



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#25-0179

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

FROM: Susan Grant, Acting City Manager

DATE: February 18, 2025

TITLE: Public Hearing – Quasi-Judicial Resolution Approving a Waiver of
Limitations at 1414 SE 12th Street #2C, Slip 11 for one (1) Floating Vessel
Platform - **(Commission District 4)**

Recommendation

Staff recommends the City Commission adopt a Resolution granting a Waiver of Limitations for one (1) existing floating vessel platform (FVP) at 1414 SE 12th Street #2C, Slip 11.

Background

The Application seeks a resolution granting a Waiver of Limitations (a waiver to allow the existing FVP to extend beyond the maximum distance as defined by City Code) of Section 47-19.3 (c) of the Unified Land Development Regulations (ULDR) for the existing FVP extending a maximum distance of 34.73' +/- into the adjacent Cerro Gordo River (Exhibit 1). The 34.73' +/- requested by the Application for this waiver is based on the information in the uncertified Topographic Survey used in the initial Hemingway application for waivers, which was based on measurements from wet-face, as opposed a measurement based on the the property line as required by ULDR 47-19.3.

The original request for this waiver (Exhibit 2) was deferred at the December 17, 2024, City Commission Meeting (Exhibit 3). The Commission asked that it return to the Marine Advisory Board, to confirm that the FVP's maximum distance is within 30% of the width of the waterway, per ULDR 47-19.3 (e.), as measured from the property line.

Subsequent to the December 17, 2024, Commission meeting, the City Surveyor was able to establish the width of the waterway was 120 feet, measured from the property line (Exhibit 7), as opposed to the 118 feet width measured from wet-face which was established by the uncertified Topographic Survey. Under the previous application a waiver of 36.4' +/- was being sought, but the Commission is prohibited from granting a waiver if the waiver exceeds 30% of the width of the waterway, as measured from the property line. 30% of a waterway width of 120', measured from the property line is 36.0' +/-.

The applicant has reduced the length of the FVP by 20" (1.67'), to comply with the 30% rule, based upon City Surveyor confirmation that the width of the waterway at this site is 120'.

The City Surveyor has examined the location and dimensions on the face of the Plat and using GPS siting using multiple satellites has determined FVP extends into the waterway 34.4' +/- as measured from the property line. Accordingly, even though the Application and materials referenced herein express a request for a waiver for the existing FVP at 34.73' +/-, the Approval Resolution, if adopted by the Commission reflects 34.4' +/- as the length of the FVP as measured from the property line, a distance which is 1.6' +/- shy of the 30% mark.

The applicant's Summary Descriptions specify that the distance waiver is justified based upon the following extraordinary circumstances:

1. The Floating Vessel Platform (FVP) is not extending into the waterway as to create a "navigational hazard" and is well shorter than the docked boats in adjacent slips.
2. The FVP has a positive environmental impact derived from removing vessel from the water. FVPs are environmentally friendly products that secure boats out of the water while docked. In addition to protecting watercraft and reducing the potential for damage to watercraft while docked, FVPs keep bottom paint out of Florida's waters and reduce the possibility of pollution incidents from watercraft while they are docked on FVPs.
3. The FVP was originally permitted and installed per the FL Statutes 403.813(1)(s) Exemption being applicable, with the FVP installed in reliance upon, in good faith and with no malice or intent to violate City ordinances or zoning requirements.
4. Due to the extraordinary width of the waterway at this location, determined by City of Fort Lauderdale Surveyor Michael Donaldson, Surveyor and Mapper (License# LS6490), referencing provided recorded deeds / plats, the Cerro Gordo River's width is identified as 120 feet from property line to property line.

Although there is not a fee associated with obtaining a Waiver of Limitations, an application fee in the amount of \$1,500 is required.

The Marine Advisory Board recommended approval of the application 6:2 (Exhibit 4) at the February 6, 2025, MAB meeting.

ULDR 47-19.3 (c.) and (e.) (Exhibit 5) are based upon distance as measured from the property line. At the November 7, 2024, City Commission Meeting, the Hemingway Landings Condominium obtained a Waiver of Limitations for multiple existing piles via Resolution 24- 234 (Exhibit 6). This Resolution is based upon waterway width derived from an uncertified topographic survey, with distance measurements based upon the physical waterway's width. The City Surveyor's staff memo (Exhibit 7) explains the accuracy of property line data, as opposed to topographic survey data, to determine

waterway width. The recorded plat line data from the public records of Broward County provides detail based upon legal boundaries, or property lines, and accurately reflects waterway widths.

Resource Impact

Revenue related to the application fee is included in the FY2025 Operating Budget in the account listed below.

Funds received as of February 10, 2025					
ACCOUNT NUMBER	COST CENTER NAME (Program)	ACCOUNT/ACTIVITY NAME	AMENDED BUDGET (Character)	AMOUNT RECEIVED (Character)	AMOUNT
10-001-6060-000-347- 200-PKR189	Marine Facilities Administration	Service Charge – Parks and Recreation / Private Dock Fees	\$15,000	\$0	\$1,500
			TOTAL AMOUNT ►		\$1,500

Strategic Connections

This is a 2025 Commission Priority, advancing Public Spaces and Community initiatives.

This item supports the 2029 Strategic Plan, specifically advancing:

- The Public Places Focus Area, Goal 5: Build a beautiful and welcoming community.

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

This item supports the Advance Fort Lauderdale 2040 Comprehensive Place specifically advancing:

- The Public Places Focus Area
- The Parks, Recreation & Open Spaces Area
- Goal 2: Be a community with high quality parks and recreational facilities that highlight the character of our city.

Attachments

Exhibit 1 – 2/6/25 Dilorio Application

Exhibit 2 – 11/12/24 Original Dilorio Application

Exhibit 3 – 12/17/24 Memo to City Commission

Exhibit 4 – 2/6/25 Marine Advisory Board Draft Minutes

Exhibit 5 – ULDR Section 47-19.3

Exhibit 6 – Resolution 24-234

Exhibit 7 – City Surveyor Memo

Exhibit 8 – Approval Resolution

Exhibit 9 – Denial Resolution

Exhibit 10 – City Surveyor document (to be provided separately)

Prepared by: Carolyn Bean, Parks and Recreation

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