

RESOLUTION NO. 23-

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”) UPON A FINDING OF “EXTRAORDINARY CIRCUMSTANCES” GRANTING A WAIVER OF THE LIMITATIONS OF ULDR SECTION 47-19.3(C) TO PERMIT THE APPLICANT, F&B WATERFRONT, LLC, A FLORIDA LIMITED LIABILITY COMPANY, TO PERMIT INSTALLATION OF (A) ONE (1) DOCK EXTENSION AND (B) FOUR (4) MOORING PILES AT DISTANCE SET FORTH BELOW FROM APPLICANT’S PROPERTY LINE INTO THE ADJACENT WATERS OF THE MIDDLE RIVER, SUCH PROPERTY BEING LOCATED AT 900-910 NE 20TH AVENUE, 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, Section 47-19.3(e) of the City of Fort Lauderdale, Florida Unified Land Development Regulations (hereinafter “ULDR”) provides that the City Commission may, upon a finding of “extraordinary circumstances” grant a waiver the limitations of Sections 47-19.3(c), and/or 47-19.3(d) under extraordinary circumstances; and

WHEREAS, F&B Waterfront, LLC, a Florida limited liability company (hereinafter “Applicant”), owns the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

Lot 6, Block 1 of GATEWAY, according to the Plat thereof, as recorded in Plat Book 25, Page 24, of the Public Records of Broward County, Florida.

Street Address: 900-910 NE 20th Avenue, Fort Lauderdale, FL 33304

Property ID# 5042 01 17 0070
(hereinafter “Property” or “Upland Property”)

WHEREAS, Applicant is requesting approval for installation of (A) one (1) dock extension and (B) four (4) mooring piles, with (A) extending a maximum distance of 68.7' +/- and (B) extending a maximum distance of 67.9' +/- from Applicant's Property line into the adjacent waters of the Middle River; and

WHEREAS, the City's Marine Advisory Board on June 1, 2023, reviewed the application for dock waiver filed by the Applicant and voted unanimously in a roll call vote to approve.

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, upon a finding of "exceptional circumstances," a waiver of the limitations of ULDR Section 47-19.3(c), to allow Applicant to install (A) one (1) dock extension and (B) four (4) mooring piles into the adjacent waters of the Middle River, as measured from the Applicant's Property line, 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
Dock Extension (A)	68.7' +/-	25'	43.7' +/-
Mooring Pile (B)	29.0' +/-	25'	4.0' +/-
Mooring Pile (C)	65.7' +/-	25'	40.7' +/-
Mooring Pile (D)	28.3' +/-	25'	3.3' +/-
Mooring Pile (E)	67.9' +/-	25'	42.9' +/-

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. 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.
4. 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 or dock slips described herein and in the Application.
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 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.
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 Property or dock slips described herein and in the Application.
- 10. 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.
- 11. No improvements may be constructed or installed pursuant to this Resolution until after the effective date hereof and after issuance of approvals with all applicable building and zoning regulations as well as any other applicable County, Federal and State laws and permitting requirements including Broward County Environmental Protection and Growth Management Department, the Florida Department of Environmental Protection and U.S. Army Corps of Engineers.

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

SECTION 4. That if any clause, section or other provisions of this Resolution shall be held invalid by a court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby but shall remain in full force and effect.

SECTION 5. 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 _____, 2023.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:

Interim City Attorney
D'WAYNE M. SPENCE

Dean J. Trantalis _____

John C. Herbst _____

Steven Glassman _____

Pamela Beasley-Pittman _____

Warren Sturman _____