

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.C. & D. TO ALLOW LARRY DANIELLE AND CATHY DANIELLE, HUSBAND AND WIFE, TO CONSTRUCT AND MAINTAIN A MODIFICATION TO THE EXISTING "T" DOCK EXTENDING AND TO CONSTRUCT AND MAINTAIN TWO (2) TRIPLE PILE CLUSTERS THAT WILL EXTEND A MAXIMUM OF 71.4 ± FEET FROM THE PROPERTY LINE INTO THE ADJACENT WATERS OF NEW RIVER SOUTH, SUCH PROPERTY BEING LOCATED AT 357 IDLEWYLD DRIVE, 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.

WHEREAS, Larry Danielle and Cathy Danielle, Husband and Wife, (hereinafter "Applicants") own the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

A parcel of land, being a portion of Lots 1 and 2, Block 1 of IDLEWYLD, according to the Plat thereof, as recorded in Plat Book 1, Page 19, of the Public Records of Broward County, Florida, being more particularly described as follows:

PARCEL 1 (Upland Portion) Commence at the Southwest corner of said Lot 2; thence along the West line of said Lot 2, North 00°45'15" East, 22.75 feet to the Point of Beginning; thence continue along said line and along the West line of said Lot 1, North 00°45'15" East, 115.63 feet to the Northwest corner of said Lot 1 (said point being on the arc of a curve with a radial line through said point bearing North 13°15'12" East); thence along the Northerly line of said Lot 1 and Southeasterly along the arc of said curve being concave to the Southwest, having a radius of 475.00 feet, a central angle of 10°44'52", an arc distance of 89.10 feet to a point of compound curvature; thence continue along said line and Southeasterly along the arc of said curve being concave to the Southwest, having a radius

of 160.00 feet, a central angle of 16°46'41", an arc distance of 46.85 feet; thence South 48°52'51" West, 95.49 feet; thence North 89°17'09" West, 53.31 feet to the Point of Beginning; and

PARCEL II (Water Frontage Area): A strip of land, approximately 178' in length, lying between Ocean View Drive (Idlewyld Drive) and New River South bounded on the West by the West line of Lot 1 of PARCEL I extended Northward to the New River Sound and on the East by the Eastern lot line of PARCEL I described above, extended Northeasterly to the New River Sound.

Street Address: 357 Idlewyld Drive
Fort Lauderdale, FL 33301

(hereinafter "Property")

WHEREAS, Applicants are requesting approval for installation and maintenance, modification and expansion of an existing "T" dock by 580 square feet and construction, installation and maintenance of two (2) triple pile clusters which will extend a maximum of 71.4 ± feet from the Applicant's property line into the waters of New River South; and

WHEREAS, the City's Marine Advisory Board on September 1, 2016, reviewed the application for dock waiver filed by the Applicants and voted unanimously 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 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 Applicants to construct and maintain a modification and expansion of an existing "T" dock by 580 square feet and construction, installation and maintenance of two (2) triple pile clusters extending a maximum of 71.4 ± feet Applicant's property line into the waters of New River Sound, such distances being more specifically set forth in the Table of Distances set forth below:

TABLE OF DISTANCES

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Triple Pile Cluster #1	+/-65.8'	25'	+/-40.8'
Triple Pile Cluster #2	+/-71.4'	25'	+/-46.4'
Existing "T" Dock	+/-36.8'	25'	+/-11.8'
Proposed "T" Dock Extension	+/-38.2'	25'	+/-13.2'
Existing Hydro Lift	+/-33.3'	25'	+/-8.3'

SECTION 2. That the above waiver is subject to the following additional conditions to be performed by the Applicants:

1. The Applicants 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. 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 Applicants are 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, Applicants 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 Applicants fail to timely file applications for permits as referenced above, the granting of this waiver will expire, without prejudice to the Applicants re-filing a subsequent application for dock waivers.
6. The Applicants 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 Applicants fail to timely file applications for permits as referenced above, the granting of this waiver will expire, without prejudice to the Applicants re-filing a subsequent application for dock waivers.
7. This property is in an RS-8 zoning district and the City Code § 8-91 (g) provides: "The renting of docks, dock space or moorings, and the rental of boats or any portion thereof, for any purpose whatsoever shall be specifically prohibited in residential areas zoned RS-8 and RS-4.4.
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, Applicants agree 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. 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. That a certified copy of this Resolution shall be recorded in the Public Records of Broward County, Florida, at Applicants' expense within thirty (30) days of final passage.

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 _____, 2016.

ATTEST:

Mayor
JOHN P. "JACK" SEILER

City Clerk
JEFFREY A. MODARELLI