



TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: January 21, 2015

TITLE: Consideration of a Waiver of Dock Limitations for Steven Chess /773
Middle River Drive in accordance with the Unified Land Development
Regulations

Recommendation

The Marine Advisory Board recommends that the City Commission deny the granting a Waiver of Limitations for the installation of one single-mooring pile and two triple-pile mooring clusters, located at 773 Middle River Drive

Background

The applicant is seeking consideration of an application for a Waiver of Dock Limitations (from the Unified Land Development Regulations, specifically Section 47-19.3(D)), for the installation of one single-mooring pile and two triple-mooring pile clusters extending a maximum of 60 feet from the upland property line into the Middle River. Although there is not a fee associated with obtaining a Waiver of Limitations, an application fee in the amount of \$300.00 is required. The applicant's narrative specifies that the additional distance for these mooring pilings is necessary to provide additional tie-off points to properly protect vessels from damage due to inclement weather.

This property is located in an RS-4.4 zoning district which has a side yard setback requirement of 10 feet. The applicant plans on mooring up to five (5) vessels up to 60-feet in length behind this RS-4.4 property. Section 47-19.3(h) of the Unified Land Development Regulations requires that none of those vessels be berthed in such a fashion that they encroach into the waterward extensions of the 10-foot side yard setback. The property in question has approximately 104 feet of lineal waterfront footage, leaving approximately 84 feet of lineal waterfront footage available for berthing the vessels.

Although the Marine Advisory Board denied approval of the application (13 to 0) (see Exhibit 3), the applicant has requested that the Commission consider the application for a Waiver of Dock Limitation. Relevant code inspection history and Police Offense Incident Report are included as Exhibit 4.

At the December 2, 2014 City Commission meeting, the waiver request was deferred to the January 21, 2015 City Commission Regular Meeting, and staff was directed to provide additional information:

1. Potential for safety related impacts: The Fort Lauderdale Police Department's Marine Unit indicated a potential safety concern exists if the piling clusters and/or associated vessel(s) obstructed the view of the adjacent navigational signage.
2. Applicant's assertion regarding authorization to install two 60 foot finger piers in the 1980's, which was later rescinded by either staff or Commission: Staff was unable to find documentation confirming authorization.(Exhibit 5)
3. The disposition of the Notice to Appear included in the backup within Exhibit 4: The City Prosecutor's office declined prosecution and the case was sent to the Code Compliance Division. Upon inspection of the property on 12/15/10, Code Compliance found only one vessel being docked. No additional violations were noted and no additional complaints regarding vessels renting dock space were received so the case was closed
4. Permitting status of the wooden access boards which were installed between finger piers and pilings by Dr. Chess: These have been removed.
5. Dock waivers authorized in immediate area and their associated extraordinary circumstances:

DATE	ADDRESS	MAXIMUM DISTANCE	EXTRAORDINARY CIRCUMSTANCES
April 2013	785 Middle River Drive	40'(after the fact)	Weather/Wake/Surge
November 2004	773 Middle River Drive	27.6'	High Seas/Wake /Hurricane Conditions
April 2004	761 Middle River Drive	40'	n.a.
March 1980	815 Middle River Drive	40'	Perpendicular dockage on wide waterway authorized to restrict 'rafting off'

Resource Impact

There is a positive fiscal impact in the amount of \$300.

Strategic Connections

This item is a Press Play Fort Lauderdale Strategic Plan 2018 initiative, included within the **Public Places Cylinder of Excellence**, specifically advancing:

- **Goal 3:** Be a community that finds opportunities and leverages partnerships to create unique, inviting, and connected gathering places that highlight our beaches, waterways, urban areas and parks.
- **Objective 1:** Improve access to and enjoyment of our beach, Riverwalk, waterways, parks, and open spaces for everyone.
- **Initiative 3:** Evaluate dock availability to complement our public places

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We are Community*.

Attachments:

Exhibit 1 – Application

Exhibit 2 – Section 47 – 19.3, Code of Ordinances

Exhibit 3 – May 3, 2012 Marine Advisory Board Minutes

Exhibit 4 – Code Inspection History/Police Offense Incident Report

Exhibit 5 – Original Building Permit Application

Exhibit 6 - Resolution Granting the Application for Waivers

Exhibit 7– Resolution Denying the Application for Waivers

Prepared by: Carolyn Bean, Administrative Assistant, x5348

Department Director: Phil Thornburg, Parks and Recreation Director