

RESOLUTION NO. 20-

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) TO PERMIT PAUL HANDERHAN AND SUSIE FERNANDES INSTALLATION OF ONE (1) FOUR-POST BOAT LIFT THAT WILL EXTEND A MAXIMUM OF  $\pm$  30 FEET FROM THE PROPERTY LINE INTO THE MIDDLE RIVER, SUCH PROPERTY BEING LOCATED AT 1180 N. FEDERAL HIGHWAY, FORT LAUDERDALE, FLORIDA, UNIT 1409, SLIP #2, 33304, 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, Paul Handerhan and Susie Fernandes (hereinafter "Applicant") owns the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

CONDOMINIUM UNIT 1409, RIVA, A CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, RECORDED IN OFFICIAL RECORDS BOOK 50792, PAGE 797, AS AMENDED BY AMENDED AND RESTATED DECLARATION OF CONDOMINIUM RECORDED IN OFFICIAL RECORDS INSTRUMENT #113566952, AS AMENDED FROM TIME TO TIME, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS.

Parcel Identification Number: 4942-36-AL-0890

Street Address: 1180 N. Federal Highway Unit 1409, Fort Lauderdale, FL 33304 (hereinafter "Property")

WHEREAS, Applicant is requesting approval for installation of one (1) 4-post boat lift extending a maximum of +/- 30 feet from the Property line into the waters of the adjacent Middle River, as measured from the Applicant's property line; and

WHEREAS, the City's Marine Advisory Board on March 5, 2020, reviewed the application for dock waiver filed by the Applicant and voted unanimously (12 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, as of the effective date hereof, grants a waiver of the limitations of ULDR Section 47-19.3(C), to allow Applicant to one (1) 4-post boat lift extending a maximum of +/- 30 feet extending a maximum distance from Applicant's Property line into the waters of the Middle River such distances being more specifically set forth in the Table of Distances set forth below:

<b>PROPOSED STRUCTURES</b>	<b>STRUCTURE DISTANCE FROM PROPERTY LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING A WAIVER</b>
<b>Boat Lift</b>	<b>+/- 30'</b>	<b>25'</b>	<b>+/- 5'</b>

**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. Pursuant to Site Plan Level II review, the development review committee ("DRC") shall determine whether the proposed additional mooring device meets the criteria based on its location and the relationship of applicant's property to abutting

properties with regard to height, angle of view of the device from abutting properties and the height, width and length of the mooring device proposed.

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. Within ninety (90) days of the effective date 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 shall 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 complete construction of the improvements as referenced above, the granting of this waiver will expire, unless the date for completion of construction is extended by the City Manager upon good cause shown.
7. In the event ownership of the upland condominium unit or Property, to which the boat lift is appurtenant, 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.
8. 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.
9. A copy of this Resolution shall be attached to each and every Lease Agreement for the leasing of the residential upland unit or property to which the boat lifts and mooring piles are appurtenant.
10. The Applicant is required to install and affix reflector tape to the proposed mooring piles authorized to extend beyond the limitations provided in City Code § 47-19.3, Unified Land Development Regulations. The reflector tape must be formulated for marine use and be in one (1) of the following uniform colors: international orange or iridescent silver. On all such piles, the reflector tape shall be at least five (5) inches

wide and within eighteen (18) inches of the top of the pile.

11. No improvements may be constructed or installed pursuant to this Resolution until after the effective date thereof.

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

SECTION 4. That this Resolution shall be effective upon (i) Applicant, at Applicant's expense, recording a certified copy of this Resolution and (ii) filing a copy of the recorded Resolution with the Supervisor of Marine Facilities and City Clerk within ninety (90) days of the adoption of this Resolution. Failure to timely meet the conditions of (i) and (ii) shall cause this Resolution to be of no further force and effect.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

\_\_\_\_\_  
City Clerk  
JEFFREY A. MODARELLI