;

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

SECTION 1. That pursuant to the provisions of ULDR Section 47-19.3.E. of the Code of Ordinances of the City of Fort Lauderdale, the City Commission hereby grants a waiver of the limitations of the City's Unified Land Development Regulations ("ULDR") Section 47-19.3.C & D., to allow Applicant to install a four-post boat lift extending a maximum of 45' from the property line into the Intracoastal Waterway (ICW), such distances being more specifically set forth in the Table of Distances set forth below:

TABLE OF DISTANCES

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Four Post Boatlift	45''	25'	20'

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. 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."

This Property is located within the Central Beach District, Intracoastal Overlook Area (IOA) District. Pursuant to ULDR § 47-12.5 (D)(1)(b) the side yard setback for properties within the IOA District is one-half (1/2) the height of the building, provided however, if the development is approved as a development of significant impact, the side yard requirements may be reduced as provided in ULDR § 47-12.5 (D)(1)(d)(i).

4. Pursuant to ULDR § 47-34.1 & 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.

5. In accordance with City Code Sec. 8-149, repair and/or maintenance of vessels moored at this location shall be permitted only when such repair or maintenance is routine or minor in nature and does not involve major exterior alteration, rebuilding, complete refinishing, and/or removal of machinery, or the use of tools and equipment in such repair or maintenance which would be in violation of City Code of Ordinances, Chapter 17, Noise Control. Repair or maintenance, whether major or minor, shall be permitted in residential areas if such necessary work is conducted wholly within the confines of a permanent enclosed structure, and so long as the work complies with all other applicable City ordinances.

6. Violation of any of the foregoing conditions is unlawful and constitutes a violation of the City's ULDR.
7. The dock waiver granted by this Resolution shall become null and void unless a building permit to implement the improvements authorized by this Resolution is secured within one hundred eighty (180) days from the adoption of this Resolution. Upon a motion for extension of time being filed by the Permit Holder, for good cause shown, the City Manager may grant an additional extension of time beyond the initial one hundred eighty (180) days, provided such motion is filed prior to expiration of the first one hundred eighty (180) days.
8. By acceptance of the benefits of this dock waiver, Applicant agrees that the upland property shall not be leased out as a vacation or short-term rental, where a vacation rental or short-term rental is defined as the leasing out of the upland property with more frequency than twice every three months or the occupation of the upland property by subtenants that change more frequently than twice every three months.
9. A copy of this Resolution shall be attached to each and every Lease Agreement for the leasing of the Property described herein.

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

SECTION 4. That a certified copy of this Resolution shall be recorded in the Public Records of Broward County, Florida at Applicant's expense and a copy of the recorded Resolution shall be filed with the Supervisor of Marine Facilities.

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

ADOPTED this the _____ day of _____, 2015.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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