

RESOLUTION NO. 23-138

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 47-19.3(e) OF THE CITY OF FORT LAUDERDALE, FLORIDA UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR") GRANTING, UPON A FINDING OF "EXCEPTIONAL CIRCUMSTANCES" A WAIVER OF THE LIMITATIONS OF ULDR SECTION 47-19.3(c) TO PERMIT THE FOUR APPLICANTS, (1) LEE J. ENGLER QUALIFIED PERSONAL RESIDENCE TRUST AND PATTI A. ENGLER, AS TRUSTEE OF THE PATTI A. ENGLER QUALIFIED PERSONAL RESIDENCE TRUST, OWNING UNIT # PH-03, SLIP # 0004, WATER'S EDGE, A CONDOMINIUM LOCATED AT 321 N. BIRCH ROAD, FORT LAUDERDALE, FLORIDA 33304; (2) BRENDA LAPOINTE OWNING UNIT# 901, SLIP #0003, WATER'S EDGE, A CONDOMINIUM LOCATED AT 321 N. BIRCH ROAD, FORT LAUDERDALE, FLORIDA 33304; (3) ROBERT J. BERARD AND MARY K. BERARD, HUSBAND AND WIFE, OWNING UNIT# PH-01, SLIP # 0002, WATER'S EDGE, A CONDOMINIUM LOCATED AT 321 N. BIRCH ROAD, FORT LAUDERDALE, FLORIDA 33304; (4) ROBERT VERDUN AND LISA D. VERDUN, HUSBAND AND WIFE, OWNING UNIT# 803, SLIP #0001, WATER'S EDGE, A CONDOMINIUM, LOCATED AT 321 N. BIRCH ROAD, FORT LAUDERDALE, FLORIDA 33304 INSTALLATION OF TWO (2) 50.3'+/- X 8.7'+/- WAVE ATTENUATING/BREAKWATER FLOATING DOCKS EXTENDING A MAXIMUM OF 57'+/- FROM THE PROPERTY LINE INTO THE ADJACENT WATERS OF INTRACOASTAL WATERWAY, SUCH PROPERTY BEING LOCATED AT WATER'S EDGE, A CONDOMINIUM, LOCATED AT 321 N. BIRCH ROAD, FORT LAUDERDALE, FLORIDA, AND MORE PARTICULARLY DESCRIBED BELOW; SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 47-19.3(e) of the City of Fort Lauderdale, Florida Unified Land Development Regulations (hereinafter "ULDR") provides that the City Commission may waive the limitations of Sections 47-19.3(c), and/or 47-19.3(d) under "extraordinary circumstances"; and

WHEREAS, Applicant (1) is Lee J. Engler, as Trustee of the Lee J. Engler qualified personal residence trust and Patti A. Engler, as Trustee of the Patti A. Engler qualified personal residence trust (hereinafter "Applicant"), owns the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

Unit No. PH-03, Slip # 0004, at WATER'S EDGE, a condominium, according to The Declaration of Condominium recorded in Instrumental Number 116467062, and all exhibits and amendments thereof, Public Records of Broward County, Florida.

Street Address: 321 N. Birch Road, Unit# PH-03, Fort Lauderdale, FL 33304

Property ID# 5042 12 DD 0230
(hereinafter "Property" or "Upland Property")

WHEREAS, Applicant (2) is Brenda Lapointe (hereinafter "Applicant"), owns the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

Unit No. 901, Slip # 0003 at WATER'S EDGE, a Condominium, according to The Declaration of Condominium recorded in Instrument Number 116467062, and all exhibits and amendments thereof, Public Records of Broward County, Florida.

Street Address: 321 N. Birch Road, Unit #901, Fort Lauderdale, FL 33304

Property ID# 5042 12 DD 0150
(hereinafter "Property" or "Upland Property")

WHEREAS, Applicant (3) is Robert J. Berard and Mary K. Berard, husband and wife (hereinafter "Applicant"), owns the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

Unit No. PH-01, Slip #0002 at WATER'S EDGE, a Condominium, according to The Declaration of Condominium recorded in Instrument Number 116467062, and all exhibits and

amendments thereof, Public Records of Broward County, Florida.

Street Address: 321 N. Birch Road, Unit #PH-01, Fort Lauderdale, FL 33304

Property ID# 5042 12 DD 0210
(hereinafter "Property" or "Upland Property")

WHEREAS, Applicant (4) is Robert Verdun and Lisa D. Verdun, husband and wife (hereinafter "Applicant"), owns the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

Unit No. 803, Slip #0001 at WATER'S EDGE, a Condominium, according to The Declaration of Condominium recorded in Instrument Number 116467062, and all exhibits and amendments thereof, Public Records of Broward County, Florida.

