

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 47-19.3.E. OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE GRANTING A WAIVER OF THE LIMITATIONS OF SECTION 47-19.3.C. & D. TO ALLOW HG MIDDLE RIVER INVESTMENTS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, TO CONSTRUCT AND MAINTAIN EIGHT (8) TRIPLE-PILE CLUSTERS AND ONE 80'x5' FINGER PIER, EXTENDING A MAXIMUM OF APPROXIMATELY 106.3' FEET FROM THE APPLICANT'S PLATTED PROPERTY LINE INTO THE WATERS OF MIDDLE RIVER, SUCH PROPERTY BEING LOCATED AT 824 NORTHEAST 20TH AVENUE, AND MORE PARTICULARLY DESCRIBED BELOW; SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, HG Middle River Investments, LLC, a Florida limited liability company, (hereinafter "Applicant") own the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

Lot 18, GATEWAY PARK, according to the Plat thereof, recorded in Plat Book 25, Page 43, of the Public Records of Broward County, Florida.

Street Address: 824 NE 20<sup>th</sup> Avenue  
Fort Lauderdale, FL 33304-3414

(hereinafter "Property")

WHEREAS, Applicant is requesting approval for the construction of an 80'x5' finger pier and the installation of eight (8) triple-pile clusters extending a maximum of approximately 106.3' from Applicant's property line into the waters of Middle River; and

WHEREAS, the Property is located in an ROA Zoning District; and

WHEREAS, the City's Marine Advisory Board on January 7, 2015, reviewed the

application for dock waiver filed by Applicant and voted unanimously 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 ULDR Section 47-19.3.E. of the Code of Ordinances of the City of Fort Lauderdale, the City Commission hereby grants a waiver of the limitations of ULDR Section 47-19.3.C & D., to allow Applicant to construct ten (10) triple-pile mooring clusters and one finger pier, respectively extending a maximum of approximately 106.3 feet from Applicant's property line into the waters of Middle River, such distances being more specifically set forth in the Table of Distances set forth below:

**TABLE OF DISTANCES**

<b>PROPOSED STRUCTURES</b>	<b>STRUCTURE DISTANCE FROM PROPERTY LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING WAIVER</b>
Triple Pile Cluster #1	+/-49.1'	25'	24.1'
Triple Pile Cluster #2	+/-79.9'	25'	54.9'
Triple Pile Cluster #3	+/-97.1'	25'	72.1'
Finger Pier #4	+/-81.2'	25'	56.2'
Triple Pile Cluster #5	+/-82.6'	25'	57.6'
Triple Pile Cluster #6	+/-101.2'	25'	76.2'
Triple Pile Cluster #7	+/-53.1'	25'	28.1'
Triple Pile Cluster #8	+/-83.5'	25'	58.5'
Triple Pile Cluster #9	+/-106.3'	25'	81.3'

**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.
3. Pursuant to ULDR § 47-5.60.E.6.b, the side yard setback in a ROA zoning district is ten (10) feet or half the height of the tallest building. ULDR § 47-19.3 (h) provides:

"No watercraft shall be docked or anchored adjacent to residential property in such a position that it causes it to extend beyond the side setback lines required for principal buildings on such property, as extended into the waterway, or is of such a length that when docked or anchored adjacent to such property the watercraft extends beyond such side setback lines as extended into the waterway."
4. Pursuant to ULDR § 47-34.2, it is unlawful to use property or land or water in a manner which violates the terms and conditions of a development permit or order issued by the City Commission.
5. The dock waiver granted by this Resolution shall become null and void unless a building permit to implement the improvements authorized by this Resolution is secured within one hundred eighty (180) days from the adoption of this Resolution. Upon a motion for extension of time being filed by the Permit Holder, for good cause shown, the City Manager may grant an addition extension of time beyond the initial one hundred eighty (180) days, provided such motion is filed prior to expiration of the first one hundred eighty (180) days.

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

SECTION 4. That this Resolution shall be in full force and effect upon and after its final passage.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

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City Clerk  
JONDA K. JOSEPH

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