

RESOLUTION NO. 20-196

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) TO PERMIT SCOTT RAPPOPORT TO INSTALL ONE (1) FOUR-POST BOAT LIFT THAT WILL EXTEND A MAXIMUM OF  $\pm$  33 FEET FROM THE PROPERTY LINE INTO THE WATERWAY, SUCH PROPERTY BEING LOCATED AT 1180 N. FEDERAL HIGHWAY, UNIT NO. 408, SLIP NO. 17, FORT LAUDERDALE, FLORIDA, 33304, 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, Scott Rappoport (hereinafter "Applicant") owns the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

UNIT 408 OF RIVA CONDOMINIUM, A CONDOMINIUM ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, RECORDED IN OFFICIAL RECORDS BOOK 50792, PAGE 797, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND ANY ADMENDMENTS THERETO, TOGETHER WITH ITS UNDIVIDED SHARE IN THE COMMON ELEMENTS.

Parcel Identification Number: 4942-36-AL-0040

Street Address: 1180 N. Federal Highway, Unit No. 408, Slip No. 17, Fort Lauderdale, FL 33304 (hereinafter "Property")

WHEREAS, Applicant is requesting approval for installation of one (1) four-post boat lift extending a maximum of  $\pm$  33 feet from the Property line into the waters of the Middle River waterway, as measured from the Applicant's property line (wet face of seawall); and

WHEREAS, the City's Marine Advisory Board on August 6, 2020, reviewed the application for dock waiver filed by the Applicant and in a roll call vote (9 to 1) passed to recommend approval;

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, as of the effective date hereof, grants a waiver of the limitations of ULDR Section 47-19.3(c), to allow Applicant to one (1) four-post boat lift extending a maximum distance from Applicant's Property line into the waters of the waterway such distances being more specifically set forth in the Table of Distances set forth below:

| <b>PROPOSED<br/>STRUCTURES</b> | <b>STRUCTURE<br/>DISTANCE FROM<br/>PROPERTY LINE</b> | <b>PERMITTED<br/>DISTANCE<br/>WITHOUT WAIVER</b> | <b>DISTANCE<br/>REQUIRING<br/>WAIVER</b> |
|--------------------------------|------------------------------------------------------|--------------------------------------------------|------------------------------------------|
| <b>Boat Lift</b>               | <b>+/- 33'</b>                                       | <b>25'</b>                                       | <b>+/- 8'</b>                            |

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

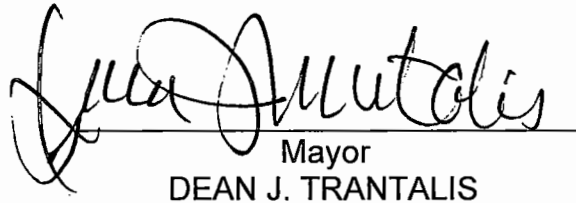
1. The Applicant is required to comply with all applicable building and zoning regulations as well as any other Federal and State laws and permitting requirements including the Broward County Environmental Protection and Growth Management Department, the Florida Department of Environmental Protection 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 and verification of all applicable Federal and State permits.
3. An additional level of review is required for this application under ULDR 47-19.3 (b) (1) where approval of this dock waiver for a boatlift would result in a number of boat lifts at the property exceeding the limit of one boatlift for each one hundred (100) feet of lot width.
4. Maintenance and repair of the vessel moored at this location shall be permitted only in according with City Code § 8-149 and in compliance with City Code of Ordinances, Chapter 17, Noise Control.

5. Within ninety (90) days of the effective date of this Resolution, Applicant 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 Applicant fails to timely file applications for permits as referenced above, the granting of this waiver shall expire, without prejudice to the Applicant re-filing a subsequent application for dock waivers.
6. The Applicant 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 Applicant fails 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.
7. In the event ownership of the upland condominium unit or Property, to which the boat lift is appurtenant, 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.
8. 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.
9. A copy of this Resolution shall be attached to each and every Lease Agreement for the leasing of the residential upland unit or property to which the boat lifts and mooring piles are appurtenant.
10. The Applicant is required to install and affix reflector tape to the proposed mooring piles authorized to extend beyond the limitations provided in City Code § 47-19.3, Unified Land Development Regulations. 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.
11. No improvements may be constructed or installed pursuant to this Resolution until after the effective date thereof.

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

SECTION 4. This Resolution shall not take effect until: (i) Applicant has received final adjudication approving a Site Plan Level II review as required by ULDR 47-19.3 (b) (1), such final adjudication including exhaustion of all appellate review deadlines, where needed; and (ii) after satisfying (i) above, Applicant, at Applicant's expense, shall record a certified copy of this Resolution; and (iii) filing a copy of the recorded Resolution with the Supervisor of Marine Facilities and City Clerk within ninety (90) days after satisfying the time elements in (i) above. Failure to timely meet the conditions of (i), (ii) and (iii) above shall cause this Resolution to be of no further force and effect.

ADOPTED this 6th day of October, 2020.

  
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Mayor  
DEAN J. TRANTALIS

ATTEST:



\_\_\_\_\_  
City Clerk  
JEFFREY A. MODARELLI