Property ID# 5042 12 DD 0140
(hereinafter "Property" or "Upland Property")

WHEREAS, Applicants are requesting approval for installation of two (2) 50.3'+/- x 8.7'+/- wave attenuating/breakwater floating docks extending a maximum of 57'+/- from the Property line into the waters of Intracoastal Waterway, as measured from the Applicant's Property line at Water's Edge, a Condominium, located at 321 N. Birch Road in accordance with the Application filed with and the Marine Advisory Board and upon which the Marine Advisory Board recommended approval of this grant of waivers; and

WHEREAS, the City's Marine Advisory Board on June 1, 2023, reviewed the application for dock waiver filed by the Applicant and voted unanimously in a roll call vote 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 Section 47-19.3(e) of the City of Fort Lauderdale, Florida Unified Land Development Regulations (ULDR), the City Commission hereby grants a waiver of the limitations of ULDR Section 47-19.3(c), to allow Applicants to install two (2) 50.3'+/- x 8.7'+/- wave attenuating/breakwater floating docks extending a maximum of 57'+/- from

the Applicant's Property line, such distances being more specifically set forth in the Table of Distances set forth below:

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Floating Dock (A)	57' +/-	25'	32' +/-
Floating Dock (B)	57' +/-	25'	32' +/-

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

1. The Applicants are 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 Applicants are required to provide the City's Supervisor of Marine Facilities with copies of "As Built" drawings from a certified and licensed contractor and verification of all applicable Federal and State permits.
3. Use of the upland single-family residence unit and occupation thereof shall be in conformity with the City's ULDR and other applicable municipal, county, state and federal laws, rules, regulations and ordinances, including, but not limited to City Codes, Unified Land Development Regulations and City's Minimum Housing Code, as same may be amended from time to time.
4. Maintenance and repair of the vessel moored at these locations shall be permitted only in according with City Code § 8-149 and in compliance with City Code of Ordinances, Chapter 17, Noise Control.
5. Use of the floating docks to which the mooring piles are appurtenant shall be limited to the owner or tenant in possession of the respective Upland Property Unit No. and

Slip # described above.

6. By acceptance of the benefits of this dock waiver, Applicants agree that the Applicants' respective Unit No. in and to the Upland Property as set forth above 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 Applicant's respective Unit No. in and to the Upland Property as set forth above by subtenants that change more frequently than twice every three months.
7. Within ninety (90) days of the effective date of this Resolution, Applicants shall file applications for permits for all other governmental or regulatory approvals required to implement the dock waiver herein and provide proof thereof to the Supervisor of Marine Facilities. In the event the Applicants fail to timely file applications for permits as referenced above, the granting of this waiver shall expire, without prejudice to the Applicants re-filing subsequent Application for dock waivers.
8. The Applicants shall complete construction of the improvements as reflected in the Application for the waiver of limitations through to a final certificate of completion no later than 180 days after issuance of all necessary permits. In the event the Applicants fail to timely complete construction of the improvements as referenced above, the granting of this waiver will expire, unless the date for completion of construction is extended by the City Manager upon good cause shown.
9. In the event ownership of the Applicant's ownership interest in the respective Unit No. of the Upland Property is transferred to a third party prior to issuance of a building permit to construct the improvements authorized under this dock waiver Resolution, then this Resolution shall become null and void.
10. Violation of any of the foregoing conditions is unlawful and constitutes a violation of the City's ULDR and may result in revocation of this Resolution by the City Commission.
11. A copy of this Resolution shall be attached to each and every Lease Agreement for the leasing of Applicant's ownership interest in the respective Unit No of the Upland Property as described herein.
12. The Applicants are required to install and affix reflector tape to the proposed mooring piles authorized to extend beyond the limitations provided in ULDR Section 47-

19.3(d). The reflector tape must be formulated for marine use and be in one (1) of the following uniform colors: international orange or iridescent silver. On all such piles, the reflector tape shall be at least five (5) inches wide and within eighteen (18) inches of the top of the pile.

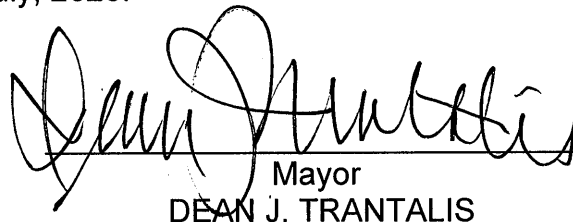
- 13. No improvements may be constructed or installed pursuant to this Resolution until after the effective date hereof and after issuance of approvals with all applicable building and zoning regulations as well as any other applicable County, Federal and State laws and permitting requirements including Broward County Environmental Protection and Growth Management Department, the Florida Department of Environmental Protection and U.S. Army Corps of Engineers.
- 14. The vessels shall not be berthed in such a manner as to extend beyond the extension of the boundaries of their respective Slip as set forth in the Declaration of Condominium for Water's Edge Condominium.

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

SECTION 4. That if any clause, section or other provisions of this Resolution shall be held invalid by a court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby but shall remain in full force and effect.

SECTION 5. That this Resolution shall be effective upon (i) Applicant, at Applicant's expense, recording a certified copy of this Resolution and (ii) filing a copy of the recorded Resolution with the Supervisor of Marine Facilities and City Clerk within ninety (90) days of the adoption of this Resolution. Failure to timely meet the conditions of (i) and (ii) shall cause this Resolution to be of no further force and effect.

ADOPTED this 5th day of July, 2023.

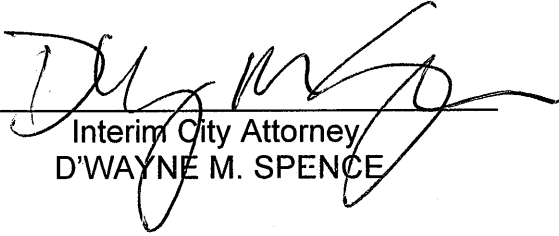

Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:



Interim City Attorney
D'WAYNE M. SPENCE

Dean J. Trantalis Yea

John C. Herbst Yea

Steven Glassman Yea

Pamela Beasley-Pittman Yea

Warren Sturman Yea