

RESOLUTION NO. 16-

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.(d) TO ALLOW EDWARD J. AND BETTY G. KIRWIN, TO RELOCATE TWO EXISTING TRIPLE-PILE CLUSTERS EXTENDING A MAXIMUM DISTANCE OF 47.1' INTO THE WATERS OF NEW RIVER FROM THE PROPERTY LINE, SUCH PROPERTY BEING LOCATED AT 811 SW 6<sup>TH</sup> STREET, SUCH PROPERTY BEING 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, Edward J. and Betty G. Kirwin, (hereinafter "Applicant") owns the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

Lots Seven (7), Eight (8) and that part of Lot Nine (9) lying and being North of South Second Street, and East of the Canal, known as Tarpon River, of the East Coast Realty Company's Subdivision of Lost One (1), Two (2), Three (3), Four (4), Eleven (11), Twelve (12) and the East One Hundred (100) feet of Lot Five (5), Block Thirty-five (35), of the Town of Fort Lauderdale, according to the plat thereof recorded in Plat Book No.3, Page 66, of the Public Records of Miami-Dade County, Florida; said lands situate, lying and being in Broward County, Florida.

a/k/a Lots 7, 8 and a Portion of Lot 9 lying and being South of South Second Street, and East of the canal known as Tarpon River, of Seawanna, according to the plat thereof, as recorded in Plat Book 7, Page 37, of the Public Records of Broward County, Florida.

Street Address: 811 SW 6<sup>th</sup> Street  
Fort Lauderdale, FL 33315

(Parcel ID # 5042-10-40-0050)

(hereinafter "Property")

WHEREAS, Applicant is seeking to relocate two existing triple-pile clusters extending a maximum distance of 47.1' into the waters of New River from the property line; and

WHEREAS, the Property is located within the Tarpon River RD-15, Residential Single Family/Duplex Medium Density District; and

WHEREAS, the City's Marine Advisory Board on November 16, 2015, reviewed the application for dock waiver filed by Applicant and voted to recommend approval of the dock waiver;

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 the City's Unified Land Development Regulations ("ULDR") Section 47-19.3.(d), to allow Applicant to relocate two existing triple-pile clusters extending a maximum distance of 47.1' into the waters of New River from the property line, such distances being more specifically set forth in the Table of Distances set forth below:

**TABLE OF DISTANCES**

<b>PROPOSED STRUCTURES</b>	<b>STRUCTURE MAXIMUM DISTANCE FROM BULKHEAD</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING WAIVER</b>
Triple Pile Cluster (Eastern)	40'	25'	15'
Triple Pile Cluster (Western)	47.1'	25'	22.1'

SECTION 2. That the above waiver is subject to and contingent upon meeting 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. In accordance with City Code Sec. 8-149, repair and/or maintenance of vessels moored at this location shall be permitted only when such repair or maintenance is routine or minor in nature and does not involve major exterior alteration, rebuilding, complete refinishing, and/or removal of machinery, or the use of tools and equipment in such repair or maintenance which would be in violation of City Code of Ordinances, Chapter 17, Noise Control. Repair or maintenance, whether major or minor, shall be permitted in residential areas if such necessary work is conducted wholly within the confines of a permanent enclosed structure, and so long as the work complies with all other applicable City ordinances.
5. Within ninety (90) days of adoption 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 will 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 adoption of this Resolution. In the event the Applicant fails to timely file applications for permits as referenced above, the granting of this waiver will expire, without prejudice to the Applicant re-filing a subsequent application for dock waivers.
7. 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
8. 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.
9. 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.
10. A copy of this Resolution shall be attached to each and every Lease Agreement for the leasing of the Property described herein.

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

SECTION 4. That a certified copy of this Resolution shall be recorded in the Public Records of Broward County, Florida at Applicant's expense and a copy of the recorded Resolution shall be filed with the Supervisor of Marine Facilities.

SECTION 5. That this Resolution shall be in full force and effect upon and after its final passage.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

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City Clerk  
JEFFREY A. MODARELLI

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