RESOLUTION NO. 18-26

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 PORTOFINO-ON-THE-INTRACOASTAL CONDOMINIUM ASSOCIATION, INC. FOR INSTALLATION OF A FOUR-POST BOAT LIFT THAT WILL EXTEND A MAXIMUM OF +/-130.83 FEET FROM THE PROPERTY LINE INTO THE INTRACOASTAL WATERWAY SUCH PROPERTY BEING LOCATED AT 77 S BIRCH ROAD, 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, the unit owners of Portofino-On-The-Intracoastal Condominium Association, Inc., (hereinafter "Applicant") own the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

Common areas, Portofino on the Intracoastal, a Condominium, according to the Declaration of Condominium thereof, as recorded in Official Records Book 10393, Page 192, and all amendments thereto, of the Public Records of Broward County, Florida, together with an undivided interest in the common elements appurtenant thereto.

Street Address: 77 S. Birch Road, Fort Lauderdale, FL 33316

(hereinafter "Property")

WHEREAS, Applicant is requesting approval for installation of a four-post boat lift which will extend a maximum of +/-130.83 feet from the Applicant's property line into the Intracoastal Waterway; and

WHEREAS, the City's Marine Advisory Board on January 4, 2018, reviewed the application for dock waiver filed by the Applicant and voted unanimously (11 to 0) 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(D), to allow Applicant to install a four-post boat lift which will extend a maximum of +/-130.83 feet from the Applicant's property line into the Intracoastal Waterway 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
Four Post Boatlift	**+/-130.83'**	**25'**	**+/-105.83**

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

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 issuance of all necessary permits. 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. 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 except liveaboards in certain zoning districts depending on the density.

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 that 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.

13. The Applicant is required to install and affix reflector tape to the proposed mooring piling clusters in accordance with Section 47.19.3.(e) of the Unified Land Development Regulations.

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 6th day of February, 2018.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI