

RESOLUTION NO. 13-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO THE CITY'S ULDR SECTION 47-19.3.E. GRANTING A WAIVER OF THE LIMITATIONS OF ULDR SECTION 47-19.3.D TO 785 MIDDLE RIVER DRIVE, LLC, FOR APPROVAL OF CONSTRUCTION AND MAINTENANCE AFTER THE FACT OF TWO (2) MOORING PILE CLUSTERS EXTENDING A MAXIMUM OF 40 FEET FROM THE APPLICANT'S PLATTED PROPERTY LINE LOCATED AT 785 MIDDLE RIVER DRIVE, SUCH PROPERTY AS 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, 785 Middle River Drive, LLC (hereinafter "Applicant") which owns the following described Parcel located in the City of Fort Lauderdale, Broward County, Florida:

Lot 56, Block 6, SUNRISE, according to the Plat thereof, recorded in Plat Book 28, Page 42 of the Public Records of Broward County, Florida.

Street Address: 785 Middle River Drive  
Fort Lauderdale, FL 33304

(hereinafter "Property")

WHEREAS, Applicant, pursuant to the City's ULDR Sec. 47-19.3.E. is requesting a waiver of the limitations of ULDR Sec. 47-19.3.D. for an after-the-fact approval of construction and maintenance of two (2) mooring pile clusters adjacent to a marginal dock, extending a maximum of 40 feet from the property line into the waters of the Middle River; and

WHEREAS, on March 7, 2013 the City's Marine Advisory Board reviewed and unanimously recommend approval for the application for dock waiver filed by Applicant;

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 ULDR Section 47-19.3.D., to approve Applicant's after the fact construction of two (2) mooring pile clusters extending a maximum of 40 feet from the 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>LOCATIONS OF STRUCTURES FROM NORTH TO SOUTH</b>	<b>SURVEYED DISTANCE OF PROPOSED STRUCTURES</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>AMOUNT OF DISTANCE REQUIRING WAIVER</b>
<b>MOORING PILE #1</b>	<b>40'</b>	<b>25'</b>	<b>15'</b>
<b>MOORING PILE #2</b>	<b>40'</b>	<b>25'</b>	<b>15'</b>

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. The Applicant is required to install and affix reflector tape to the cluster pilings in accord with Code Section 47-19.3.E of the Unified Land and Development Regulations (ULDR).

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 2nd day of April, 2013.

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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

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City Clerk  
JONDA K. JOSEPH