

RESOLUTION NO. 14-44

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, WAIVING THE LIMITATIONS OF SECTION 47-19.3.D OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO ALLOW SHAWN BENYO AND JENNIFER BENYO, HUSBAND AND WIFE, TO CONSTRUCT AND MAINTAIN NINE (9) TRIPLE-PILE CLUSTERS EXTENDING A MAXIMUM DISTANCE OF 125' FROM THE APPLICANT'S PLATTED PROPERTY LINE LOCATED AT 704 NE 20<sup>TH</sup> AVENUE INTO THE WATERS OF THE MIDDLE RIVER, SUCH PROPERTY BEING 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, Shawn Benyo and Jennifer Benyo, husband and wife (hereinafter "Applicant"), own the following described property located in Fort Lauderdale, Broward County, Florida:

Lot 11 and the North 10 feet of Lot 12, Block 1, VICTORIA HIGHLANDS, according to the Plat thereof recorded in Plat Book 9, Page 47, of the Public Records of Broward County, Florida, also known as the North 60 feet of the South 150 feet of the East 125.8 feet of Tract 1 of AMENDED PLAT OF VICTORIA HIGHLANDS, according to the Plat thereof, recorded in Plat Book 15, Page 9, of the Public Records of Broward County, Florida.

Address: 704 NE 20<sup>th</sup> Avenue  
Fort Lauderdale, FL 33304

(hereinafter, "Property")

WHEREAS, Applicant is requesting approval for the installation of nine (9) triple-pile clusters extending a maximum distance of 125' from the Property into the waters of the Middle River; and

WHEREAS, pursuant to City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-19.3.E, the City Commission of the City of Fort Lauderdale is empowered to waive the limitations of ULDR Sections 47-19.3.D0, wherein mooring or dolphin piles are not permitted to extend more than thirty percent (30%) of the width of the waterway, or twenty-five (25) feet beyond the property line, whichever is less; and

WHEREAS, the City's Marine Advisory Board on November 13, 2013 reviewed the application for dock waiver filed by Applicant and voted unanimously to approve the application; and

WHEREAS, the Applicant made revisions to the site plan and brought the application back to the Marine Advisory Board for review;

WHEREAS, the City's Marine Advisory Board on February 6, 2014 reviewed the application for dock waiver filed by Applicant and voted unanimously to approve the application;

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 waives the limitations of ULDR Section 47-19.3.D, to allow Applicant and its successors and assigns to construct and maintain a total of nine (9) cluster mooring pilings extending off a marginal dock a maximum distance of 125' from the Property line into the waters of the adjacent Middle River as shown in Table 1 below:

TABLE 1

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Triple Pile Cluster #1	+/-45.0'	25'	+/-20.0'
Triple Pile Cluster #2	+/-85.0'	25'	+/-60.0'
Triple Pile Cluster #3	+/-125.0'	25'	+/-100.0'
Triple Pile Cluster #4	+/-45.0'	25'	+/-20.0'
Triple Pile Cluster #5	+/-85.0'	25'	+/-60.0'
Triple Pile Cluster #6	+/-125.0'	25'	+/-100.0'
Triple Pile Cluster #7	+/-45.0'	25'	+/-20.0'
Triple Pile Cluster #8	+/-85.0'	25'	+/-60.0'
Triple Pile Cluster #9	+/-125.0'	25'	+/-100.0'

**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. The upland single family residence shall be occupied by either owners of the vessels moored at this location or representatives of the owners of the vessels.


4. The upland single family residence will be occupied by no more than six (6) adults over the age of 18.
5. Use of the upland single family residence and occupation thereof shall be in conforming with the City's Unified Land Development Regulations and other applicable municipal, county, state and federal rules, regulations, and ordinances , including, but not limited to City Codes, and the City's Minimum Housing Code, as same may be amended from time to time.
6. 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 or 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.
7. No more than six (6) vehicles may be parked on the Property. Parking on or within landscaped pervious areas is prohibited.
8. Vehicles owned by tenants of the residence or guests thereof may not be parked in the public right of way.
9. Violation of any of the foregoing conditions is unlawful and constitutes a violation of the City's Unified Land Development Regulations, specifically, Sec. 47-34.1.D.
10. 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 herewith, be and the same 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.

SECTION 5. That this Resolution shall be in full force and effect upon recording a certified copy of this Resolution in the Public Records as required under Section 4 hereof.

ADOPTED this the 4th day of March, 2014.

  
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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

  
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City Clerk  
JONDA K. JOSEPH

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