

RESOLUTION NO. 23-25

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 A WAIVER OF THE LIMITATIONS OF ULDR SECTION 47-19.3(c) TO PERMIT ELLEN G. LATHAM, AS TRUSTEE OF THE ELLEN G. LATHAM REVOCABLE TRUST UNDER AGREEMENT DATED JULY 11, 2007, AS AMENDED, A 30' +/- X 19' +/-, 33,000 POUND EIGHT (8) POST BOAT LIFT, EXTENDING A MAXIMUM OF 30' +/- FROM THE PROPERTY LINE INTO THE ADJACENT WATERS OF SYLVAN LAKE, SUCH PROPERTY BEING LOCATED AT 1645 E. LAKE DRIVE, FORT LAUDERDALE, FLORIDA, 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, Ellen G. Latham, as Trustee of the Ellen G. Latham Revocable Trust under agreement dated July 11, 2007, as amended (hereinafter "Applicant") own the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

Parcel 1:

Lot 10, of the RE-AMENDED PLAT OF LOTS 10 AND 11, BLOCK 6, HARBOR BEACH UNIT TWO, according to the Plat thereof, as recorded in Plat Book 24, Page 26, of the Public Records of Broward County, Florida, LESS that portion of said Lot 10 more fully described as follows:

Beginning at the Southeast corner of said Lot 10; thence Westerly along the South line of said Lot 10 and along a curve to the left, whose radius point bears South 17° 37' 15" West, with a radius of 1009.61 feet and a central angle of 04° 51' 11", an arc distance of 85.52 feet; thence North 14° 15' 48" East, a distance of 167.11 feet to the South Bank of Sylvan Lake; thence Easterly meandering along the said South Bank, a distance of 95.89 feet, more or less, to the Northeast corner of said Lot 10; thence South 17° 37' 15" West, along the East line of said Lot 10

and radial to the aforesaid curve, a distance of 150.65 feet to the POINT OF BEGINNING.

Said west ½ being more particularly described as follows:

Beginning at the Southwest corner of Lot 10, RE-AMENDED PLAT OF LOTS 10 AND 11, BLOCK 6, HARBOR BEACH UNIT TWO, according to the plat thereof, as recorded in Plat Book 24, Page 26, of the Public Records of Broward County, Florida; thence North 11°19'18" East, along the Westerly boundary of the aforementioned Lot 10, a distance of 175.46 feet to the wetface of an existing seawall and to the point on a curve concave Southwesterly; thence Southeasterly along the wetface on the aforementioned seawall and along the arc of a 1083.97 foot radius curve, having a central of 02°29'34", a chord bearing South 76°25'52" East for an arc distance of 47.16 feet; thence South 12°47'15" West, a distance of 172.03 feet to a point on the South line of the aforementioned Lot 10 and a point on a curve concave Southwesterly; thence Northwesterly along the arc of a 1009.61 foot radius curve along the Southwesterly line of the aforementioned Lot 10, having a central angle of 02°25'35", a chord bearing of North 80°52'19" West, for an arc distance of 42.76 feet to the POINT OF BEGINNING.

Parcel 2:

Lot 12, of HARBOR BEACH UNIT THREE, according to the Plat thereof, as recorded in Plat Book 30, Page 33, of the Public Records of Broward County, Florida.

Parcel 3:

Parcel 1, of HARBOR BEACH UNIT 4, less and except the South 50 feet thereof, according to the Plat thereof, as recorded in Plat Book 35, Page 12; of the Public Records of Broward County, Florida.

Together with:

The Northerly 30 feet of that part of Parcel 1, according to the Plat of HARBOR BEACH, UNIT 4, recorded in Plat Book 35, Page 12, of the Public Records of Broward County, Florida, described as follows:

Begin at the Southwest corner of Parcel 1, according to the Plat of HARBOR BEACH, UNIT 4, recorded in Plat Book 35, Page 12, of the Public Records of Broward County, Florida; thence along the West boundary of said Parcel 1, a distance of 50 feet; thence Easterly on a line making an included angle of 90° to the East boundary of said Parcel 1; thence Southerly along the East boundary of said Parcel 1 to the Southeast corner thereof, thence Westerly along the South boundary of said Parcel 1 to the POINT OF BEGINNING.

Street Address: 1645 E. Lake Drive, Fort Lauderdale, FL 33316

Property ID# 5042 13 05 0140  
(hereinafter "Property" or "Upland Property")

WHEREAS, Applicant is requesting approval for installation of a 30'+/- X 19'+/-, 33,000 pound eight-post boat lift extending a maximum of 30'+/- from the Applicant's Property line into the adjacent Sylvan Lake, as measured from the Applicant's Property line; and

WHEREAS, the City's Marine Advisory Board on December 3, 2022, 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(c), to allow Applicant to install a 30'+/- x 19'+/-, 33,000 pound eight-post boat lift extending a maximum of 30'+/- from the Applicant's Property line into the adjacent Sylvan Lake, such distances being more specifically set forth in the Table of Distances set forth below:

| PROPOSED STRUCTURES  | STRUCTURE DISTANCE FROM PROPERTY LINE | PERMITTED DISTANCE WITHOUT WAIVER | DISTANCE REQUIRING A WAIVER |
|----------------------|---------------------------------------|-----------------------------------|-----------------------------|
| Eight-Post Boat Lift | 30'+/-                                | 25'                               | 5'+/-                       |

**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. 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. Use of the upland single family residence and occupation thereof shall be in conformity with 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.
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. Use of the dock to which the mooring piles are appurtenant shall be limited to the owner or tenant in possession of the Upland Property.
6. By acceptance of the benefits of this dock waiver, Applicant agrees that the Upland Property shall not be leased out as a vacation or short-term rental, where a vacation rental or short-term rental is defined as the leasing out of the Upland Property with more frequency than twice every three months or the occupation of the Upland

Property by subtenants that change more frequently than twice every three months.

7. 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.
8. 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.
9. In the event ownership of the Property 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.
10. 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.
11. A copy of this Resolution shall be attached to each and every Lease Agreement for the leasing of the Property described herein.
12. The Applicant is required to install and affix reflector tape to the proposed 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.
13. No improvements may be constructed or installed pursuant to this Resolution until after the effective date hereof.
14. The vessel shall not be berthed in such a manner as to extend beyond the extension of the side yard setback lines as set forth in ULDR Section 47-19.3(h).

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 24<sup>th</sup> day of January, 2023.

  
Mayor  
DEAN J. TRANTALIS

ATTEST:

  
City Clerk  
DAVID R. SOLOMAN

Dean J. Trantalis      Yea

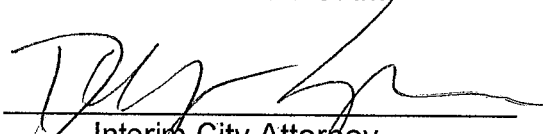
John C. Herbst      Yea

Steven Glassman      Yea

Pamela Beasley-Pittman      Yea

Warren Sturman      Yea

APPROVED AS TO FORM:

  
Interim City Attorney  
D'WAYNE SPENCE