

RESOLUTION NO. 24-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 47-19.3(e) OF THE CITY OF FORT LAUDERDALE, FLORIDA UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR") GRANTING AN AFTER THE FACT WAIVER OF THE LIMITATIONS OF ULDR SECTION 47-19.3 (d) TO PERMIT HEMMINGWAY LANDINGS CONDOMINIUM ASSOCIATION, INC., A NOT FOR PROFIT FLORIDA CORPORATION, AS ASSIGNEE OF AND FOR THE USE AND BENEFIT OF THE RESPECTIVE CONDOMINIUM UNIT BOAT SLIP OWNERS', WHICH SUCH BOAT SLIPS ARE LIMITED COMMON ELEMENTS UNDER THE DECLARATION OF CONDOMINIUM FOR THE HEMINGWAY LANDINGS CONDOMINIUM, SUCH DECLARATION BEING RECORDED AT OFFICIAL RECORDS BOOK 46599, PAGE 19 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID CONDOMINIUM BEING LOCATED WITHIN THE RIO VISTA ISLES NEIGHBORHOOD, GRANTING A WAIVER FOR THE TWENTY TWO (22) EXISTING PILES EXTENDING A MAXIMUM OF 27.7' +/- FROM THE SOUTHERLY WATERWARD CONDOMINIUM PROPERTY LINE INTO THE ADJACENT WATERS OF CERRO GORDO RIVER, SUCH PROPERTIES BEING LOCATED AT 1414, 1424 and 1500 SE 12TH STREET, FORT LAUDERDALE, FLORIDA, 33316 AND MORE PARTICULARLY DESCRIBED BELOW; SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the term "Condominium" as used herein shall refer to the property subjected to the Declaration of Condominium dated October 16, 2009 and recorded in the Public Records of Broward County, Florida at Official Records Book 46599, Page 19 (hereinafter, "Declaration of Condominium"); and

WHEREAS, Hemmingway Landings Condominium Association, Inc. a Florida not for profit corporation, as assignee for and on behalf of the Condominium Unit Boat Slip Owners (hereinafter "Applicant") who own the Condominium Unit Boat Slip #s in question as limited common elements appurtenant to the individually owned Condominium Units under the Declaration of Condominium r, such Boat Slips being located at 1414, 1424 and 1500 S.E. 12th

Street in the City of Fort Lauderdale, Broward County, Florida, a topographic survey of the Slips for Hemmingway Landings Condominium is attached hereto as **Exhibit “A,”** a copy of which is on file with the City of Fort Lauderdale’s Office of Marine Facilities; and

WHEREAS, Applicant, as assignee of and on behalf of the Condominium Unit Boat Slip Owners, is requesting approval for the twenty-two (22) existing mooring piles extending a maximum of 27.7’ +/- from the property line into the Cerro Gordo River, as measured from the Southerly condominium waterward property line; and

WHEREAS the Condominium Unit Boat Slip Owners and the respective Boat Slips they own are set forth in **Exhibit “B”** attached hereto; and

WHEREAS, the term “Upland Property” as used herein is described in Exhibit “A” to the Declaration of Condominium; and

WHEREAS, the City’s Marine Advisory Board on September 5, 2024, reviewed the application for dock waiver filed by the Applicant and voted unanimously in a roll call vote 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 Section 47-19.3(e) of the City of Fort Lauderdale, Florida Unified Land Development Regulations (ULDR), the City Commission hereby grants a waiver of the limitations of ULDR Section 47-19.3 (d), to allow the respective Condominium Unit Boat Slip Owners’ use of twenty-two (22) existing mooring piles extending a maximum of 27.7’ +/- from the Southerly waterward condominium property line into the Cerro Gordo River, such distances being more specifically set forth in the Table of Distances set forth below:

EXISTING STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Piling B	25.7 +/-	25'	0.7' +/-
Piling C	25.6 +/-	25'	0.6' +/-
Piling E	25.7 +/-	25'	0.7' +/-
Piling F	25.7 +/-	25'	0.7' +/-
Piling G	25.2 +/-	25'	0.2' +/-
Piling H	25.3 +/-	25'	0.3' +/-
Piling I	26.2 +/-	25'	1.2' +/-
Piling J	26.6 +/-	25'	1.6' +/-
Piling K	26.3 +/-	25'	1.3' +/-
Piling L	26.3 +/-	25'	1.3' +/-
Piling M	26.2 +/-	25'	1.2' +/-
Piling N	26.2 +/-	25'	1.2' +/-
Piling O	26.0 +/-	25'	1 +/-
Piling R	25.5 +/-	25'	0.5' +/-
Piling S	25.7 +/-	25'	0.7' +/-
Piling T	25.6 +/-	25'	0.6' +/-

Piling U	27.7 +/-	25'	2.7' +/-
Piling V	27.7 +/-	25'	2.7' +/-
Piling W	27.3 +/-	25'	2.3' +/-
Piling X	27.1 +/-	25'	2.1' +/-
Piling Y	27.1 +/-	25'	2.1' +/-
Piling Z	26.1 +/-	25'	1.1' +/-

SECTION 2. That the above waiver is subject to the following additional conditions to be performed by the Applicant or Condominium Unit Boat Slip Owners as more particularly set forth herein:

1. Except as to the existing mooring piles authorized by this Resolution to extend beyond the limitations provided in ULDR Section 47-19.3(d), the Condominium Unit Boat Slip Owners, their successors and assigns, are 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. Use of the Boat Slips, which are appurtenant to the upland single-family Condominium Unit residences, and occupation thereof, shall be in conformity with the above referenced Declaration of Condominium and the City's ULDR and other applicable municipal, county, state and federal laws, rules, regulations and ordinances, including, but not limited to City Codes, Unified Land Development Regulations and City's Minimum Housing Code, as same may be amended from time to time.
3. Maintenance and repair of the vessels moored within the Boat Slips at this location shall be permitted only in accordance with City Code § 8-149 and in compliance with City Code of Ordinances, Chapter 17, Noise Control.

4. Use of the Boat Slips shall be limited to the Condominium Unit Owners or their tenants or occupants in possession of the corresponding Condominium Units within the Upland Property.
5. As a condition of granting this “waiver” pursuant to ULDR Sec. 47-19.3 (e) and Section 10.6 of the Declaration of Condominium, (A) no portion of a Condominium Unit (other than the entire Condominium Unit) may be rented; (B) Condominium Units may be leased only for periods of at least six (6) consecutive months; (C) No Condominium Unit may be leased more than two (2) times per year; and (D) Tenants of a Condominium Unit may not sublease that Condominium Unit.
6. 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.
7. The Applicant is required to install and affix reflector tape to the existing mooring piles authorized to extend beyond the limitations provided in ULDR Section 47-19.3(d). 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.

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

SECTION 4. That this Resolution shall be effective upon (i) Applicant, at Applicant’s expense, recording a certified copy of this Resolution and (ii) filing a copy of the recorded Resolution with the Supervisor of Marine Facilities and City Clerk within ninety (90) days of the adoption of this Resolution. Failure to timely meet the conditions of (i) and (ii) shall cause this Resolution to be of no further force and effect.

ADOPTED this _____ day of _____, 2024.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:

Deputy City Attorney
D'WAYNE M. SPENCE

Dean J. Trantalis _____

John C. Herbst _____

Steven Glassman _____

Pamela Beasley-Pittman _____

Warren Sturman _____

Exhibit "A"

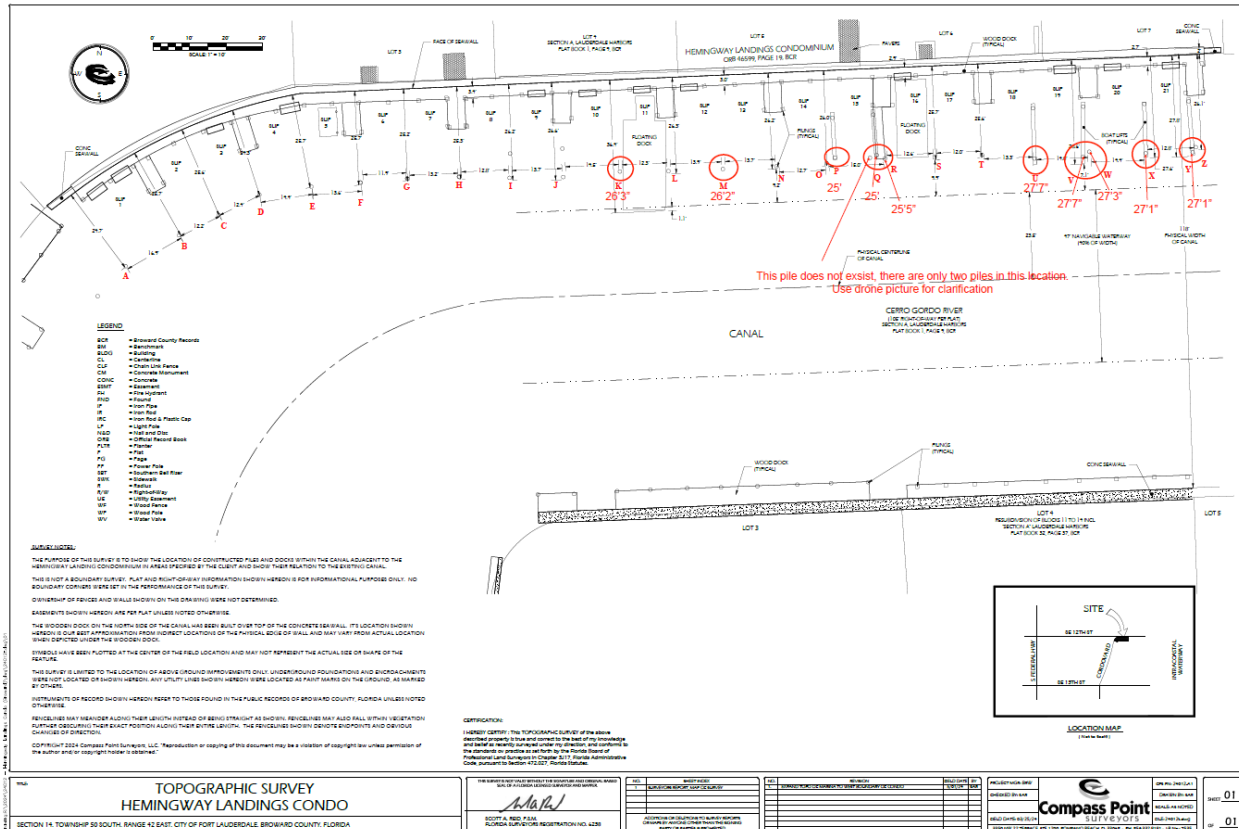


Exhibit "B"

Hemingway Landings

Designation of Slips

Slip #	Building	Unit	Unit Owners	
8	1414	1A	James Painton	
2	1414	1B	Matthew Congdon	
3	1414	1C	Malcolm Farrel	
9	1414	2A	Mike West	Brooke West
6	1414	2B	Michael Mansour	Elaine Mansour
11	1414	2C	Nicholas DiIorio	Sharon DiIorio
5	1414	3A	Karen Satterlee	
7	1414	3B	Clark Alvarado	
4	1414	3C	Shane Gober	Inez Gober
14	1424	1A	Jim Magruder	Linda Danoff
16	1424	1B	Annette Ermer	
12	1424	2A	Frank Buquicchio	Jennifer Buquicchio
13	1424	2B	Chris Collins	
15	1424	3A	Paul Landino	
1	1424	3B	Donna Galluzzu	Frank Galluzzo
21	1500	1A	Adrian Walchli	Natalia Walchli
20	1500	1B	Bryan Scott Lilley	
19	1500	2A	Doug Marty	
17	1500	2B	Peter Auerbach	Sharon Anthony
10	1500	3A	Bradley Waugh	
18	1500	3B	Tracey Bartholomew	