RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 47-19.3(e) OF THE CITY OF FORT LAUDERDALE, FLORIDA UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR") GRANTING A WAIVER OF THE LIMITATIONS OF ULDR SECTION 47-19.3(c) AND (d) TO PERMIT STEPHEN C. FARRELL INSTALLATION OF ONE (1) 24,000 POUND FOUR (4) POST BOAT LIFT EXTENDING A MAXIMUM DISTANCE OF +/- 40' FROM THE WATER SIDE PROPERTY LINE INTO THE INTRACOASTAL WATERWAY, SUCH PROPERTY BEING LOCATED AT 435 BAYSHORE DRIVE, UNIT# 402, FORT LAUDERDALE, FLORIDA 33304 AND MORE PARTICULARLY DESCRIBED BELOW; SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Stephen C. Farrell (hereinafter "Applicant") own the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

Units 402, of ADAGIO FORT LAUDERDALE BEACH, a Condominium, according to the Declaration of Condominium thereof recorded in Instrument # 116023734, of the Public Records of Broward County, Florida.

Street Address: 435 Bayshore Drive, Unit 402, Fort Lauderdale, FL 33304

Property ID# 5042 01 CF 0060
(hereinafter "Property" or "Upland Property")

WHEREAS, Applicant is requesting approval for installation of one (1) 24,000 lb. four (4) post boat lift extending a maximum distance of +/- 40' from the water side property line into the Intracoastal Waterway, as measured from the Applicant's Property line; and

WHEREAS, the City's Marine Advisory Board on September 2, 2021, 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 Section 47-19.3(e) of the City of Fort Lauderdale, Florida Unified Land Development Regulations (ULDR), the City Commission hereby grants a waiver of the limitations of ULDR Section 47-19.3(c) and (d), to allow Applicant to install one (1) 24,000 lb. four (4) post boat lift extending a maximum distance of +/- 40' from the water side property line into the Intracoastal Waterway, such distances being more specifically set forth in the Table of Distances set forth below:

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Boat Lift	**+/- 40.0'**	**25'**	**+/- 15'**

SECTION 2. That the above waiver is subject to 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 within the Upland Property 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. Use of the dock to which the mooring piles are appurtenant shall be limited to the owner or tenant in possession of the upland Property.

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 than twice every three months or the occupation of the Upland Property by subtenants that change more frequently than twice every three months.

7. 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.

8. 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.

9. In the event ownership of the Upland 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.

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 Upland Property described herein.

12. The Applicant is required to install and affix reflector tape to the proposed mooring piles authorized to extend beyond the limitations provided in ULDR Section 47-19.3(d). 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.

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

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 _____ day of _____, 2021.

_____
Mayor
DEAN J. TRANTALIS

ATTEST:

_____
City Clerk
JEFFREY A. MODARELLI