

RESOLUTION NO. 19-162

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 TEN (10) FOOT WAIVER OF THE LIMITATIONS OF SECTION 47-19.3 (C) AND (D) TO ALLOW STEPHEN EARNHART, TRUSTEE OF THE STEPHEN C. EARNHART REVOCABLE TRUST DATED MARCH 8, 2018 AND LISA A. ZENDER, TRUSTEE OF THE LISA A. ZENDER REVOCABLE TRUST DATED MARCH 28, 2018, AS TENANTS IN COMMON FOR INSTALLATION OF A TEN-FOOT DOCK ADDITION AND SINGLE MOORING PILE THAT WILL EXTEND A MAXIMUM OF +/- 35-FEET FROM THE PROPERTY LINE INTO THE ADJACENT KAREN CANAL SUCH PROPERTY BEING LOCATED AT 95 HENDRICKS ISLE, 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, Stephen C. Earnhart, Trustee of the Steven C. Earnhart Revocable Trust dated March 8, 2019 and Lisa A. Zender, Trustee of the Lisa A. Zener Revocable Trust dated March 28, 2018, as tenants in common (hereinafter "Applicant") owns the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

Unit 8, a portion of Lot 3 of Block 3 in "VICTORIA ISLES" according to the Plat thereof, as recorded in Plat Book 15, at page 67, of the Public Records of Broward County, Florida, said lands situate, lying and being in Fort Lauderdale, Broward County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Lot 3I thence North along the East line of said Lot 3, a distance of 66.46 feet to the Point of Beginning; thence West 125.00 feet to a point on the West line of said Lot 3; thence North along the West line of said Lot 3, a distance of

32.74 feet to the Northwest corner of Lot 3; thence N89 degrees 38'30" E along the North line of said Lot 3 a distance of 125.00 feet; thence South, along the East line of said Lot 3 a distance 33.54 feet to the Point of Beginning.

Street Address: 95 Hendricks Isle, Fort Lauderdale, FL 33301

Property ID# 5042 02 45 0080

(hereinafter "Property")

WHEREAS, Applicant is requesting approval for installation of a ten-foot (10') dock addition and single mooring pile extending a maximum of +/- 35-feet (35') into the waters of the adjacent Karen Canal, as measured from the Applicant's property line; and

WHEREAS, the City's Marine Advisory Board on June 6, 2019, reviewed the application for dock waiver filed by the Applicant 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) and (D), to allow Applicant to install a ten-foot (10') dock addition and single mooring pile extending from Applicant's property line into the waters of the Karen Canal River 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
Finger Pier	+/-35'	25'	+/-10'
Mooring Pile	+/-35'	25'	+/-10'

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

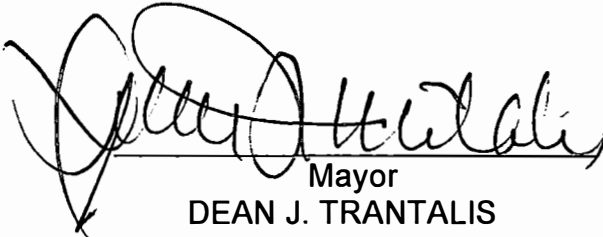
1. The Applicant is required to comply with all applicable building and zoning regulations as well as any other Federal and State laws and permitting requirements including the Broward County Environmental Protection and Growth Management Department, the Florida Department of Environmental Protection 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. 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.
5. 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 liveboards in certain zoning districts depending on the density.
6. 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.
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. A copy of this Resolution shall be attached to each and every Lease Agreement for the leasing of the Property described herein.

9. 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, and the recorded shall be filed with the Supervisor of Marine Facilities and City Clerk.
10. 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.
11. No vessel moored at this site shall extend beyond the outside edge of the outermost triple-pile cluster.

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 20th day of August, 2019.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI