



CITY OF FORT LAUDERDALE

DRAFT
MEETING MINUTES
CITY OF FORT LAUDERDALE
MARINE ADVISORY BOARD
THURSDAY, JULY 7, 2022 – 6:00 P.M.

Cumulative Attendance
January-December 2022

Ted Morley, Chair	P	5	1
Steve Witten, Vice Chair	P	5	1
Robyn Chiarelli (arr. 6:13)	P	4	2
Bob Denison	P	4	2
Barry Flanigan	P	6	0
Robert Franks	P	3	0
James Harrison	P	6	0
Kitty McGowan (arr. 6:03)	P	3	3
Norbert McLaughlin	P	5	1
Noelle Norvell	A	4	2

As of this date, there are 10 appointed members to the Board, which means 6 would constitute a quorum.

Staff

Andrew Cuba, Marine Facilities Manager
Sergeant Travis O’Neil, Fort Lauderdale Police Department
Carla Blair, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

The meeting was called to order at 6:01 p.m. and roll was taken.

II. Approval of Minutes – June 2, 2022

Motion made by Vice Chair Witten, seconded by Mr. Franks, to approve. In a voice vote, the **motion** passed unanimously.

III. Statement of Quorum

It was noted that a quorum was present at the meeting.

IV. Waterway Crime & Boating Safety Report

Sergeant Travis O'Neil of the Fort Lauderdale Police Department's Marine Unit reported the following activity from June 2022:

- 80 waterway calls for service, including five burglaries from vessels
- 63 citations
- 1 minor accident

Sgt. O'Neil advised that the burglaries targeted Garmin devices.

Ms. McGowan arrived at 6:03 p.m.

Chair Morley asked if Fort Lauderdale's Noise Ordinance will apply to vessels on the waterway and whether or not the Marine Unit will enforce it. Sgt. O'Neil stated that at present, this Ordinance does not include vessels.

V. Dock Permit – 607 Cordova Road / SIPC LLC – Glenn Wright, Mgr.

Michelle Wilson, representing the Applicant, stated that the proposed dock is approximately 40 ft. in length and 8 ft. wide. The property owners do not have a boat at this time; however, once they have purchased a vessel, the Board will be informed of its specifications. County permits have already been acquired.

Chair Morley noted that Items V and VI are both development projects, and the party requesting permits will not be the owner of the property once it has been completed. Ms. Wilson confirmed that the Applicant was aware that permits cannot be transferred from one owner to another.

There being no further questions from the Board at this time, Chair Morley opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Chair Morley pointed out that the seawall cannot be penetrated or structures attached to it. This would result in loss of permit, as the seawall on Cordova Road is publicly owned and intended for flood maintenance. Ms. Wilson confirmed that there are no plans for attachment to the seawall. Marcus Buerosse, who is employed by the Applicant, added that he also understands the applicable rules and regulations regarding use of the seawall, including Ordinances C21-12 and C19-22.

Mr. Flanigan asked if the Board has previously approved a permit for an unfinished building. Mr. Cuba stated that a dock may not occupy a property that does not have a principal upland structure adjacent to it: the dock can be built once work on the upland structure has been permitted. Mr. Buerosse confirmed that construction has begun on this property.

Motion made by Vice Chair Witten, seconded by Mr. McLaughlin, to approve. In a voice vote, the **motion** passed unanimously.

VI. Dock Permit – 601 Cordova Road / 1550 Ponce de Leon LLC – Glenn Wright, Mgr.

Ms. Chiarelli arrived at 6:13 p.m.

Ms. Wilson, representing the Applicant, explained that this request is also for a 40 ft. x 8 ft. dock.

There being no questions from the Board at this time, Chair Morley opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Franks, seconded by Ms. McGowan, to approve. In a voice vote, the **motion** passed unanimously.

VII. Dock Waiver – 777 SW 6th Street – Edwin Kirwin III

John Piotrowski, representing the Applicant, stated that the two properties seeking dock waivers, 777 SW 6th Street and 801 SW 6th Street, are adjacent to one another. This request is for the installation of four sets of dolphin clusters at 62 ft. from the seawall. Any boats docked at the property will be for the owner's personal use. The Applicant is currently in the process of reconstructing the seawall and docks.

Edwin Kirwin, Applicant, explained that his property is located at the widest section of the New River. When large boats pass by quickly, their speed creates a significant wake that can damage vessels moored nearby, even though the area is a No Wake Zone. This is a constant problem that has resulted in over \$4000 in damage to his vessels.

Mr. Harrison requested clarification of the size of the Applicant's boats. Mr. Kirwin replied that his two vessels are 42 ft. and 48 ft. Mr. Harrison explained that his concern was for the two properties together at 777 SW 6th Street and 801 SW 6th Street, which he felt could serve as a marina. Mr. Kirwin advised that the subject property is a family home. He owns four properties in the subject area.

Mr. Harrison reiterated his concern with a potential marina, recalling that dolphin pilings have previously been requested for other properties owned by the Applicant, with some opposition from the surrounding neighborhood. Mr. Piotrowski stated that the footprint of the site is not changing aside from the raising and reinforcement of the seawall.

Mr. Harrison explained that there are issues with enforcement of marine regulations in the City. The Board has expressed concerns in the past with the docking of larger vessels than what was approved for specific properties. Use of private properties as

marinas was one other such concern. Mr. Kirwin reiterated that his intent is to protect his boats from damage.

Mr. Harrison continued that boatyards and other marine industries are located farther up the New River, and emphasized the river's use as a commercial waterway. He expressed concern for large boats passing one another on the waterway. Mr. Kirwin noted that his request is made at the same waterway width as a property for which a waiver was previously granted.

Mr. Harrison referred to a previous application which the Board had recommended against, recalling that the furthest dolphin pilings at that structure were at 49 ft. He had opposed that application due to navigational concerns, although it was ultimately approved by the City Commission. Mr. Kirwin stated once again that there is no intent to use the property for commercial purposes.

Chair Morley stated that the surrounding neighborhood has reacted "in overwhelming negative response" to the Applicant's request, which is being taken into consideration by the Board. Mr. Kirwin repeated that his request is the same as a request made by a property across the waterway at the widest point in the river.

A question was asked regarding the ownership of other boats docked at properties owned by the Applicant. Mr. Kirwin replied that these boats also belong to family members and have been at that location for many years.

Chair Morley stated once again that the Board's concern was that the requested dock and others owned by the Applicant could become equivalent to a commercial marina operation within the residential neighborhood, as there are several large vessels that could impede navigation. He pointed out that this is a different situation from the property across the river, as boats turn from a canal onto the New River near the subject location.

Mr. Piotrowski noted that the waiver request is identical to a property across the waterway in its distance into the canal, and the Board had voted unanimously to approve that request. He cited other nearby properties with different conditions, reiterating that the Applicant's intent is for personal use of the proposed dock.

Mr. McLaughlin observed that commercial vessels often lay over in the subject area when waiting for the bridge to open and for incoming boat traffic to pass. He also recalled that the Board has approved a number of requests in the past with conditions based on the size of the vessels to be docked at those locations, but these conditions were often not met.

Mr. McLaughlin concluded that commercial operators do not want to lose any of the area in which they lay over. Mr. Kirwin replied that he has seen commercial vessels

congregating to the north and west rather than in front of his property. The proposed pilings would be located further to the east.

Mr. Piotrowski advised that the subject property differs from the site for which the Board had not recommended approval, as that site proposes a more substantial use with concrete docks and pilings in a narrower area. The Applicant's request is for wooden dolphin clusters. He also addressed the mention of commercial opposition to the Application, pointing out that these operators received notice of tonight's meeting but were not present to oppose the Application.

Mr. Cuba explained that notice of tonight's meeting was sent to all properties within 300 ft. of the 777 and 801 SW 6th Street addresses. He received a total of three emailed responses stating concern with the Applications, one of which had believed the Applications to refer to a property that previously came before the Board for approval. He clarified that he does not send notice to all commercial operators unless they have requested it.

Chair Morley recalled that the Board had received roughly seven letters, primarily from tow boat operators, in opposition to the nearby property not recommended for approval by the Board. He felt if they had been aware of the Applications before the Board tonight, they would have similarly expressed opposition, as he did not recognize a substantial difference between the requests. Mr. Piotrowski characterized this as speculation, stating that he had also spoken with several tow boat operators, none of whom expressed opposition to the previous project or the current Application. Chair Morley asserted that this was not correct, stating again that the lack of opposition from tow boat operators suggested those individuals were not aware of the Application.

Mr. Franks requested clarification of the legality of renting dock space in the Applicant's zoning district. Mr. Cuba replied that the Applicant's zoning is RD-15, which may permit the renting of slips, and that he would look into it. Mr. Piotrowski stated again that while this may be permitted, it is not the Applicant's intention.

Mr. Harrison asked if the Applicant had considered widening the slips at his dock to prevent damage to his boats. Mr. Kirwin replied that the existing slips at the 801 SW 6th Street property are being widened. He noted that the proposed dolphin pilings are not within the normal navigable channel of the river, and that speeding and/or large boats create damaging wakes.

Mr. Harrison requested clarification of the greatest depth of the river in front of the Applicant's property. Mr. Kirwin stated that this depth is approximately 150 ft. into the middle of the New River. Mr. Harrison commented that there are deep and shallow areas within a river, which change from one side of the waterway to the other. Mr. Kirwin added that the river is shallower near his property and the current is less strong.

Vice Chair Witten observed that he has not seen a substantive change in boat traffic on the river, and asked what change has necessitated the Applicant's request. Mr. Kirwin explained that his daughter purchased the property at 801 SW 6th Street roughly three years ago and work is underway at the seawall on her property. A contractor would be brought in to do all the work on the two properties at once rather than in a piecemeal fashion. He pointed out that most of the surrounding properties have newer seawalls, and it is his wish to improve his property as well.

Vice Chair Witten explained that although previous similar applications may have been approved by the Board, conditions may change over time. He also requested clarification of whether or not the Board is considering the two waivers for 777 and 801 SW 6th Street separately or together. Mr. Cuba clarified that the two Applications are separate from one another.

Mr. McLaughlin asserted that he would be more comfortable if the Applicant had support from the marine industry, as he wished to emphasize the river's importance as a commercial waterway. He did not believe commercial operators were aware of the Applications before the Board at tonight's meeting.

Mr. McLaughlin also suggested that notice be sent in the future to commercial operations that could be affected by structures on the New River. He asked if it would be possible for those entities to request notice. Mr. Cuba explained that the Marine Advisory Board's (MAB's) Agenda is mailed to several homeowners' associations as well as to the Marine Industries Association of South Florida (MIASF). He recalled that with the recent application denied by the Board, those entities had provided significant opposition and had asked to be kept apprised of developments regarding that property, which he had done.

Mr. McLaughlin stated that he felt "the system is not working" if tow boat and other commercial operators had not been notified, citing marine industries on the New River which had indicated to him that they were not aware of the Applications before the Board tonight. Mr. Cuba pointed out that he does not provide notice to every operator.

Mr. Piotrowski noted that he has seen notice forwarded from MIASF, of which most tow boat operators are members, to tow boat captains. He pointed out that he is a member of this association and has received forwarded notices in this manner. He felt this meant it was probable that MIASF members had seen tonight's Agenda. Mr. Harrison noted that MIASF members are provided with MAB meeting Agendas rather than detailed information.

Mr. Harrison advised that he would be more comfortable with the Application if the dolphin clusters were limited to the same distance into the waterway as that previous application, and if the slips at the subject property were widened, which he felt would improve the safety of vessels docked there.

Mr. Piotrowski observed that the previous project discussed tonight was separate from the Applications. He pointed out, however, that the dolphin piles' proposed distance is exactly the same as that of another property across the waterway, which was unanimously approved by the Board. He requested clarification of the difference between these two projects.

Chair Morley addressed this question, noting that one significant difference between the Application and the property across the waterway is the alignment to the bridge span. He noted that from a navigational standpoint, the property across the waterway does not enter into a "swing area" used by boats lining up to pass beneath the bridge, while the Applicant's property is within this area.

Chair Morley continued that the Board's concerns are with the issues facing not only the Applicant, but with neighbors and commercial marine operations on the New River, as well as overall public safety. He added that the Board's membership represents decades of different types of marine industry expertise, which may not be widely known to recreational boaters.

Chair Morley asked if the Applicant wished to withdraw the Application to consider some of the changes Mr. Harrison had proposed, or if he wished to continue toward a vote at tonight's meeting. Mr. Kirwin requested additional clarification of the navigational hazard to which the Chair had referred. Chair Morley explained that the subject property is located on a curve in the river, near which outbound larger vessels, including tow boats, must align themselves to pass beneath the clear span opening of the bridge. Mr. Kirwin advised that boats do not make this turn in front of his property: they are still moving straight when they pass his home. He identified the point of alignment to which the Chair had referred as lying "east of our property." He reiterated that his home lies at the widest point of the waterway.

Chair Morley replied that vessels are being passed in the portion of the river on which Mr. Kirwin's property is located. Mr. Kirwin asserted that vessels regularly pass each other in this area with no problem.

Mr. Flanigan stated that the U.S. Coast Guard has identified the New River as a commercial river "more so than a pleasure river." He pointed out that there is greater activity on the New River from large vessels being serviced by marine industries, and stated that this increased activity should be protected. He suggested that it might be possible to restrict the length of boats to be docked in the subject area, or to move the proposed pilings back by a few feet.

Mr. Franks commented that barges are required for any type of construction upriver, and that barges require additional room to maneuver. He also noted that there must be places on the river where vessels can safely pass one another, which may be near the Applicant's property and would be affected by the proposed dolphin pilings. Mr. Franks concluded that he did not see how placing pilings further out into the waterway would

prevent damage to vessels, and agreed that widening the slip could be more useful in protecting the Applicant's boats.

Mr. Kirwin explained that there is no way to secure the bows of his boats when they are hit by a wake. He likened this difficulty to securing a 50 ft. boat at a 25 ft. dock. He stated again that the subject property is a family home and not a marina. Mr. Piotrowski added that the proposal is for a cluster of three piles: the existing configuration includes older single dolphin piles, which are less strong.

There being no further questions from the Board at this time, Chair Morley opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Vice Chair Witten, seconded by Mr. Harrison, to deny. In a roll call vote, the **motion** passed unanimously (9-0).

Chair Morley observed that the Applicant may wish to address concerns regarding commercial river traffic in front of the Applicant's property so the Item would have support from commercial operators if it came back before the Board at a later date. He recalled that at least one Board member had indicated he would be supportive of the issue if tow boat and other commercial operators agreed the proposal would not constitute a risk to their operations. He also wished to hear additional input from marine industries.

Mr. Cuba advised that he would speak with the Applicant regarding whether or not he wished the Application to proceed to the City Commission with a recommendation of denial from the Board.

Mr. Harrison stated that a colleague at MIAFS had contacted him during the meeting to indicate that organization had not received tonight's meeting Agenda, nor had they received other notice of the Application.

VIII. Dock Waiver – 801 SW 6th Street – Christina Kirwin

Mr. Piotrowski, representing the Applicant, advised that his presentation would be the same for this property as for 777 SW 6th Street. The two properties are aligned and adjacent.

Chair Morley asked if the Applicant had a slide or measurement showing the setback from the parcel of land to a peninsula that extends into the New River. Mr. Piotrowski referred the Board to a slide showing survey information. It was clarified that Google Earth shows the width of the waterway at 310 ft. from the subject parcel and 160 ft. from the peninsula across the waterway.

Mr. Harrison stated that his concerns for this parcel would be the same as for 777 SW 6th Street, as the issue is distance, as well as the possibility of placing very large boats on the property.

Mr. McLaughlin commented that small boats coming from the mouth of the Tarpon River would have to go out further into the New River to turn and move east if pilings were constructed on the subject property. He recalled that this had been cited as an objection to a previous application that had come before the Board. Chair Morley added that one of the emails received in opposition to the Application had raised this concern.

Mr. Piotrowski reviewed the letter of opposition, stating that the property to which the letter had referred was "130 ft. away" and should not be an issue.

There being no further questions from the Board at this time, Chair Morley opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Chair Morley, seconded by Ms. Chiarelli, to approve. In a roll call vote, the **motion** failed 1-6 (Chair Morley, Vice Chair Witten, Mr. Denison, Mr. Graves, Mr. Harrison, and Mr. McLaughlin dissenting). (Mr. Flanigan and Ms. McGowan were not present for the vote.)

Mr. Cuba advised that he would work with the Applicant to determine how they wished to proceed.

IX. Old / New Business

Mr. Franks recalled that at the June 2, 2022 meeting, a member of the public had addressed the Board to report that his fuel barge was having difficulty finding a place to dock. He expressed concern for dockage of commercial boats, noting that in the past month, charter boats have been asked to move from the south side to the north side of the Bahia Mar marina. Mr. Franks concluded that many charter boats have not purchased their own properties and have had limited involvement in the marine industry.

Mr. McLaughlin added that the New River has narrowed over the last 10 years, which means there is less space in which larger boats can maneuver. He also stated his concern for the Riviera Isles area, noting that some pilings in this location may extend further than 30% into the canal. This creates difficulty for barges and other commercial vessels working in that area.

Vice Chair Witten stated that the Board is aware of the economic impact that commercial boating brings to the New River. He felt they are addressing waiver applications more strictly due to their concern for the marine industry.

Chair Morley recalled that an application that might have been approved easily in the past may not be approved by the Board at present due to changing conditions. He agreed that the New River is becoming smaller, and added that the logic applied to an application in the past may not be applicable now. He noted that there may be clashes between commercial industry and recreational boating on the New River, which makes it more difficult to evaluate waiver and permit requests.

Ms. McGowan commented that while the Board may come to a consensus based on safety issues as well as marine knowledge, it is not always possible to ensure that their views are represented before the City Commission. She emphasized the importance of making sure a representative of the Board is present when an application moves forward.

Chair Morley requested that Mr. Cuba inform the Board of when the applications heard at tonight's meeting will go before the City Commission for a vote so the Board can ensure there is a presence at that Commission meeting. Mr. Cuba noted that three dock permits are on the Commission's Consent Agenda on August 16, 2022. The two dock permits approved at tonight's meeting would be heard at the Commission meeting of September 6, 2022. He was not certain of whether or not the applicants for the dock waivers denied at tonight's Board meeting would wish to move forward to the City Commission.

Chair Morley asked what might be a path forward for the applicants denied at tonight's meeting if they choose not to proceed to the City Commission level. Mr. Cuba replied that the applicants may come back before the Board with different plans.

Ms. McGowan asked if any updates are available regarding the Board's concerns with the SALT7 restaurant. Mr. Cuba stated that boats will not be docked at that site, although alternative sites may be identified for dockage. Ms. McGowan noted that there is no signage on that property.

Ms. McGowan recalled that the SALT7 property had applied to the U.S. Army Corps of Engineers for a new permit, which took the issue out of the City's hands. She added that some Board members had sent letters to the Army Corps expressing concern with this possibility, but have not heard a response.

Chair Morley observed that there had also been a potential issue with the number of boat slips within Broward County. Mr. Luscomb replied that the southern zone of Broward County has no more dock slips to allocate at this time. This issue depends upon how the County views the proposed pier: if it is a separate facility, it might be allocated four slips without a marine facility operating license, as the definition of marine facility refers to five or more slips.

Ms. McGowan recalled that the area in question was originally considered a walkway rather than a dock. Mr. Luscomb advised that the entity is seeking to amend its permit.

Mr. McLaughlin stated that the original permit had included a railing, and pointed out that it is unlikely the facility can obtain a Certificate of Occupancy (CO) unless a railing has been constructed.

X. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:58 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

[Minutes prepared by K. McGuire, Prototype, Inc.]

ITEM VII

MEMORANDUM MF NO. 22-11

DATE: June 15, 2022
TO: Marine Advisory Board Members
FROM: Andrew Cuba, Marine Facilities Manager
RE: September 1, 2022 MAB Meeting - Dock Waiver of Distance Limitations – Richard Peacey and Katalin Van Den Hurk/ 2631 NE 12th Street

Attached for your review is a revised application from Richard Peacey & Katalin Van Den Hurk, 2631 NE 12th Street.

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for the installation of three (3) triple pile mooring clusters. The proposed pile clusters encroach more than 25' from the property line into the adjacent Seminole Lake, requiring a Dock Waiver of Distance Limitations, as summarized in Table 1 below:

TABLE 1

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	AMOUNT OF DISTANCE REQUIRING WAIVER
Triple Pile Cluster	+/- 48.8'	25'	+/- 23.8'
Triple Pile Cluster	+/- 48.8'	25'	+/- 23.8'
Triple Pile Cluster	+/- 48.8'	25'	+/- 23.8'

The City's Unified Land and Development Regulations (UDLR) Sec. 47-19.3.D. limits the distance of mooring piles to 25' or 30% of the width of the waterway, whichever is less, from the property line. Section 47-19.3.E authorizes the City Commission to waive that limitation based on a finding of extraordinary circumstances. The applicant indicates that the proposed mooring piling clusters are necessary for safely mooring resident's vessels especially during high winds and severe weather.

PROPERTY LOCATION AND ZONING

The property is located within the RS 4.4 Residential Single Family / Low Density District, resulting in a 10 foot vessel side yard setback. It is situated on the southern shore of Seminole Lake where the width of the waterway from wet face to wet face is +/- 500 feet, according to the Summary Description.

DOCK PLAN AND BOATING SAFETY

Marine Facilities' records reflect there have been thirteen (13) Waivers of Limitation approved by the City Commission within close proximity to 2631 NE 12th Street (**Table 2**).

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
1979	1280 Seminole Drive	42'
1980	1224 Seminole Drive	40'
1984	1224 Seminole Drive	51'
1985	1240 Seminole Drive	46'
1990	2701 East Sunrise Blvd	487.4'
1990	2800 Yacht Club Blvd	120'
1994	1256 Seminole Drive	33'
1995	1272 Seminole Drive	40'
2009	1256 Seminole Drive	58'
2009	1224 Seminole Drive	50'
2011	1200 Seminole Drive	50'
2013	1100/1120 Seminole Drive	54.7'
2021	1207 Seminole Drive	48.8'

RECOMMENDATIONS

Should the Marine Advisory recommend approval of the application, the resolution under consideration by the City Commission should include at least the following as prescribed in the ULDR and City Code of Ordinances:

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 Marine Facilities Supervisor with copies of "As Built" drawings from a certified and licensed contractor.
3. The applicant is required to install and affix reflector tape to the proposed mooring piles in accord with Section 47.19.3.E of the Unified Land and Development Regulations (ULDR).

AC
Attachment

cc:
Enrique Sanchez, Deputy Director of Parks and Recreation
Jon Luscomb, Marine Facilities Supervisor

2631 NE 12th Street
APPLICATION FOR WATERWAY WAIVER

Cover sheet
2631 NE 12th Street Fort Lauderdale Florida 33304

Dock waiver application

Owner: Richard Peacey and Katalin Van Den Hurk

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2631 NE 12th Street
APPLICATION FOR WATERWAY WAIVER

**CITY OF FORT LAUDERDALE
MARINE FACILITIES
APPLICATION FOR WATERWAY PERMITS, WAIVERS AND LICENSES**

Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, licenses, permits and approvals involving municipal docking facilities or private uses in the waterways as regulated by Section 8 of the City Code of Ordinances or Section 47-19.3 of the City's Urban Land Development Regulations, shall be preceded by the execution and filing of the following application form available at the Office of the Supervisor of Marine Facilities. The completed application must be presented with the applicable processing fee paid before the agreement is prepared or the application processed for formal consideration (see City of Fort Lauderdale Code Section 2-157). If legal publication is necessary, the applicant agrees to pay the cost of such publication in addition to the application fee.

APPLICATION FORM
(Must be in Typewritten Form Only)

1. LEGAL NAME OF APPLICANT - (if corporation, name and titles of officers as well as exact name of corporation. If individuals doing business under a fictitious name, correct names of individuals, not fictitious names, must be used. If individuals owning the property as a private residence, the name of each individual as listed on the recorded warranty deed):

NAME: Richard Peacey and Katalin Van Den Hurk

TELEPHONE NO: 305 510 7559 _____ EMAIL: richard@peaceysystems.com
(home/cellular) (business)

TELEPHONE NO: 305 778 6570 _____ EMAIL: tika@peaceysystems.com
(home/cellular) (business)

2. APPLICANT'S ADDRESS (if different than the site address): 2631 NE 12th Street, Fort Lauderdale, FL, 33304
3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: Waiver of Limitations
3. SITE ADDRESS: 2631 NE 12th Street, Fort Lauderdale, FL, 33304
ZONING: Residential

LEGAL DESCRIPTION AND FOLIO NUMBER: The property is located within the Lot 31, BEACH WAY HEIGHTS UNIT B according to the Plat book 25 , page 27, of the Public Records of Broward County, Florida. It is situated on the southern shore of Seminole Lake where the width of the waterway from wet face to wet face is +/- 500 feet, according to the Summary Description provided in Exhibit 1. Parcel ID: 494236080280

2631 NE 12th Street
APPLICATION FOR WATERWAY WAIVER

EXHIBIT II
SUMMARY DESCRIPTION

Summary Description

2631 NE 12th Street

The project site is located on Seminole Lake , 2631 NE 12th street, Fort Lauderdale Florida, 33304. Lot 31, BEACH WAY HEIGHTS UNIT B according to the Plat book 25 , page 27, of the Public Records of Broward County, Florida. It is situated on the southern shore of Seminole Lake where the width of the waterway from wet face to wet face is +/- 500 feet, according to the Summary Description provided in Exhibit 1. The nearest direct connection to the Atlantic Ocean is approximately 3 miles to the southeast at the Port Everglades Inlet. As the project site is located along the New River, the incoming tidal waters (flood) at the site move to the west and the outgoing waters (ebb) move to the east.

The project site consists of an existing refurbished 75 ft coral block wall and new composite dock with a 15ft finger pier and three triple cluster mooring pilings at 20' from the property line.

The proposed project consists of adding three triple cluster mooring pilings at 48.8' in line with the current mooring pilings just 23.8' further out. As these distances are over the allowable 25' distance into the waterway from the property line, the proposed mooring piles will require a variance waiver.

The following four (3) matters provide justification for this waiver request:

1. All structures and piles will not exceed 30% of the width of the waterway.
2. Due to the extraordinary width of the waterway at this location from wetface to

2631 NE 12th Street
APPLICATION FOR WATERWAY WAIVER

wetface (+/- 500 feet) the proposed project will not impede navigation within Seminole Lake.

3. The proposed structures are necessary for safely mooring resident's vessels, especially during high wind events and severe weather.

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	AMOUNT OF DISTANCE REQUIRING WAIVER
Mooring Pile	48.8'	25'	23.8'
Mooring Pile	48.8'	25'	23.8'
Mooring Pile	48.8'	25'	23.8'

2631 NE 12th Street APPLICATION FOR WATERWAY WAIVER

BCPA PAGE

Broward County Property Appraiser's Network

6/20/22, 12:14 PM



PROPERTY SUMMARY

Tax Year: 2022	Property Use: 01-01 Single Family	Deputy Appraiser: Bret Peterson
Property ID: 494236080280	Millage Code: 0312	Appraisers Number: 954-367-6831
Property Owner(s): VAN DEN HURK, KATALIN PEACEY, RICHARD	Adj. Bldg. S.F.: 3970	Email: realprop@bcpa.net
Mailing Address: 2631 NE 12 ST FORT LAUDERDALE, FL 33304	Bldg Under Air S.F.: 3990	Zoning: RS-4.4 - RESIDENTIAL OF SINGLE FAMILY/LOW DENSITY
Physical Address: 2631 NE 12 STREET FORT LAUDERDALE, 33304	Effective Year: 1996	Abbr. Legal Des.: BEACH WAY HEIGHTS UNIT B 25-27 B LOT 31
	Year Built: 1995	
	Units/Beds/Baths: 1 / 4 / 4	

PROPERTY ASSESSMENT

Year	Land	Building / Improvement	Agricultural Saving	Just / Market Value	Assessed / SOH Value	Tax
2022	\$516,450	\$1,129,340	0	\$1,645,790	\$1,342,220	
2021	\$516,450	\$935,210	0	\$1,451,660	\$1,303,130	\$23,973.63
2020	\$516,450	\$842,310	0	\$1,358,760	\$1,285,140	\$23,520.09

EXEMPTIONS AND TAXING AUTHORITY INFORMATION

	County	School Board	Municipal	Independent
Just Value	\$1,645,790	\$1,645,790	\$1,645,790	\$1,645,790
Portability	0	0	0	0
Assessed / SOH 17	\$1,342,220	\$1,342,220	\$1,342,220	\$1,342,220
Granny Flat				
Homestead 100%	\$25,000	\$25,000	\$25,000	\$25,000
Add. Homestead	\$25,000	0	\$25,000	\$25,000
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exemption Type	0	0	0	0
Affordable Housing	0	0	0	0
Taxable	\$1,292,220	\$1,317,220	\$1,292,220	\$1,292,220

SALES HISTORY FOR THIS PARCEL

Date	Type	Price	Book/Page or Cin
05/28/2020	Quit Claim Deed Non-Sale Title Change	\$100	116531072
01/22/2020	Quit Claim Deed Non-Sale Title Change	\$100	116305116
06/15/2016	Warranty Deed Qualified Sale	\$1,604,000	113782369
10/03/2007	Warranty Deed Qualified Sale	\$1,360,000	44761 / 893
12/07/2006	Warranty Deed	\$100	43230 / 380

LAND CALCULATIONS

Unit Price	Units	Type
\$55.00	9,390 SqFt	Square Foot

2631 NE 12th Street
APPLICATION FOR WATERWAY WAIVER

Warranty Deed

PREPARED BY:

David M. Dwares, Esq.
555 S. Pompano Pkwy
Pompano Beach, FL 33069

RECORD AND RETURN TO:

GRAY ROBINSON, P.A.
401 EAST LAS OLAS BLVD. SUITE 1000
FORT LAUDERDALE, FL 33301

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 15th day of June, 2016 between David X. Chen and Iris Y. Chen, husband and wife whose post office address is 68 Broadview Ave. Apt B2, Toronto, Ontario, Canada M4M 2E6, grantor, and Katalin Van Den Hurk and Richard Peacey, wife and husband whose post office address is 2631 NE 12 Street, Fort Lauderdale, FL 33304, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Broward County, Florida to-wit:

Lot 31, BEACH WAY HEIGHTS UNIT B, according to the plat thereof as recorded in Plat Book 25, Page 27, of the Public Records of Broward County, Florida.

Parcel Identification Number: 494236-08-0280

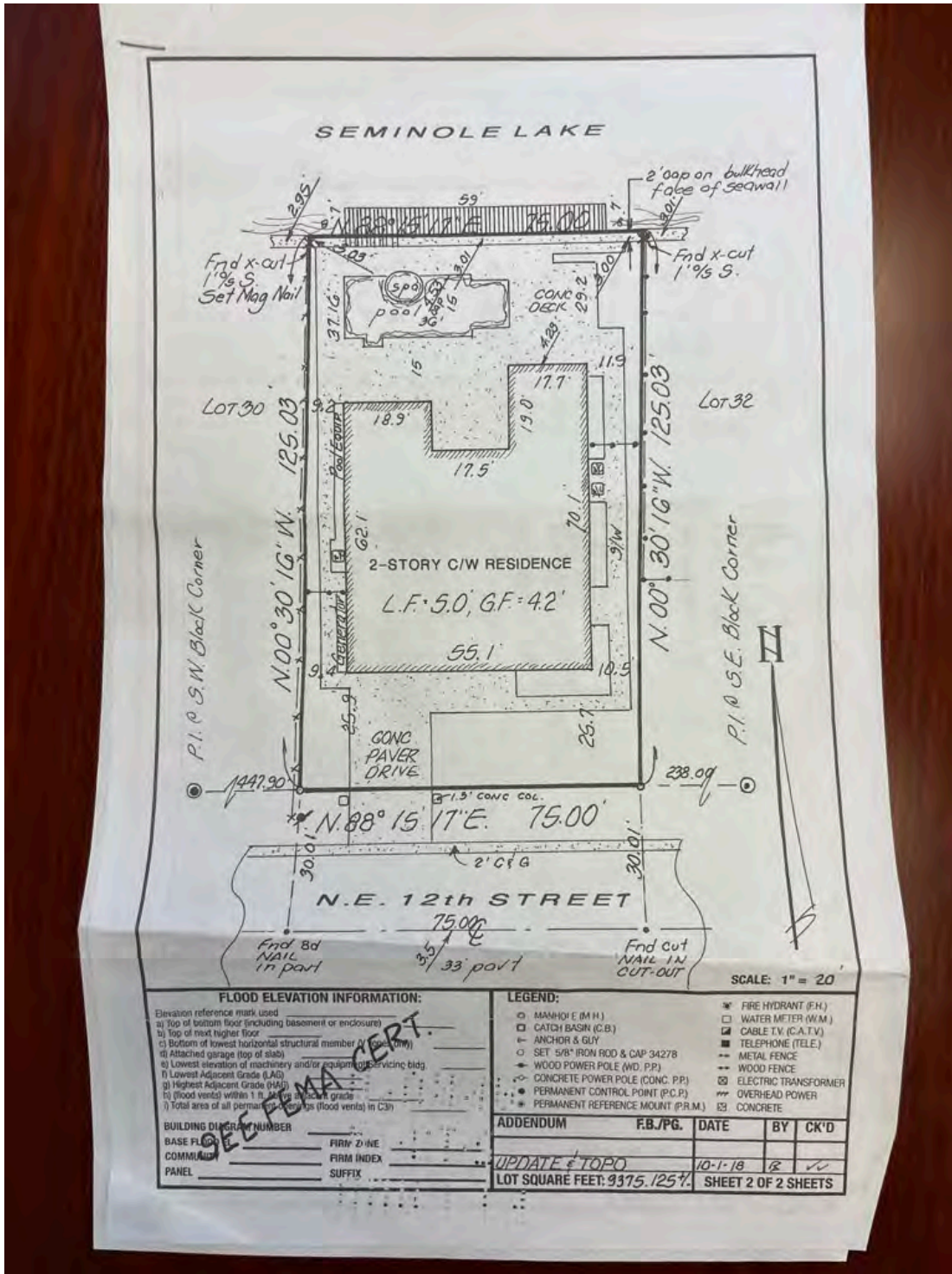
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2015.

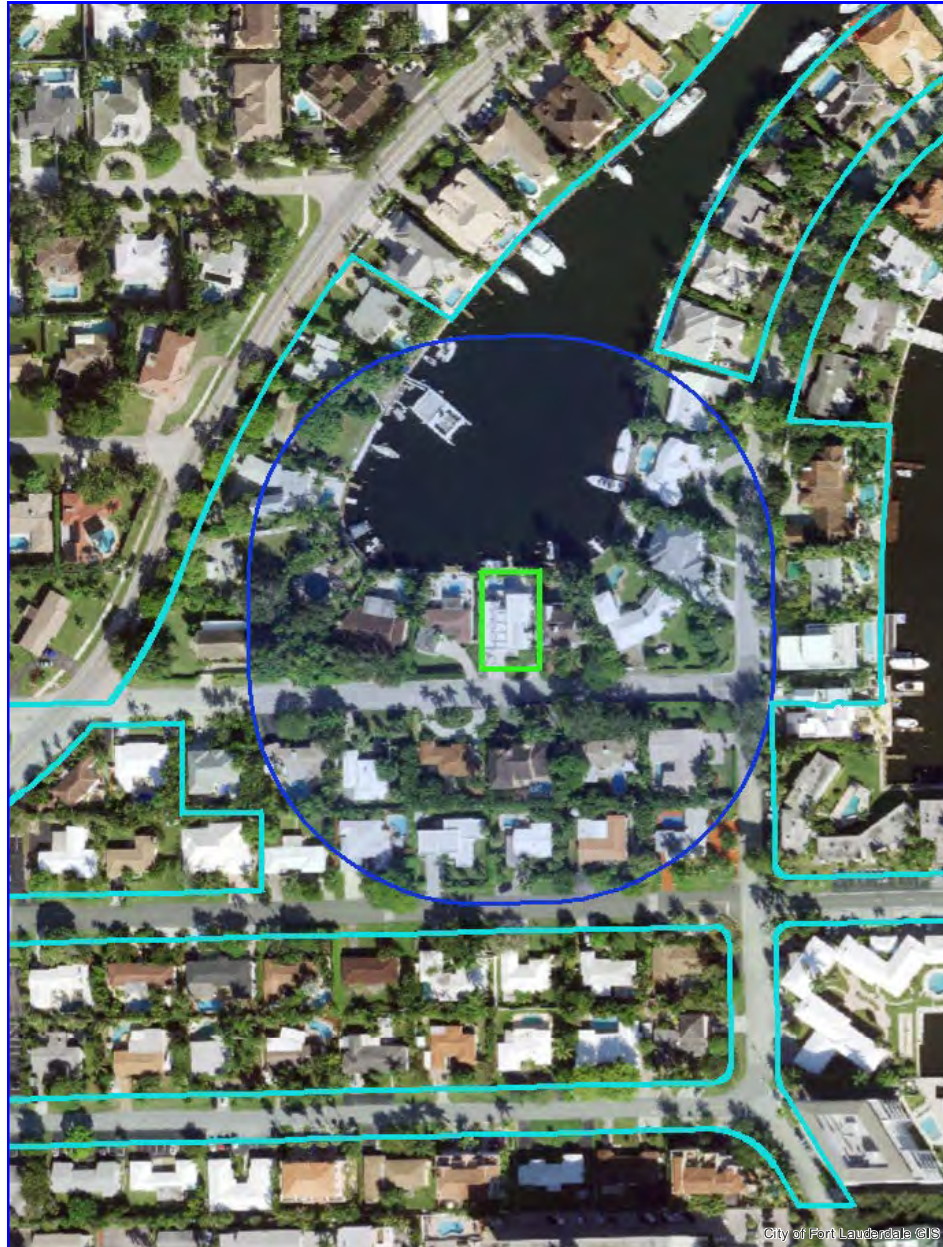
2631 NE 12th Street APPLICATION FOR WATERWAY WAIVER

ORIGINAL SURVEY



2631 NE 12th Street APPLICATION FOR WATERWAY WAIVER

Zoning Aerial



CITY OF FORT LAUDERDALE
Map Created by GIS Mapper

2631 NE 12 Street



GIS
Feet Fort Lauderdale

2631 NE 12th Street
APPLICATION FOR WATERWAY WAIVER

Photo's



2631 NE 12th Street
APPLICATION FOR WATERWAY WAIVER



2631 NE 12th Street
APPLICATION FOR WATERWAY WAIVER



2631 NE 12th Street
APPLICATION FOR WATERWAY WAIVER



2631 NE 12th Street
APPLICATION FOR WATERWAY WAIVER



2631 NE 12th Street
APPLICATION FOR WATERWAY WAIVER



Sec. 47-19.3. - Boat slips, docks, boat davits, hoists and similar mooring structures.

(a) The following words when used in this section shall, for the purposes of this section, have the following meaning:

- (1) *Mooring device* means a subset of mooring structures as defined herein including boat davits, hoists, boat lifts and similar devices that are erected on or adjacent to a seawall or dock and upon which a vessel can be moored. A mooring device does not include docks, slips, seawall or mooring pile.
- (2) *Mooring structure* means a dock, slip, seawall, boat davit, hoist, boat lift, mooring pile or a similar structure attached to land more or less permanently to which a vessel can be moored.
- (3) *NGVD 29* or the National Geodetic Vertical Datum of 1929 means the vertical control datum established for vertical control surveying in the United States of America by the General Adjustment of 1929. The datum is used to measure elevation or altitude above, and depression or depth below, mean sea level (MSL).
- (4) *NAVD88* or the North American Vertical Datum means the vertical control datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988.
- (5) *Seawall* means vertical or near vertical structures placed between an upland area and a waterway. For the purposes of Section 47-19.3(f), rip rap is not considered a seawall.
- (6) *Rip rap* means a foundation of unconsolidated boulders, stone, concrete or similar materials placed on or near a shoreline to mitigate wave impacts and prevent erosion.

(b) Boat davits, hoists and similar mooring devices may be erected on a seawall or dock subject to the following limitations on the number and location as follows:

- (1) Except as provided herein, only one (1) mooring device per the first one hundred (100) feet of lot width or portion thereof, and one mooring device for each additional one hundred (100) feet of lot width. A second mooring device may be permitted within the lot area greater than one hundred (100) feet but less than two hundred (200) feet if approved as a Site Plan Level II permit, subject to the following criteria:
 - a. The location of the proposed mooring device will not interfere with the view from adjacent properties to a degree greater than the intrusion already permitted as a result of the berthing of a vessel at applicant's property within the setback and extension limitations provided in the Code.
 - b. The type of mooring device is the least intrusive and most compatible with the view from the waterway.
 - c. No conflict with a neighboring property owner's usage of the waterway will be created as a result of the additional mooring device.

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.

Approval of a Site Plan Level II development permit for an additional mooring device shall not be final until thirty (30) days after preliminary DRC approval and then only if no motion is approved by the City Commission seeking to review the application pursuant to the process provided in Section 47-26. The denial of an application for an additional mooring device may be appealed to the City Commission in accordance with the provisions of Section 47-26.

- (2) In addition to the mooring device described in paragraph (b)(1) of this section, one (1) lift designed and used solely for the lifting of a personal watercraft (PWC) per development site is permitted. For purposes of this subsection (2) a PWC is as defined in F.S. Ch. 327.
 - (3) The cross section of the davit, hoist or other mooring device shall not exceed one (1) square foot and have a maximum height of six and one-half (6½) feet above lot grade.
 - (4) The lowest appendage of a vessel may not be hoisted greater than one (1) foot above a seawall cap or if no seawall, above the average grade of the upland property and properties abutting either side of the upland property, whichever is less.
- (c) No boat slips, docks, boat davits, hoists, and similar mooring structures not including mooring or dolphin piles or a seawall, may be constructed by any owner of any lot unless a principal building exists on such lot and such lot abuts a waterway. Mooring structures, not including mooring or dolphin piles, shall not extend into the waterway more than twenty-five (25) percent of the width of the waterway or twenty-five (25) feet whichever is less as measured from the property line.
 - (d) Mooring or dolphin piles, shall not be permitted to extend more than thirty (30) percent of the width of the waterway, or twenty-five (25) feet beyond the property line, whichever is less.
 - (e) The City Commission may waive the limitations of Sections 47-19.3.(c), 47-19.3.(d) and 47-39.A.1.b.(12).(a) and 47-39.A.1.b.(12).(b) under extraordinary circumstances, provided permits from all governmental agencies, as required, are obtained after approval of the City Commission, after a public hearing and notification to property owners within three hundred (300) feet. In no event shall the extension exceed thirty (30) percent of the width of the waterway and no variance may be approved by the Board of Adjustment or other agency permitting an extension beyond the thirty percent (30%) limitation. Reflector tape shall be affixed to and continually maintained on all mooring or dolphin piles authorized under this subsection to extend beyond the limitations provided in subsection (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.
 - (f) The top surface of a seawall shall have a minimum elevation of 3.9 feet NAVD88 (see table). The elevation of a seawall or dock shall not exceed a maximum of the base flood elevation (BFE) as identified in the corresponding FEMA Flood Insurance Rate Map (FIRM) for the property, except as specifically set forth herein. For properties with a BFE of 4.0 feet NAVD88, the minimum seawall elevation shall meet 3.9 feet NAVD88 and the maximum seawall or dock elevation shall be 5.0 feet NAVD88. For waterfront properties with a habitable finished floor elevation of less than 3.9 feet NAVD88, a seawall may be constructed at less than the stated minimum elevation if a waiver is granted by the City Engineer. For properties within an X zone, the minimum seawall elevation shall meet 3.9 feet NAVD88 and the maximum seawall or dock elevation shall meet the definition of grade as determined by subsection 47-2.2 (g)(1)(a). The maximum height of related structures attached to a seawall shall not exceed the elevation of the seawall to which the structure is attached. In the event of a conflict between subsection 47-19.5.B.Table 1, Note G: subsection 1.a.ii. and the requirements of this section, this section shall govern. Property owners choosing to construct seawalls at less than 5.0 feet NAVD88 are strongly encouraged to have the foundation designed to accommodate a future seawall height extension up to a minimum elevation of 5.0 feet NAVD88.

Property's FEMA Flood Insurance Rate Map Location	Minimum Allowable Seawall Elevation	Maximum Allowable Seawall or Dock Elevation
In a floodplain with a base flood elevation greater than or	3.9 feet NAVD88	Base flood elevation of the property

equal to 5.0 feet NAVD88		
In a floodplain with a base flood elevation equal to 4.0 feet NAVD88	3.9 feet NAVD88	5 feet NAVD88
In an X zone, not in a floodplain	3.9 feet NAVD88	Meet the definition of grade as determined by Section 47-2.2(g)(1)(a)

- (1) Seawalls must be designed and built in a substantially impermeable manner to prevent tidal waters from flowing through the seawall while still allowing for the release of hydrostatic pressure from the upland direction.
- (2) Fixed docks may be constructed at an elevation less than the elevation of the seawall to which it is attached but shall not be constructed at an elevation more than ten (10) inches above the seawall's elevation. The dock elevation may not exceed the maximum elevation as described in subsection (f) of this section. Floating docks shall be allowed and must be permitted and permanently attached to a marginal dock, finger pier, mooring pilings, or seawall.
- (3) Seawall improvements constituting substantial repair at the time of permit application shall meet the minimum elevation and consider the design recommendations (see subsection (f) above) for the continuous seawall for the length of the property. For the purposes of this section, the substantial repair threshold shall mean the following:
 - (i) Any improvement to the seawall of more than fifty percent (50%) of the length of the structure, which for the purposes of this section, shall include both the seawall and cap; or
 - (ii) Any improvement to the seawall which results in an elevation change along more than fifty percent (50%) of the length of the structure.
- (4) All property owners must maintain their seawalls in good repair. A seawall is presumed to be in disrepair if it allows for upland erosion, transfer of material through the seawall or allows tidal waters to flow unimpeded through the seawall to adjacent properties or public right-of-way. Property owners failing to maintain their seawalls may be cited. The owner of the property on which the seawall is constructed is required to initiate a process, including but not limited to hiring a contractor or submitting a building permit, and be able to demonstrate progress toward repairing the cited defect within sixty (60) days of receiving notice from the city and complete the repair within three hundred sixty-five (365) days of citation. If the required repair meets the substantial repair threshold, the property owner shall design, permit, and construct the seawall to meet the minimum elevation requirement and design requirement (see subsection 47-19.3(f)) within three hundred sixty-five (365) days of citation.
- (5) Property owners with seawalls below the minimum elevation, or permeable erosion barriers such as rip rap, or a land/water interface of another nature shall not allow tidal waters entering their property to impact adjacent properties or public rights-of-way. Property owners failing to prevent tidal waters from flowing overland and leaving their property may be cited. The owner of the property is required to initiate a process, including but not limited to, hiring a contractor or submitting a building permit, and be able to demonstrate progress toward addressing the cited concern within sixty (60) days of receiving notice from the city and complete the proposed remedy within three hundred sixty-five (365) days of citation.

- (g) No boathouse, permanent covering, or temporary covering for a boat shall be permitted within the setback area required for the zoning district in which such shelter is to be located, nor shall any boathouse, permanent covering or temporary covering for a boat, or any other structure not otherwise specifically permitted, be permitted within or cover any public waterway.
- (h) No watercraft shall be docked or anchored adjacent to residential property in such a position that causes it to extend beyond the side setback lines required for principal buildings on such property, as extended into the waterway, or is of such length that when docked or anchored adjacent to such property, the watercraft extends beyond such side setback lines as extended into the waterway. The owner of real property which would be entitled to the density limitation of a maximum of forty (40) units per acre pursuant to the terms for habitation of floating homes or vessels, Section 47-19.6, may apply for an exception to the setback requirements contained herein. An application for such exception shall be heard by the Planning and Zoning Board (board) at a public hearing called for that purpose. After the public hearing, the board shall make a recommendation to the City Commission that the application be granted or denied, or granted subject to conditions. If the board recommends that the application be either granted or granted subject to conditions, the City Clerk shall place the recommendation on the agenda of the City Commission for a public hearing at a regular meeting. The City Commission shall, by resolution, either grant the application, deny the application, or grant the application subject to such conditions as it finds necessary to the health, safety and general welfare of the citizens of the city. In deciding whether to grant or deny the application, the City Commission shall consider the neighborhood within which the applicant's property lies and the effect that the exception to the setbacks would have on the following:
 - (1) The surrounding property.
 - (2) The ability of adjacent property owners to enjoy abutting waterways.
- (i) Waiver of limitations. Property owners of lands located on the Isle of Venice and Hendricks Isle may dock or anchor watercraft adjacent to their respective properties in a manner which extends beyond side setback lines, required by this section as approved by Resolution No. 85-270.

(Ord. No. C-97-19, § 1(47-19.3), 6-18-97; Ord. No. C-04-2, § 4, 1-12-04; [Ord. No. C-10-44, § 2, 12-7-10](#); [Ord. No. C-13-18, § 2, 6-4-13](#); Ord. No. [C-16-13](#), § 1, 6-21-16; [Ord. No. C-16-27](#), § 1, 12-6-16)

MEMORANDUM NO. MF 22-15

DATE: August 17, 2022
TO: Marine Advisory Board Members
FROM: Andrew Cuba, Marine Facilities Manager
RE: September 1, 2022 MAB Meeting – Application – Water Taxi License – Staying Afloat Party Boat LLC

Attached for your review is an application for a Water Taxi License submitted by Staying Afloat Party Boat LLC. The City Code of Ordinances, Section 8-146.1 (attached), speaks to requirements prior to Marine Advisory Board review. To summarize:

1. Name, address, and contact information of potential operator.
2. Description of vessels, with Florida registration and Coast Guard Certificate of Inspection
3. List of captains with employment histories and copies of USCG licenses
4. Storage location of vessels
5. Method of dispatch
6. Certificate of City approved insurance policy

Staff has reviewed the attached application and determined that it meets the minimum criteria currently set forth by Section 8-146.1 of the Code.

AC

Attachment

cc: Enrique Sanchez, Parks and Recreation Deputy Director
Jonathan Luscomb, Marine Facilities Supervisor

City of Fort Lauderdale
Marine Facilities
2 South New River Drive East
Fort Lauderdale, FL 33301

Application for Water Taxi License

September 1st, 2022

I. Business Profile

Name: Staying Afloat Party Boat LLC

EIN #: 82-3193046

Business Address: 1314 E. Las Olas Blvd., Suite 9, Fort Lauderdale FL, 33301

Business Telephone: 708.986.1926

Direct Phone (Andrew Cohen): 954.258.0351

Authorized Persons: Andrew Cohen and Michael McClay

Title Authorized Representative:

Oppenheim, Roy

2500 Weston Rd.

Suite 209

Weston, FL 33331

Staying Afloat Party Boat LLC
Water Taxi Application- Fort Lauderdale, FL
Exhibit 1
September 1st, 2022

Exhibits Index

I.	Operation Narrative	Page 3
II.	Description of Proposed Vessels	Page 5-7
III.	List of Certified Captains	Page 9-13
IV.	Storage Information	Page 14
V.	Dispatch Information	Page 14
VI.	Insurance	Page 14
VII.	Business Tax	Page 14
VIII.	Supporting Documents	Page 15-18

Operation Narrative:

Staying Afloat Party Boat LLC is requesting a new water taxi license from the City of Fort Lauderdale to offer modern boat services upon the waterways. This operation will utilize a fully certified and properly insured vessel as required by City Code 8-146.1. Staying Afloat Party Boat LLC has employed highly skilled USCG captains and crew that are members of the US Coast Guard approved drug consortium, APCA.

The vessel is fantastic for the proposed uses because the layout allows for bow loading, side loading, and a safe platform for guests to enjoy the sights. There is ample seating, with the front half open air and back half covered. This small passenger vessel, Teal Titan, holds a current Certificate of Inspections (COI) issued by the United States Coast Guard (USCG) and is regularly maintained to uphold USCG standards. While Teal Titan has a stability letter and is rated for 100 passengers, the vessel will be capped at 80 passengers, to allow for comfortability. The vessel can easily access current water taxi stops throughout the city and will not require any new stops or novel features to be added. It is equipped with two outboard engines that enable maneuverability and power. The operation will start with one vessel and eventually expand as demand allows, with the City's prior approval.

Our company has held tour operations in Fort Lauderdale since 2017 and is built on the mission of showing people the most fun on the water. With a 5-star rating across every platforms, we seek to carry on sharing the City's beautiful waterways with tourists and locals alike. Our trips showcase the wonderful parts of this city that can now be enjoyed in a fun and convenient method. This operation will be different from our normal in that it focuses the transportation of people. The vessel, Teal Titan will still be utilized for Staying Afloat Party Boat tour operations, while also being used as a Water Taxi. Our current companies acquire most customers through online methods, so we are not expecting much walk up traffic. The operation will consist a route from S. Andrews Ave, at the current water taxi stop in front of The Wharf to 300 Las Olas Circle, the current water taxi stop west of the Las Olas Parking Garage. Passengers will be able to purchase one-way tickets, round trip tickets, and all day tickets.

Aerial Photos of Proposed Stops



II. Description of Proposed Vessels

Vessel Name: Teal Titan

Overall Length: 65 feet

Beam: 16 feet

Draft: 3.5 feet

Coast Guard Passenger Rating: 100 + 2 crew





CO/AGY 10 / 9 T# 1623850043
B# 3123709

FLORIDA VESSEL REGISTRATION

FL/DO # **FL6373TE** DECAL **07532327** Expires **Midnight Fri 6/30/2023**

YR/MK	2022/TXR	BODY	VS	TITLE	146048040	Reg. Tax	156.25	Class Code	100
HIN	TRX08127H222	PROPUL	OUTBRD	FUEL	GAS	Init. Reg.		Tax Months	12
HULL	ALUM	TYPE	PONTON	LENGTH	65'	County Fee	78.13	Back Tax Mos	0
USE	PLSRE					Mail Fee		Credit Class	
DL/FEID	-					Sales Tax		Credit Months	0
Date Issued	3/23/2022					Voluntary Fees			
						Grand Total	234.38		

FLOATING METAL 2 LLC
1314 E LAS OLAS BLVD STE 9
FT LAUDERDALE, FL 33301-2334

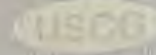
IMPORTANT INFORMATION

1. Your registration must be updated to your new address within 30 days of moving.
2. Registration renewals are the responsibility of the registrant and shall occur during the 30-day period prior to the expiration date shown on this registration. Renewal notices are provided as a courtesy and are not required for renewal purposes.



UNITED STATES OF AMERICA

DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD



NATIONAL VESSEL DOCUMENTATION CENTER

CERTIFICATE OF DOCUMENTATION

VESSEL NAME TEAL TITAN		OFFICIAL NUMBER 1324172	IMO OR OTHER NUMBER TXR08127H222	YEAR COMPLETED 2022	
HAILING PORT FORT LAUDERDALE FL		HULL MATERIAL ALUMINUM		MECHANICAL PROPULSION YES	
GROSS TONNAGE 12 GRT	NET TONNAGE 12 NRT	LENGTH 65.0	BREADTH 16.0	DEPTH 3.8	
PLACE BUILT TAVARES FL					
OWNERS FLOATING METAL 2 LLC		OPERATIONAL ENDORSEMENTS RECREATION COASTWISE			
MANAGING OWNER FLOATING METAL 2 LLC 1314 E LAS OLAS BLVD STE 9 FORT LAUDERDALE FL 33301					
RESTRICTIONS NONE					
ENTITLEMENTS NONE					
REMARKS NONE					
ISSUE DATE APRIL 01, 2022		 DIRECTOR, NATIONAL VESSEL DOCUMENTATION CENTER			
THIS CERTIFICATE EXPIRES APRIL 30, 2023					



COPIES EMPLOYERS AND FIELD OFFICERS





United States of America
 Department of Homeland Security
 United States Coast Guard

Certification Date: 01 Jun 2022
 Expiration Date: 01 Jun 2027

Certificate of Inspection

Vessel Name: TEAL TITAN

PRIOR TO OPERATING OUTSIDE THE MIAMI MARINE INSPECTION ZONE (AS DEFINED IN 33 CFR 3.35-10), CONSULT WITH THE COGNIZANT OFFICER IN CHARGE, MARINE INSPECTION TO IDENTIFY ZONE SPECIFIC OPERATIONAL CONSTRAINTS AND ROUTE LIMITATIONS.

---Hull Exams---

Exam Type	Next Exam	Last Exam	Prior Exam
DryDock	31Mar2024	30Mar2022	

---Stability---

Type	Issued Date	Office
Letter	09May2022	Marine Safety Center (MSC)

--- Inspection Status ---

Fuel Tanks

Tank ID	Internal Examinations		
	Previous	Last	Next
Aft	-	22Sep2021	-
Aft	-	22Sep2021	-

---Lifesaving Equipment---

Total Equipment for 102 Persons

Primary Lifesaving Equipment	Quantity	Capacity		Required
Lifeboats (Total)	0	0	Life Preservers (Adult)	102
Lifeboats (Port)	0	0	Life Preservers (Child)	11
Lifeboats (Starboard)	0	0	Ring Buoys (Total)	1
Motor Lifeboats	0	0	With Lights	1
Lifeboats With Radio	0	0	With Line Attached	1
Rescue Boats/Platforms	0	0	Other	0
Inflatable Rafts	0	0	Immersion Suits	0
Life Floats/Buoyant App	0	0	Portable Lifeboat Radios	0
Inflatable Buoyant Apparatus (IBA)	0	0	Equipped With EPIRB?	NO

--- Fire Fighting Equipment ---

Fire Extinguishers - Hand portable and semi-portable

Quantity	Class Type
1	10-B:C
1	2-A
1	40-B:C

END

III. List of Captains

1. **Captain Andrew Cohen**, USCG Master 200 Ton
2881 NE 33rd Ct., #8H, Fort Lauderdale FL 33306
954.258.0351, andrew.cohen08@yahoo.com

Employment History :
Staying Afloat Party Boat LLC July, 2017 – Present
Private Vessels 2013-2017
Navy Marine Mammal Program 2011-2013
2. **Captain Harrison Reiter**, USCG Master 100 Ton
766 SE Whitmore Drive, Port Saint Lucie, FL 34984
772.777.5043, hreiter772@gmail.com

Employment History:
Staying Afloat Party Boat LLC April, 2021 – Present
TowBoatUS Ft. Lauderdale March, 2020 – April, 2021
Private Yacht Captain, 52' Betram December, 2019 – March, 2020
Bachelor Degree, Florida Atlantic University completed December 2019
3. **Captain Ross Lande**, USCG Master 25 Ton
561.504.1740, lande8912@gmail.com

Employment History:
Staying Afloat Party Boat LLC May, 2018 – Present
Sustainable Performance Solutions June, 2013 - Present
4. **Captain Erik Gureckis**, USCG Master 100 Ton
954.826.0847, Egureckis@yahoo.com

Employment History:
Staying Afloat Party Boat LLC May, 2022 – Present
Independent Captain January, 2021 – May, 2022
Boat Valet for Intracoastal Parking June, 2017 – January, 2021
5. **Captain Chris Cowan**, USCG Master 100 Ton
256.343.2132, Chris_cowan25@hotmail.com

Employment History:
Staying Afloat Party Boat LLC March, 2020 – Present
M/Y Tireless 2019 - 2020
Best Boat Club 2020
Sea Experience June, 2018 – Present

6. **Captain Michael McClay**, USCG Master 50 ton
815.757.1285, mjmccla@gmail.com

Employment History:

Staying Afloat Party Boat LLC

July, 2017 – Present

Soprema Roofing

June, 2012 – January, 2018

IV. Storage

Vessel Dockage/Storage Location

Teal Titan will be docked at 301 SW 14th Way, Fort Lauderdale FL, 33312

V. Dispatch

Staying Afloat Party Boat phones and emails are manned 8:30am-7:30pm, 7 days per week. These customer support agents will also act as dispatch for Captains and Vessels. All customer support agents work remote and have done so successfully since inception in 2017. Vessels will keep to regularly scheduled departures based on demand and seasonality, allowing for predictive pickups and departures. Planned schedule, departing from Downtown to Las Olas is 10am-6pm Sept.-Dec. (on the hour) and 10am-8pm Jan.-Aug. (on the hour). Schedules are subject to change depending on weather, delays, special events (e.g. Boat Show or Tortuga), schedule improvements, or unforeseen circumstances.

Emergency contact: Andrew Cohen (954)258-0351

VI. Insurance Exhibit

Proof of insurance listing the City of Fort Lauderdale as additionally insured and insuring the vessel for \$1,000,000 is attached: Certificate of Insurance and \$5 Million Liability (Exhibit 2).

VII. Business Tax License

Please see attached copies of Business Tax License (Exhibit 3)



ADDITIONAL REMARKS SCHEDULE

AGENCY TCC Associates, Inc.		NAMED INSURED Staying Afloat Party Boat 1314 E. Las Olas Blvd. Suite 9 Fort Lauderdale, FL 33301	
POLICY NUMBER SEE PAGE 1			
CARRIER SEE PAGE 1	NAIC CODE SEE P 1	EFFECTIVE DATE: SEE PAGE 1	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

Description of Operations/Locations/Vehicles:
10 S New River Dr E, Fort Lauderdale, FL 33301
400 SW 2nd St, Fort Lauderdale, FL 33312



Policy Endorsement

Declaration Number: CSRY/203985
This endorsement attaches to and forms part of the policy.

Endorsement: 8

Assured: Staying Afloat Party Boat LLC

Assured's Address: 1314 E Las Olas Blvd
Fort Lauderdale
FL 33316
USA

Assured's Agent: Hull & Company - Fort Lauderdale
PO Box 21567
Fort Lauderdale
FL 33335

It is hereby noted and agreed that with effect from Friday December 10, 2021

It is noted and agreed that this policy is extended to include Excess Third Party Liability and Excess Limited Pollution Extension at a limit of \$4,000,000 excess \$1,000,000 increasing the Combined Single Limit of Liability to \$5,000,000.

All terms and conditions as per underlying policy, but also subject to the terms and conditions detailed on Cover note no: B0507RN2100289

Security: Primary \$1,000,000: 100% Clear Spring Property and Casualty Company Excess over \$1,000,000: 100% Lloyd's Syndicates and/or Lloyd's Insurance Company per cover note: B0507RN2100289

It is hereby noted and agreed that with effect from this date the Excess Liability Coronavirus Exclusion Endorsement is added to the excess liability segment of the policy as per the attached. The underlying limit of liability and all other terms and conditions remain unaltered.

In consideration of which, an Additional Premium of US\$ 2,325 is due.

All other terms and conditions remain unaltered.

Exhibit 3: Business Tax Receipt

Record BL-1703413:

[Add to cart](#)
[Add to collection](#)

General Business Tax Receipt

Record Status: Active

Expiration Date: 09/30/2022

Record Info ▾

Payments ▾

Work Location

1314 E LAS OLAS BLVD
9
FORT LAUDERDALE FL 333012334

Record Details

Project Description:

STAYING AFLOAT PARTY BOAT

More Details

Application Information

BUSINESS DETAIL

Describe Business: SALES OFFICE (NO RETAIL SALES)

Will there be alcoholic beverages sold or permitted to be consumed on premises?: No

Do you have coin or token operated vending machines or ATM machines?: No

Is this a home-based business?: No

Will There Be Any Type of Entertainment: No

Will you practice clairvoyance, fortune telling, mind reading, faith healing, divine healing, astrology, or Phrenology, or are you acting as a medium at this location?: No

Is this a church: No

Application Information Table

CATEGORY

Category:	420200 SALES OFFICE (NO RETAIL SALES)
Number of Units:	1

Parcel Information

Parcel Number:	Legal Description:
----------------	--------------------

Sec. 8-146.1. Water taxi license.

- (a) *License required; enforcement.* It shall be unlawful for any person or firm to operate water taxis without first obtaining from the city a license and paying the permit fee required for the right to operate each vessel authorized under this license. A water taxi licensee shall obtain the required business tax receipt as provided in Chapter 15 of the Code of Ordinances, prior to commencing operations.
- (b) *Application contents.* Application for a water taxi license shall be made to the supervisor of marine facilities and must include the following information:
- (1) The name, business address and telephone number of the person or firm operating the water taxi business. If a corporation or partnership, include the names of all directors, officers or partners, where applicable.
 - (2) A description of each vessel proposed to be utilized as a water taxi, including a copy of the Florida vessel registration and United States Coast Guard certificate of inspection.
 - (3) A list of all pilots who will operate a water taxi, including their names, addresses, employment histories over the past five (5) years, and a copy of the United States Coast Guard license for the class of vessel the pilots will operate.
 - (4) Where each water taxi will be located when not in use.
 - (5) The method of dispatch and the location of the dispatcher.
 - (6) A certificate of insurance showing the city as a named insured on a policy or policies insuring each vessel and the business for:
 - a. Hull and machinery replacement.
 - b. Third party and passenger liability: one million dollars (\$1,000,000.00) for each vessel.
 - c. Third party property damage: fifty thousand dollars (\$50,000.00) per occurrence.
 - d. If the business has three (3) or more employees, evidence of Workers' Compensation insurance, including Jones Act coverage, is required.
- All insurance policies must be kept in full force and effect at all times water taxi operations take place.
- (c) *Application review.* The marine advisory board shall review all applications. The supervisor of marine facilities shall agenda each application for which all required information has been submitted for the next available regular meeting of the city commission. The supervisor shall inform the city commission of the marine advisory board recommendation of approval or rejection of the merits of the application. The public shall have the right to be heard with respect to the application. The city commission, by motion, shall approve or reject the application for a license, based on the applicant's demonstration that it has the proper equipment and personnel to operate a safe and high quality water taxi operation; however, the application may be deferred to the next regular meeting if submission of additional information is required. No application from the same person or firm whose application has been rejected shall be heard by the city commission within six (6) months from the date of such rejection.
- (d) *Permits.*
- (1) Upon the granting of a license by the city commission, the supervisor of marine facilities shall give the licensee a permit for each vessel operated as a water taxi. The fee for each permit is one hundred dollars (\$100.00) and authorizes the operation of that vessel as a water taxi for a period of two (2) years. Each license is renewable for a period of two (2) years upon submission of documentation to the supervisor of marine facilities that all vessels and pilot licenses and insurances are in full force and effect. The renewal fee is one hundred dollars (\$100.00) for each permit, payable thirty (30) days prior

-
- to the expiration of the permit. A water taxi license that has been revoked or suspended is not renewable. The permit shall be displayed on the vessel alongside the state commercial registration sticker.
- (2) A license or permit may not be assigned.
- (e) *Revocation or suspension of a license.*
- (1) A license may be revoked or suspended for any of the following causes:
- a. Failure to comply with all state and federal laws and regulations concerning the vessels of the type utilized by the licensee.
 - b. Multiple instances of careless operation of a water taxi in violation of state or local laws.
 - c. Failure to maintain all required policies of insurance in full force and effect.
 - d. Conviction by the licensee, if a person, or by any director, officer or partner of the licensee, if a corporation or a partnership, of a felony violation in this state or violation of the laws of any other state which would constitute a felony violation in this state.
 - e. Submission of false or incomplete documentation or information required by this section.
- (2) If the supervisor of marine facilities has reason to believe that a water taxi license should be revoked or suspended for one (1) or more of the aforementioned causes, he shall send written notice to the licensee to show cause to the city commission why the license should not be revoked or suspended. The supervisor shall agenda a revocation hearing at the next regular meeting of the city commission held at least fifteen (15) days after receipt of the notice by the licensee. All interested parties shall have the right to be heard. Upon finding cause, the city commission may revoke or suspend any license and the permits issued thereunder.
- (f) *Municipal dock facilities; mooring in residential areas.*
- (1) A permitted water taxi may board and discharge passengers at any vacant city owned dock facility, except at dock space which has been leased to a charter or sightseeing vessel operator. If the facility has not been designated as a water taxi stop, the water taxi may remain at the facility only for as long as is required to safely board and discharge its passengers.
- (2) A municipal dock facility may be designated by the supervisor of marine facilities as a water taxi stop. Each stop is to be utilized on a first-come-first-served basis. At each stop the captain of a water taxi shall remain within five (5) feet of the vessel except for the purpose of entering a structure, such as a restaurant, and announcing his arrival. No water taxi shall remain moored at a stop for longer than fifteen (15) consecutive minutes.
- (3) No water taxi shall remain moored adjacent to a residential structure except to board or discharge passengers.
- (4) No water taxi shall fuel while moored at any municipal dock facility; all fueling shall be carried out at a marine service station.
- (g) *Loudspeakers and spotlights.* No water taxi shall at any time have in use loudspeakers or any device to amplify sound, with the exception of an internal intercom system, the sounding of horns for navigational purposes, passenger pickup and discharge for safety-related purposes, or in the case of an emergency. No water taxi shall at any time, except for safety-related purposes, illuminate by spotlight or any other means any of the sights or places of interest located along its route of operation, including, but not limited to, residential dwellings, businesses or government buildings.
- (h) *Enforcement.* This section shall be enforced by the supervisor of marine facilities and his designees and by all city law enforcement officers.

(Ord. No. C-89-135, § 2, 12-5-89; Ord. No. C-95-10, § 1, 3-21-95; Ord. No. C-06-45, § 3, 1-4-07)

ITEM IX

MEMORANDUM MF NO. 22-18

DATE: August 18, 2022
TO: Marine Advisory Board Members
FROM: Andrew Cuba, Marine Facilities Manager
RE: September 1, 2022 MAB Meeting - Dock Waiver of Distance Limitations – Yuda Gariplerden, Hendricks Group, LLC / 10 Hendricks Isle

Attached for your review is a revised application from Yuda Gariplerden, Hendricks Group, LLC / 10 Hendricks Isle.

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for installation of fifteen (15) wood mooring piles extending a maximum of +/-35.0 into the adjacent Rio Grande Waterway. The distances this structure will extend from the property line into waterway is shown in the survey and summarized in Table 1 below:

TABLE 1

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	AMOUNT OF DISTANCE REQUIRING WAIVER
Mooring Piles (15)	35.0'	25'	10.0'

The City's Unified Land and Development Regulations (UDLR) Sec. 47-19.3.D limits the maximum distance of mooring piles to 25' or 30% of the width of the waterway, whichever is less, from the property line. Section 47-19.3.E authorizes the City Commission to waive that limitation based on a finding of extraordinary circumstances. The applicant indicates that the proposed mooring piles are necessary to safely moor resident's vessels, especially during high wind events and severe weather, and to protect resident's vessels from excessive boat wakes. .

PROPERTY LOCATION AND ZONING

The property is located within the RMM-25 Residential Mid Rise Multi Family / Medium High Density District. It is situated along the Rio Grande Waterway, where the approximate width of the waterway from wet face to wet face is listed as +/-160 feet, in the Summary Description.

Marine Facilities' records reflect there has been at least seven (7) Waivers of Limitation approved by the City Commission within close proximity to 10 Hendricks Isle (**Table 2**).

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
July 1985	440 Hendricks Isle	Pilings – 39'
June 1989	13 Hendricks Isle	Pilings – 80'
July 2007	101 Hendricks Isle	Pilings – 30'
April 2013	91 Isle of Venice	Pilings – 45'
April 2019	1 Hendricks Isle	Boatlift – 43'
July 2019	95 Hendricks Isle	Pilings/Finger Pier – 35'
Oct 2022	141 Isle of Venice	Pilings – 35'

RECOMMENDATIONS

Should the Marine Advisory approve the application, the resolution under consideration by the City Commission should include at least the following as prescribed in the ULDR and City Code of Ordinances:

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.
3. The applicant is required to install and affix reflector tape to the proposed mooring piles in accord with Section 47.19.3.E of the Unified Land and Development Regulations (ULDR).

AC
Attachment

cc:
Enrique Sanchez, Deputy Director of Parks and Recreation
Jon Luscomb, Marine Facilities Supervisor



10 HENDRICKS ISLE APPLICATION FOR WATERWAY WAIVER

714 East McNab Road. Pompano Beach, FL 33060 *tel.* 954.782.1908 *fax.* 954.782.1108 www.thechappellgroup.com

Environmental Consultants | Marina & Wetland Permitting | Mitigation Design & Monitoring | T & E Species Surveys | Tree Surveys/Appraisals

**CITY OF FORT LAUDERDALE
MARINE FACILITIES
APPLICATION FOR WATERWAY PERMITS, WAIVERS AND LICENSES**

Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, licenses, permits and approvals involving municipal docking facilities or private uses in the waterways as regulated by Section 8 of the City Code of Ordinances or Section 47-19.3 of the City's Urban Land Development Regulations, shall be preceded by the execution and filing of the following application form available at the Office of the Supervisor of Marine Facilities. The completed application must be presented with the applicable processing fee paid before the agreement is prepared or the application processed for formal consideration (see City of Fort Lauderdale Code Section 2-157). If legal publication is necessary, the applicant agrees to pay the cost of such publication in addition to the application fee.

APPLICATION FORM
(Must be in Typewritten Form Only)

1. LEGAL NAME OF APPLICANT - (If corporation, name and titles of officers as well as exact name of corporation. If individuals doing business under a fictitious name, correct names of individuals, not fictitious names, must be used. If individuals owning the property as a private residence, the name of each individual as listed on the recorded warranty deed):

NAME: Yuda Gariplerden, Hendricks Group, LLC.

TELEPHONE NO: 305.778.9775 EMAIL: Hendricks.Group.LLC@gmail.com

2. APPLICANT'S ADDRESS (if different than the site address): 1776 N Pine Island Rd Suite 316 Plantation, FL 33322

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:
The applicant requests a waiver for the proposed installation of fifteen (15) wood 12-inch mooring piles beyond 25 feet from the property line.

4. SITE ADDRESS: 10 Hendricks Isle ZONING: RMM-25

LEGAL DESCRIPTION AND FOLIO NUMBER:
LAUDERDALE ISLE AMEN PLAT 16-33 B LOT 11, 12, 13, 14,15 BLK 4
Folio No. 504211240210

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).
Warranty Deed, Survey, Zoning Aerial, Photos, Project Plans

Applicant's Signature _____ Date 8.10.22

The sum of \$ _____ was paid by the above-named applicant on the _____ of _____, 20____ Received by: _____

City of Fort Lauderdale

=====For Official City Use Only=====

Marine Advisory Board Action
Formal Action taken on _____

Commission Action
Formal Action taken on _____

Recommendation _____
Action _____

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EXHIBIT II SUMMARY DESCRIPTION

Summary Description

10 Hendricks Isle

TCG Project No. 22-0007

The project site is located along the Rio Grande Waterway at 10 Hendricks Isle, in Section 11, Township 50, Range 42, in the City of Fort Lauderdale, Broward County, Florida

The property is located along the Rio Grande Waterway, which is a tidal water. The nearest direct connection to the Atlantic Ocean is approximately 2 miles to the southeast at the Port Everglades Inlet. As the project site is located along the Rio Grande Waterway, the incoming tidal waters (flood) at the site move to the north and the outgoing waters (ebb) move to the south.

The project site consists of an existing ± 250 ln. ft. coral rock wall and 2,705 sq. ft. wood marginal dock with finger piers. The proposed project consists of the installation of a 250 ln. ft. concrete panel seawall with king and batter piles, the installation of eight (8) wood finger piers (20'x4', 640 sq. ft.), and the installation of thirty (30) wood 12-inch mooring piles. As measured from the property line, fifteen (15) mooring piles encroach more than 25' from the property line into the Rio Grande Waterway. As these distances are over the allowable 25' distance into the waterway from the property line, the proposed mooring piles will require a variance waiver.

The proposed structures are being applied for concurrently with the Broward County Environmental Protection & Growth Management Department, Florida Department of Environmental Protection, and US Army Corps of Engineers.

The following five (5) matters provide justification for this waiver request:

1. All structures and piles will not exceed 30% of the width of the waterway.
2. Due to the extraordinary width of the waterway at this location from wetface to wetface ($\pm 160'$), the proposed project will not impede navigation within the Rio Grande Waterway.
3. The proposed structures are necessary for safely mooring resident's vessels, especially during high wind events and severe weather.
4. The proposed structures are also necessary to protect the resident's vessels from high wave energy from excessive boat wakes along the Rio Grande Waterway.

5. The proposed structures are consistent with other structures previously authorized through the City of Fort Lauderdale that do not exceed more than 35' from the property line.

If this waiver is approved, the applicant will comply with all necessary construction requirements stated in Section 47-19.3 (C)(D)(E).

STRUCTURE	PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
A1-15	Mooring Pile	35'	25'	10'

EXHIBIT III UNITY OF TITLE

This Instrument Prepared by:

*Richard M. Mogergerman, Esq.
Richard M. Mogergerman, P.A.
2 South University Drive, Suite 265
Plantation, Florida 33324
RMogergerman@RMMlaw.net
(954) 475-7171*

DECLARATION OF UNITY OF TITLE

KNOW ALL MEN BY THESE PRESENTS, that pursuant to the applicable ordinances of the **City of Fort Lauderdale** pertaining to zoning, the issuance of building permits and regulation of building construction, the undersigned, being the fee owner of the following described real property situated in the City of Fort Lauderdale, County of Broward and State of Florida, do hereby make the following declaration of conditions, limitations and restrictions on said lands, hereinafter to be known and referred to as a **DECLARATION OF UNITY OF TITLE**, as to the following:

1. The undersigned, **HENDRICKS GROUP LLC**, a Florida limited liability company, is the sole owner in fee simple of the properties described as follows:

Lots 11, 12, 13, 14 and 15, Block 4, UNIT A LAUDERDALE ISLES, a subdivision according to the plat thereof, recorded in Plat Book 9, Page 28, of the Public Records of Broward County, Florida, and according to the AMENDED PLAT OF PART OF UNIT A LAUDERDALE ISLES, as recorded in Plat Book 16, Page 33, of the Public Records of Broward County, Florida.

Parcel Identification Numbers:

5042 11 24 0210

5042 11 24 0200

5042 11 24 0190

2. The properties described herein will be developed for the proposed use for a 16-unit condominium known as **10 Hendricks Isle** in accordance with the Site Plan approved under City of Fort Lauderdale, PLANNING AND ZONING BOARD RESOLUTION NO. 22-07 (PZB), a true and correct copy of which is attached hereto.

3. The aforesaid combination of separate lots or parcels, shall hereafter be regarded and is hereby declared to be unified as an indivisible building site (hereinafter referred to as the "**Property**").

4. The said Property, for the purpose of building, zoning, and other applicable codes and regulations, shall henceforth be **considered one parcel of land** and no portion shall be sold, assigned, transferred, conveyed or devised, except in its entirety as one plat of land, with the sole exception(s) being that if any condominium units are developed as "land units" those parcels may be sold, assigned, transferred, conveyed or devised, *subject to being part of the condominium and subject to the declaration of*

condominium pursuant to which they are established, or a portion of said Property may be sold, assigned, transferred, conveyed or devised to any government entity; and further provided, that the recordation of a mortgage on any portion of the Property shall not be deemed to be in contravention of this Declaration of Unity of Title.

5. In the event the Property shall be developed as a condominium, the condominium form of ownership, and the mortgaging and the sale (and any resale) of condominium units herein to third parties shall not be deemed a violation of this Declaration of Unity of Title.

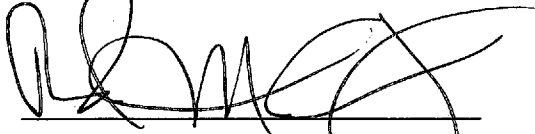
6. The undersigned further agrees that this Declaration of Unity of Title shall constitute a **covenant to run with with the land**, as provided by law, and shall be binding upon the undersigned, its successors and assigns, and all parties claiming thereunder, until such time as this Declaration of Unity of Title may be released in writing.

7. The undersigned agrees that this Declaration of Unity of Title **shall be recorded** in the Public Records of Broward County, Florida.

IN WITNESS WHEREOF, the undersigned fee simple owner of the Property has caused this Declaration of Unity of Title to be signed and sealed this 25 day of July, 2022.

Signed, Sealed and Delivered
In the presence of:

Witness #1:



Signature

RICHARD M. MOGERMA

Print Name of Witness #1

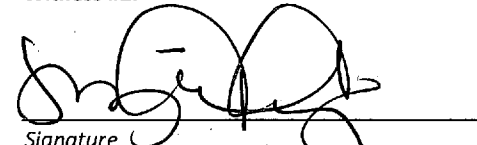
HENDRICKS GROUP LLC
a Florida limited liability company

by: _____

Name: **Yuda Gariplerden**

Title: Member and Manager

Witness #2:



Signature

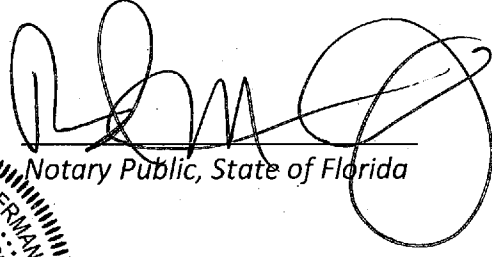
TRACY-ANN GRAY

Print Name of Witness #2

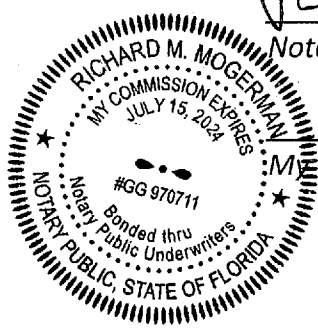
STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing Declaration of Unity of Title was acknowledged before me the 25 day of July, 2022, by **Yuda Gariplerden**, as Member of **Hendricks Group LLC**, a Florida limited liability company, who is personally known to me or has produced NIA as identification.
In person.



Notary Public, State of Florida



My Commission Expires:

PLANNING AND ZONING BOARD RESOLUTION NO. 22-07 (PZB)

A RESOLUTION OF THE PLANNING AND ZONING BOARD OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A SITE PLAN LEVEL III PERMIT FOR SIXTEEN (16) MULTIFAMILY RESIDENTIAL UNITS ALONG THE RIO GRANDE WATERWAY LOCATED AT 10 HENDRICKS ISLE, FORT LAUDERDALE, FLORIDA, AND APPROVING YARD MODIFICATIONS FOR THE FRONT AND REAR YARD SETBACKS AND APPROVING WATERWAY USE; CASE NO. UDP-S21056.

WHEREAS, Section 47-24.1 of the City of Fort Lauderdale, Unified Land Development Regulations (hereinafter "ULDR") provides that no development of property located within the City of Fort Lauderdale (hereinafter "City") shall be permitted without first obtaining a development permit from the City in accordance with the provisions and requirements of the ULDR; and

WHEREAS, Jiro Yates of FSMY Architects and Planners submitted an application on behalf of the property owner, Hendricks Group, LLC, for a development permit for sixteen (16) multifamily residential units, for yard modifications of the front and rear yard setbacks and also for waterway use; and

WHEREAS, the applicant wishes to modify the front and rear yard setbacks from 27 feet and 6 inches to 25 feet; and

WHEREAS, Sections 47-25.2, and 47-25.3 of the ULDR include the applicable criteria for a Site Plan Level III development permit; and

WHEREAS, Sections 47-5.36 and 47-23.8 of the ULDR include the dimensional requirements for the RMM-25 Zoning District and the criteria for a waterway use; and

WHEREAS, Section 47-23.11 of the ULDR includes the criteria for modification of yards; and

WHEREAS, Section 47-24.2.A.3.c. of the ULDR provides that the Planning and Zoning Board must review and determine whether the proposed development or use meets the standards and requirements of the ULDR; and

WHEREAS, the Planning and Zoning Board reviewed the application in accordance with the criteria set forth in Sections 47-5.36, 47-23.8, 47-23.11, 47-25.2, and 47-25.3 of the ULDR; and

RESOLUTION NO. 22-07 (PZB)

PAGE 2

WHEREAS, the Planning and Zoning Board considered the record, the Development Review Committee comments and public comments regarding the application at its meeting on June 15, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING BOARD OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the above recitals are true and correct and incorporated into this Resolution by this reference.

SECTION 2. The Planning and Zoning Board finds that the application for a Site Plan Level III which includes a request for modification of yards for the front and rear yard setbacks and waterway use for sixteen (16) multifamily residential units meets the criteria of Sections 47-5.36, 47-23.8, 47-23.11, 47-25.2, and 47-25.3 of the ULDR as enunciated and memorialized in the minutes of its meeting on June 15, 2022, a portion of those findings expressly listed as follows:

The board adopted the findings of fact in the city staff report.

SECTION 3. The Site Plan Level III use permit application submitted by Jiro Yates of FSMY Architects and Planners on behalf of the property owner, Hendricks Group, LLC, for the property located at 10 Hendricks Isle, Fort Lauderdale, Florida, is hereby granted, subject to the conditions stated on the record at the June 15, 2022, Planning and Zoning Board meeting.

SECTION 4. That pursuant to the provisions of the ULDR of the City of Fort Lauderdale, Florida, the proper City officials are hereby authorized to issue the necessary building and use permits subject to the conditions imposed by the Planning and Zoning Board.

SECTION 5. That the issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

SECTION 6. That this approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 7. That this Resolution shall be in full force and effect thirty (30) days after its passage if no motion is adopted by the city commission seeking to review the application or no

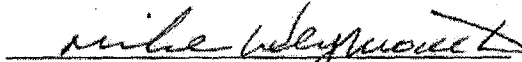
22-07 (PZB)

RESOLUTION NO. 22-07 (PZB)

PAGE 3

appeal of the Planning and Zoning Board's decision is filed by the applicant as provided in Section 47-26B, Appeals.

ADOPTED this 15th day of June, 2022.


Chair
Michael C. Weymouth

ATTEST:


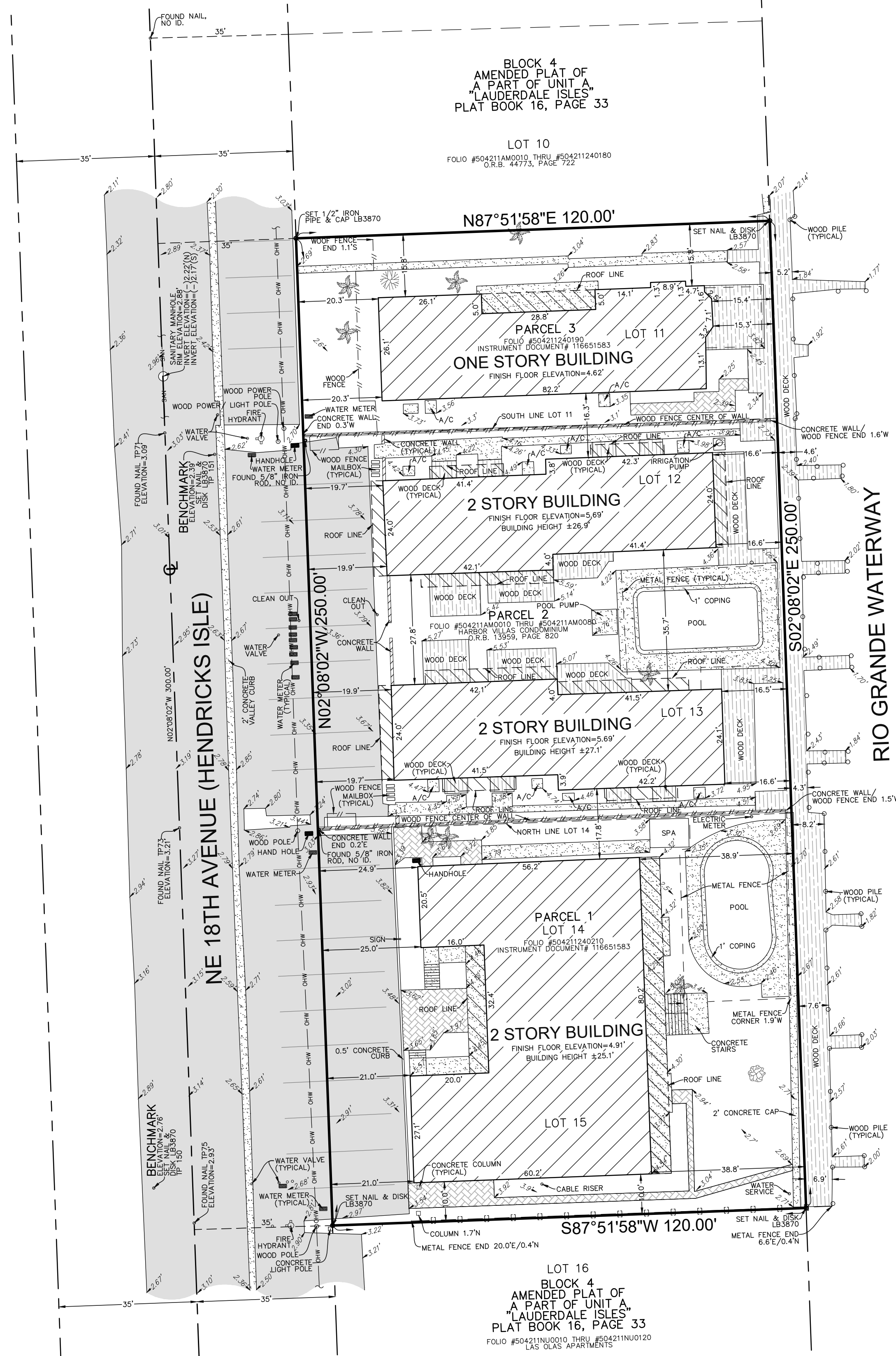
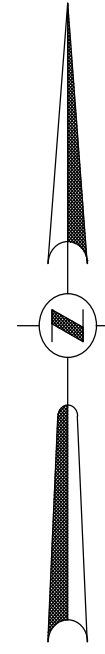
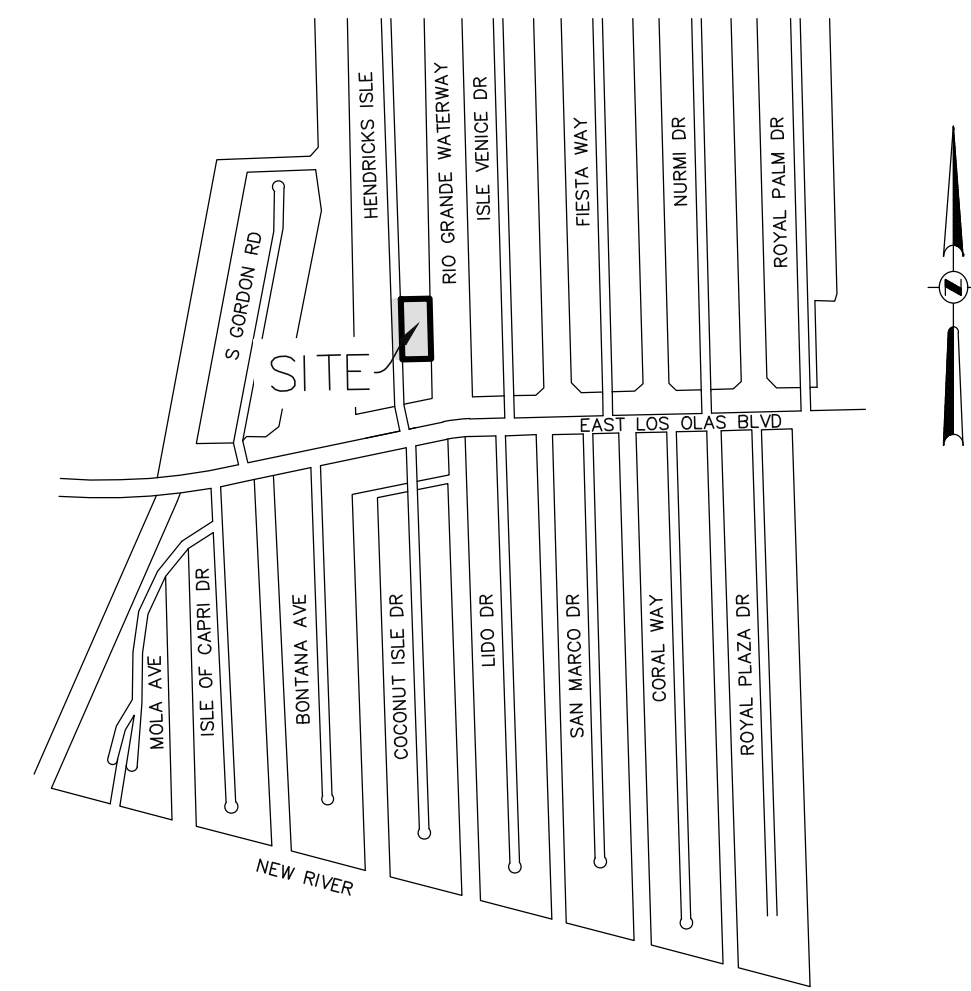

City Clerk
DAVID R. SOLOMAN

EXHIBIT IV ORIGINAL SURVEY



- LEGEND**
- CONCRETE
 - ASPHALT PAVEMENT
 - WOOD DECK
 - BRICK PAVERS
 - ELEVATION
 - OVERHEAD WIRES
 - UNDERGROUND SANITARY SEWER LINE
 - CENTERLINE
 - A/C
 - F.D.O.T.
 - LB
 - O.R.B.
 - R/W
 - TP
 - PALM TREE
 - OAK TREE
 - UNIDENTIFIED TREE



LEGAL DESCRIPTION:

PARCEL 1
LOTS 14 AND 15, BLOCK 4, "UNIT A LAUDERDALE ISLES", A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 29, AND ACCORDING TO THE "AMENDED PLAT OF A PART OF UNIT A LAUDERDALE ISLES" RECORDED IN PLAT BOOK 16, PAGE 33, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PARCEL 2
UNITS 1, 2, 3, 4, 5, 6, 7 AND 8, OF HARBOR VILLAS CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF RECORDED IN OFFICIAL RECORDS BOOK 13959, PAGE 820 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND ALL AMENDMENTS THERETO, TOGETHER WITH ITS UNDIVIDED SHARE IN THE COMMON ELEMENTS, ALSO KNOWN AS LOT 12 AND 13, BLOCK 4, "UNIT A LAUDERDALE ISLES", A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 29, AND ACCORDING TO THE "AMENDED PLAT OF A PART OF UNIT A LAUDERDALE ISLES" RECORDED IN PLAT BOOK 16, PAGE 33, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PARCEL 3
LOT 11, BLOCK 4, "UNIT A LAUDERDALE ISLES", A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 29, AND ACCORDING TO THE "AMENDED PLAT OF A PART OF UNIT A LAUDERDALE ISLES" RECORDED IN PLAT BOOK 16, PAGE 33, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

NOTES:

1. THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR AN ELECTRONIC SIGNATURE AND ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. THIS SITE CONTAINS 30,000 SQUARE FEET (0.6887 ACRES) MORE OR LESS.
3. ELEVATIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988. CITY OF FORT LAUDERDALE BENCHMARK SE 521; ELEVATION: 3.635 FEET AND SE 93; ELEVATION: 4.41 FEET.
4. FLOOD ZONE: AE; BASE FLOOD ELEVATION: 5 FEET; PANEL #12011C0576H; COMMUNITY #125105; MAP DATE: 8/18/14.
5. THIS SITE LIES IN SECTION 11, TOWNSHIP 50 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA.
6. BEARINGS ARE BASED THE CENTERLINE OF NORTHEAST 18TH AVENUE BEING NORTH 02°08'02" WEST BASED ON F.D.O.T R/W MAP BOOK 15, PAGE 196 SHEET 3 OF 6 WITH THE WEST LINE OF BLOCK 4 BEING NORTH 02°08'02" W.
7. REASONABLE EFFORTS WERE MADE REGARDING THE EXISTENCE AND THE LOCATION OF UNDERGROUND UTILITIES. THIS FIRM, HOWEVER, DOES NOT ACCEPT RESPONSIBILITY FOR THIS INFORMATION, BEFORE EXCAVATION OR CONSTRUCTION CONTACT THE APPROPRIATE UTILITY COMPANIES FOR FIELD VERIFICATION.
8. THE HORIZONTAL POSITIONAL ACCURACY OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS ±0.07'. THE VERTICAL ACCURACY OF ELEVATIONS OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS ±0.07'.
9. THIS SITE CONTAINS 21 TOTAL CLEARLY IDENTIFIABLE ONSITE AND 5 ADDITIONAL IN RIGHT-OF-WAY REGULAR PARKING SPACES.
10. THIS SURVEY WAS PREPARED WITH BENEFIT OF A COMMITMENT FOR TITLE INSURANCE, POLICY NUMBER OXFL-08947493, PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, DATED AUGUST 5, 2020 AT 11:31 AM. THE FOLLOWING ITEMS ARE EXCEPTIONS IN SCHEDULE B OF SAID COMMITMENT:
ITEMS 1 & 2: STANDARD EXCEPTIONS, NOT ADDRESSED.
ITEM 3: ALL MATTERS SHOWN IN PLAT BOOK 9, PAGE 28 APPLY TO THIS SITE. THERE ARE NO PLATTED EASEMENTS.
ITEM 4: ALL MATTERS SHOWN IN PLAT BOOK 16, PAGE 33 APPLY TO THIS SITE. THERE ARE NO PLATTED EASEMENTS.
ITEM 5: TERMS AND CONDITIONS IN DECLARATION OF CONDOMINIUM RECORDED IN O.R.B. 13595, PAGE 820 APPLY TO THIS SITE BUT CANNOT BE PLOTTED.
ITEM 6: NOT ADDRESSED.
ITEM 7: CABLE TELEVISION AGREEMENT IN O.R.B. 14337, PAGE 37 APPLIES TO THIS SITE BUT CANNOT BE PLOTTED.
ITEM 8: NOT ADDRESSED.
ITEM 9: RIGHTS OF OTHERS TO USE THAT PORTION OF INSURED LAND WITHIN THE WATERS OF RIO GRANDE CANAL APPLIES TO THIS SITE BUT CANNOT BE PLOTTED.
ITEM 10: NOT ADDRESSED.
ITEM 11: NOT ADDRESSED.
ITEM 12: NOT ADDRESSED.
11. ALL RECORDED DOCUMENTS ARE PER BROWARD COUNTY RECORDS.
12. UNABLE TO LOCATE WET FACE OF SEAWALL DUE TO WOOD DOCK.

CERTIFICATION:

TO OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY; HENDRICKS GROUP LLC, A FLORIDA LIMITED LIABILITY COMPANY;
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(a), 8, & 9 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON 10/2/21.
DATE OF PLAT OR MAP: 10/2/21

- JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
- BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
- VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
- DONNA C. WEST, PROFESSIONAL SURVEYOR AND MAPPER LS4290
STATE OF FLORIDA

NO.	REVISIONS	BY
5		
4		
3		
2		
1		

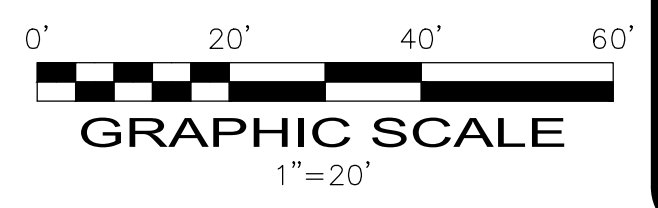
HENDRICKS ISLE
10, 20, 24 & 28 HENDRICKS ISLE
FORT LAUDERDALE, FLORIDA 33001
(BROWARD COUNTY)

**BOUNDARY AND TOPOGRAPHIC SURVEY
ALTA/NSPS LAND TITLE SURVEY**

PLS

PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777
FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com
WEBSITE: www.pulicelandsurveyors.com
CERTIFICATE OF AUTHORIZATION LB#3870

DRAWN BY: J.M.P.	SCALE: 1"=20'	CLIENT: HENDRICKS GROUP, LLC
CHECKED BY: J.F.P.	SURVEY DATE: 10/2/21	ORDER NO.: 68843



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EXHIBIT V ZONING AERIAL



City of Fort Lauderdale GIS



CITY OF FORT LAUDERDALE

10 Hendricks Isle



0 90 180 Feet

GIS
Fort Lauderdale

EXHIBIT VI SITE PHOTOGRAPHS



1. Southern portion of the subject site, facing north along the Rio Grande Waterway.



2. Northern portion of the subject site, facing south along the Rio Grande Waterway.

EXHIBIT VII PROJECT PLANS

10 HENDRICKS ISLE

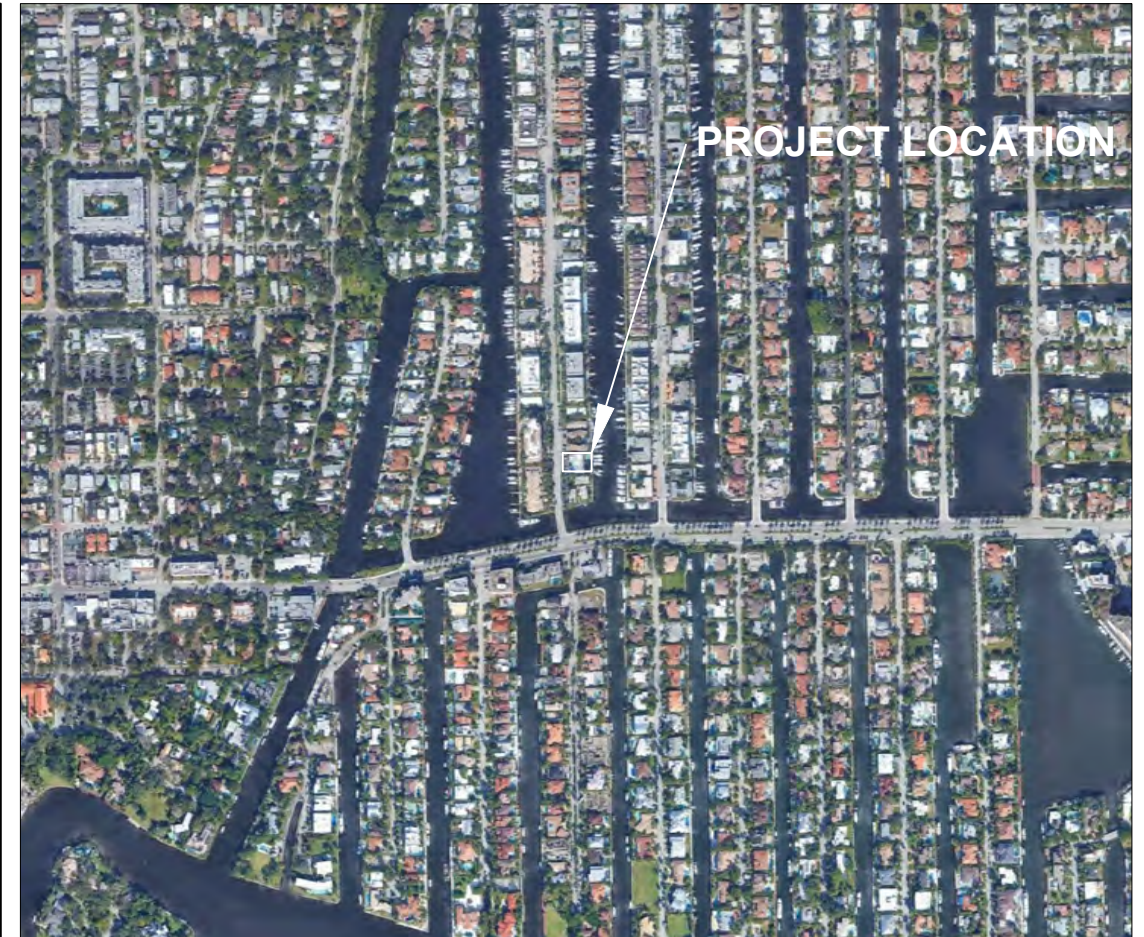
PLAN SET



LOCATION MAP (N.T.S.)

DRAWING INDEX

- SHEET 1: COVER**
- SHEET 2: EXISTING CONDITIONS**
- SHEET 3: PROPOSED CONDITIONS**
- SHEET 4: SECTION A-A**
- SHEET 5: DETAILS**



VICINITY AERIAL (N.T.S.)

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- *Tree Surveys/Appraisals*

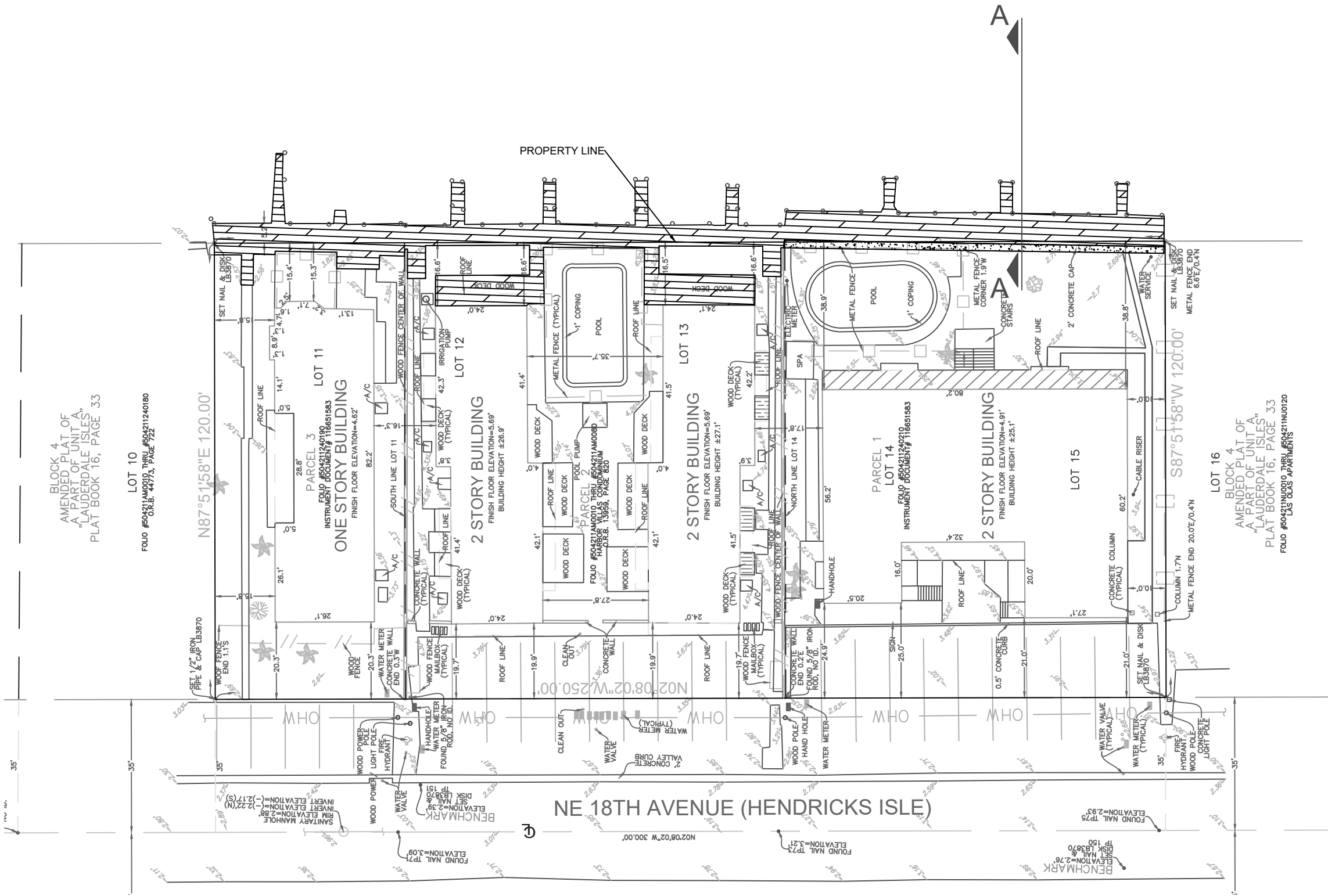
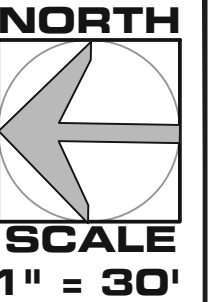
10 HENDRICKS ISLE

PREPARED FOR:
HENDRICKS GROUP, LLC.

COVER

Date: 3/7/2022	Sheet :	of :
Proj No.: 22-0007	1	5

RIO GRANDE WATERWAY



LEGEND

- SUBJECT SITE (±0.69 AC)
- EXISTING CORAL ROCK WALL TO REMAIN (±99 LN. FT.)
- EXISTING WOOD DOCK TO BE REMOVED (±2,705 ft², ±1,745 ft² OVERWATER)

M.H.W. = 0.25' NAVD M.L.W. = (-)2.13' NAVD
 NOTE: SURVEY INFORMATION PROVIDED BY PULICE LAND SURVEYORS, INC. ELEVATIONS SHOWN AS NAVD88.

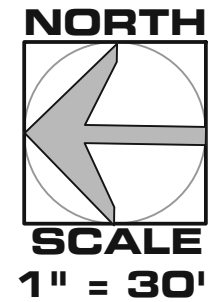
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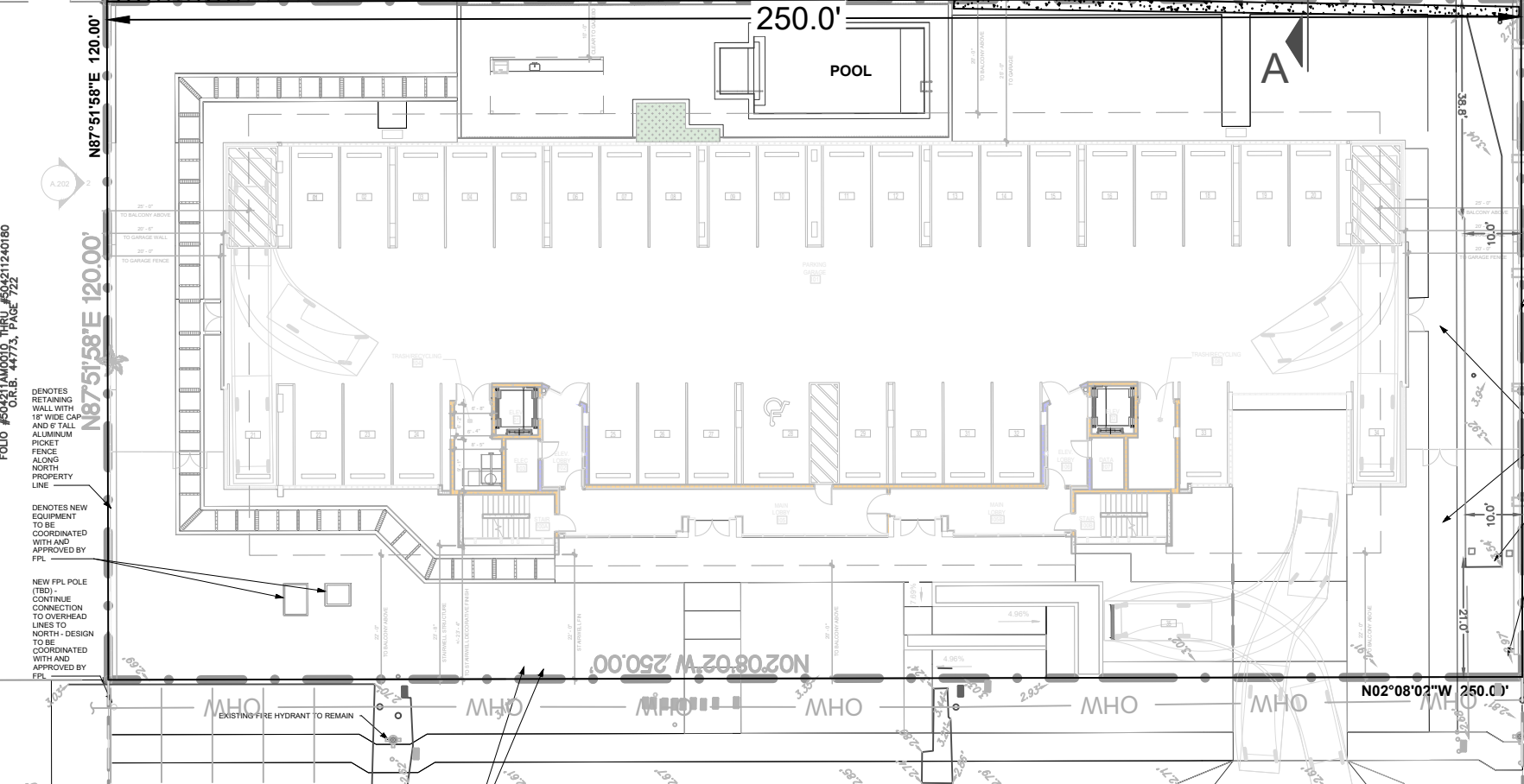
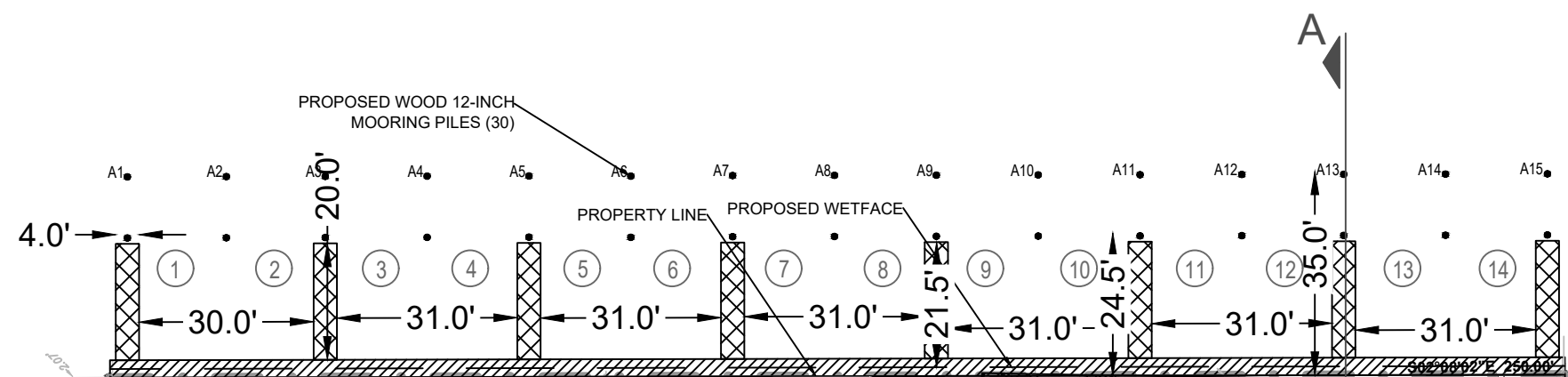
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 HENDRICKS GROUP, LLC.

EXISTING CONDITIONS		
Date: 3/7/2022	Sheet : 2	of : 5
Proj No.: 22-0007		



RIO GRANDE WATERWAY



PROPOSED SLIP TABLE		
SLIP #	LENGTH	WIDTH
1-2	45'	14'
3-14	45'	15'

LEGEND

- SUBJECT SITE (±0.69 AC)
- EXISTING CORAL ROCK WALL TO REMAIN (±99 LN. FT.)
- PROPOSED CONCRETE PANEL SEAWALL (±250 LN. FT.)
- PROPOSED CONCRETE FINGER PIERS (±640 ft²)

M.H.W. = 0.25' NAVD M.L.W. = (-)2.13' NAVD
 NOTE: SURVEY INFORMATION PROVIDED BY PULICE LAND SURVEYORS, INC. ELEVATIONS SHOWN AS NAVD88.

CITY WAIVER REQUEST			
PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
MOORING PILES (A1-A15)	35.0'	25'	10.0'

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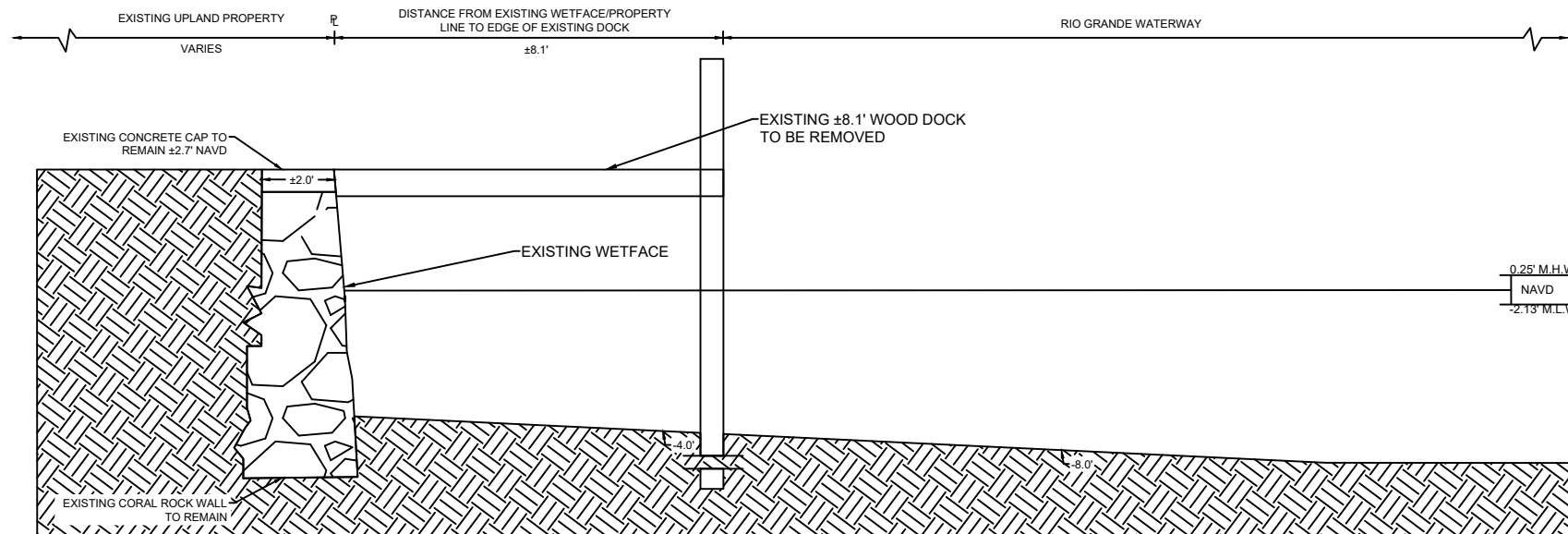
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PROPOSED CONDITIONS		
Date: 3/7/2022	Sheet :	of :
Proj No.: 22-0007	3	5

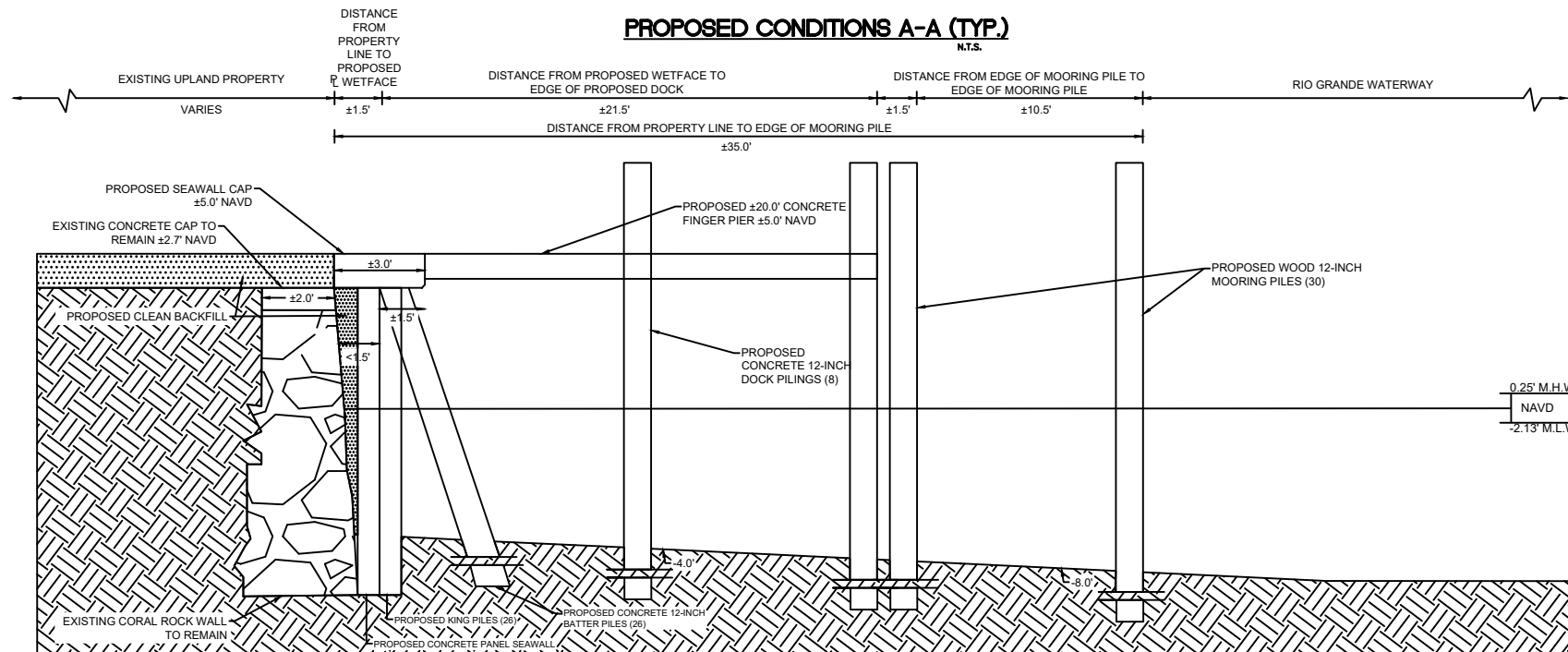
EXISTING CONDITIONS A-A (TYP.)

N.T.S.



PROPOSED CONDITIONS A-A (TYP.)

N.T.S.



NOTE PROPOSED WETFACE TO BE NO GREATER THAN 18" FROM EXISTING WETFACE

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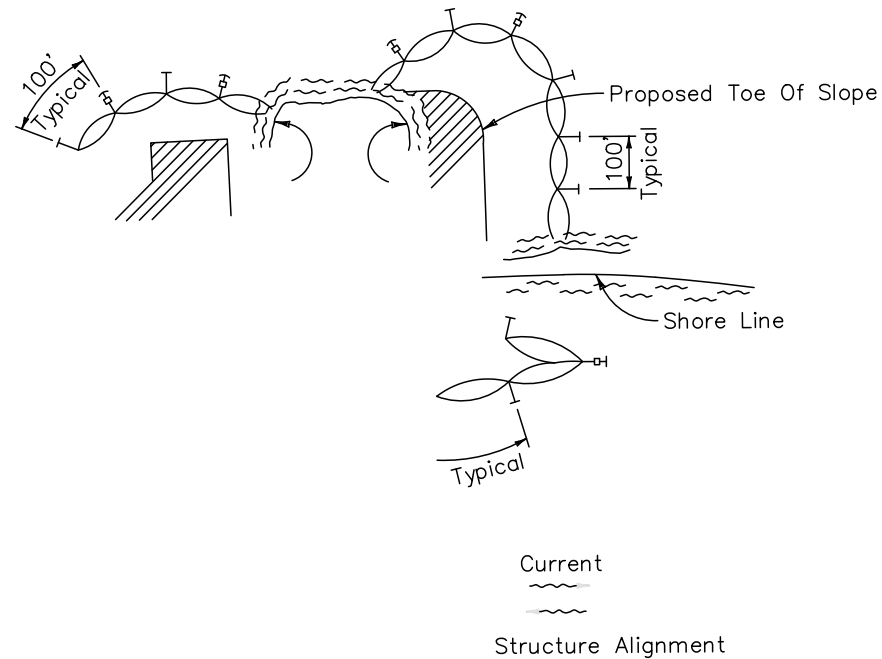
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SECTIONS

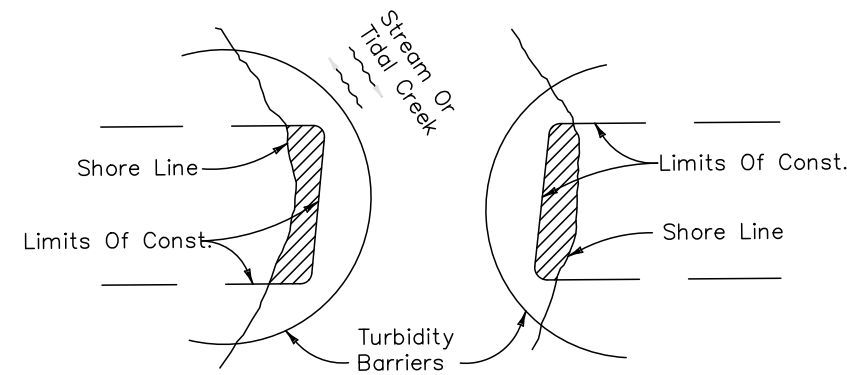
Date: 3/7/2022	Sheet : 4	of : 5
Proj No.: 22-0007		

CONSTRUCTION BARGE (TYP.)



LEGEND

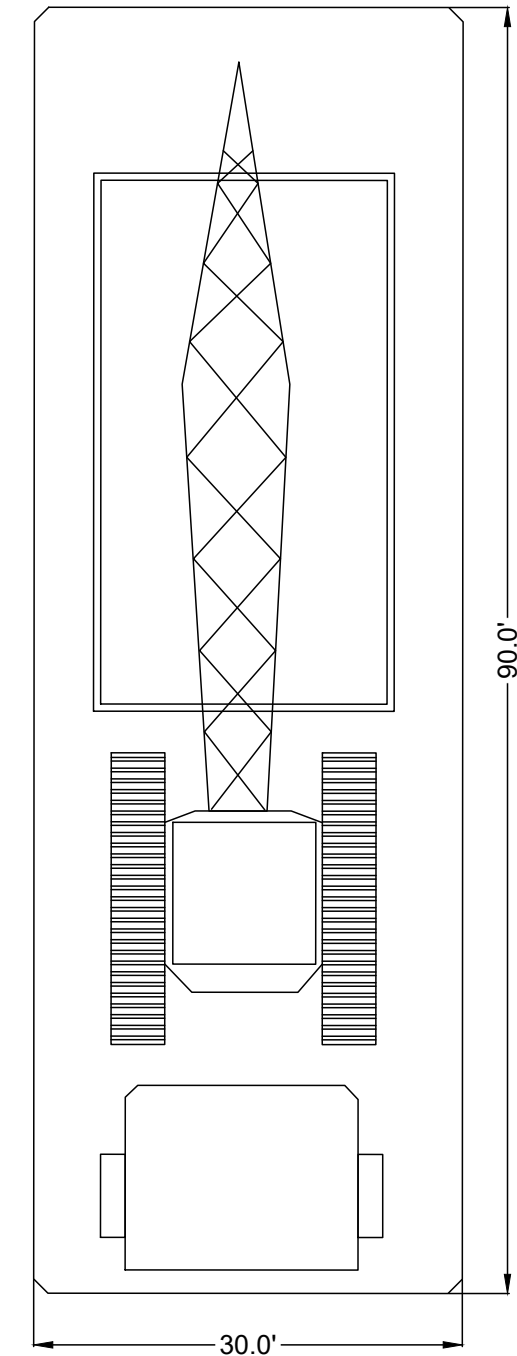
- Pile Locations
- ▨ Dredge Or Fill Area
- ⊕ Mooring Buoy w/Anchor
- ⊖ Anchor
- ⊖ Barrier Movement Due To Current Action



Note:
Turbidity barriers for flowing streams and tidal creeks may be either floating, or staked types or any combinations of types that will suit site conditions and meet erosion control and water quality requirements. The barrier type(s) will be at the Contractors option unless otherwise specified in the plans, however payment will be under the pay item(s) established in the plans for Floating Turbidity Barrier and/or Staked Turbidity Barrier. Posts in staked turbidity barriers to be installed in vertical position unless otherwise directed by the Engineer.

1. Turbidity barriers are to be used in all permanent bodies of water regardless of water depth.
2. Number and spacing of anchors dependent on current velocities.
3. Deployment of barrier around pile locations may vary to accommodate construction operations.
4. Navigation may require segmenting barrier during construction operations.
5. For additional information see Section 104 of the Standard Specifications.

TURBIDITY BARRIER APPLICATIONS



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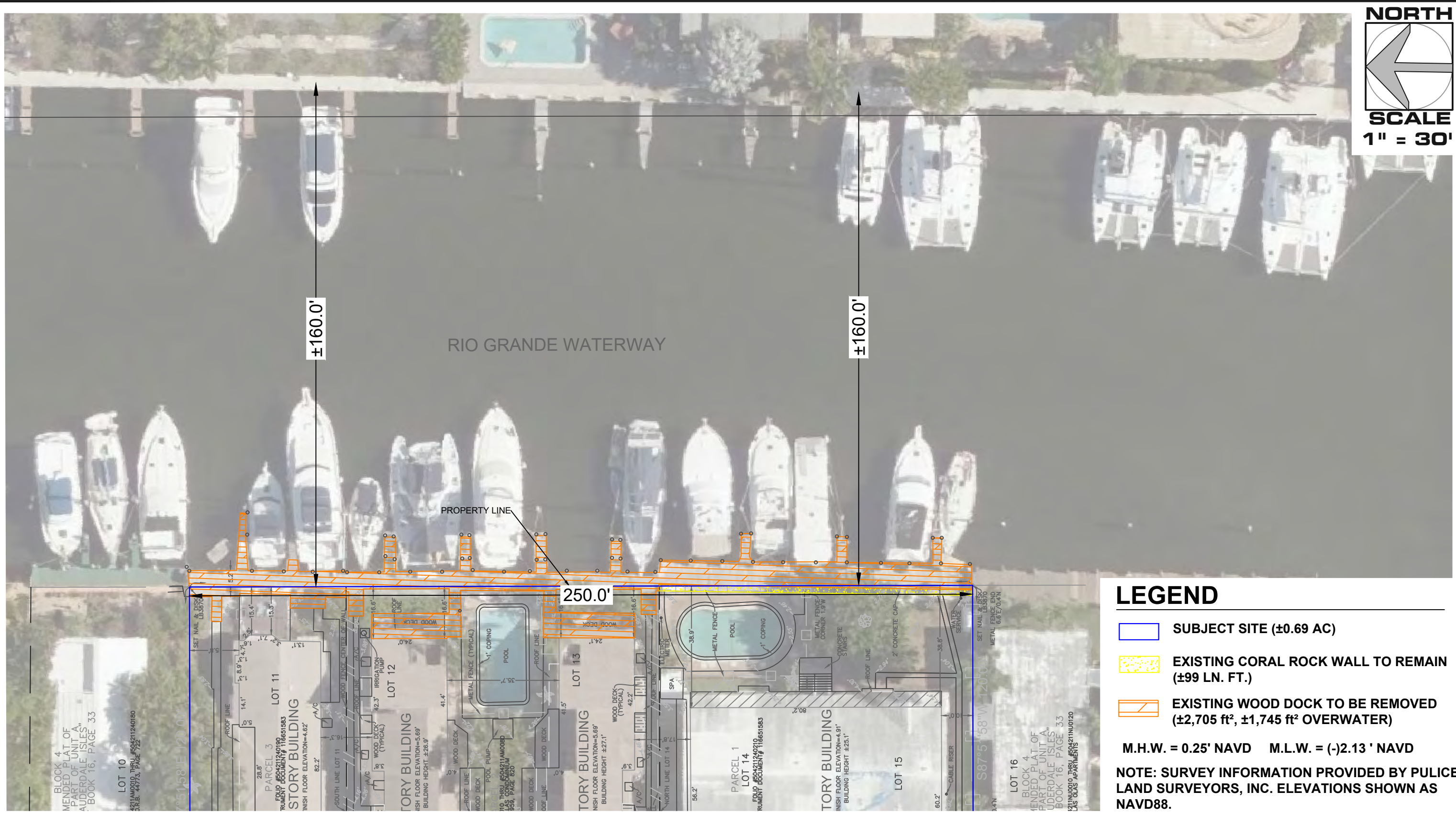
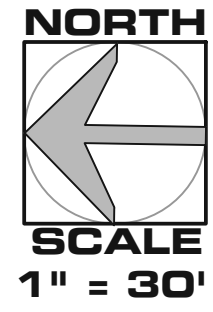
10 HENDRICKS ISLE

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HENDRICKS GROUP, LLC.

DETAILS

Date: 3/7/2022	Sheet : 5	of : 5
Proj No.: 22-0007		

EXHIBIT VIII DISTANCE EXHIBIT



LEGEND

- SUBJECT SITE (±0.69 AC)
- EXISTING CORAL ROCK WALL TO REMAIN (±99 LN. FT.)
- EXISTING WOOD DOCK TO BE REMOVED (±2,705 ft², ±1,745 ft² OVERWATER)

M.H.W. = 0.25' NAVD M.L.W. = (-)2.13' NAVD

NOTE: SURVEY INFORMATION PROVIDED BY PULICE LAND SURVEYORS, INC. ELEVATIONS SHOWN AS NAVD88.

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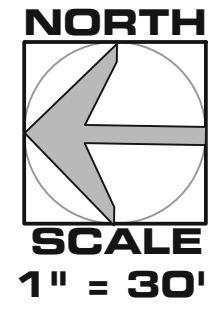
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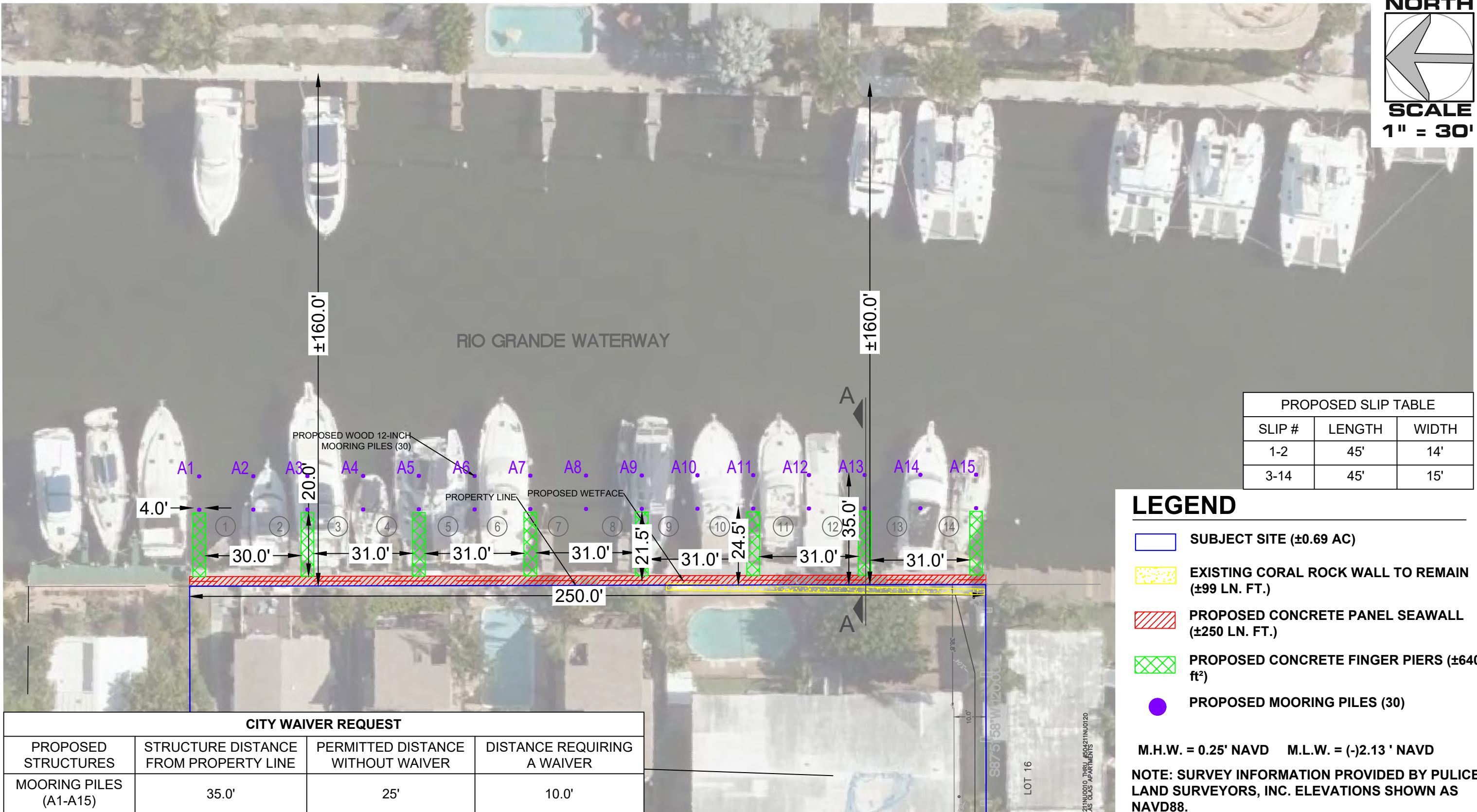
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PREPARED FOR:
HENDRICKS GROUP, LLC.

DISTANCE EXHIBIT		
Date: 3/7/2022	Sheet : <b style="font-size: 2em;">1	of : <b style="font-size: 2em;">3
Proj No.: 22-0007		



RIO GRANDE WATERWAY



PROPOSED SLIP TABLE		
SLIP #	LENGTH	WIDTH
1-2	45'	14'
3-14	45'	15'

LEGEND

- SUBJECT SITE (±0.69 AC)
- EXISTING CORAL ROCK WALL TO REMAIN (±99 LN. FT.)
- PROPOSED CONCRETE PANEL SEAWALL (±250 LN. FT.)
- PROPOSED CONCRETE FINGER PIERS (±640 ft²)
- PROPOSED MOORING PILES (30)

M.H.W. = 0.25' NAVD M.L.W. = (-)2.13' NAVD
 NOTE: SURVEY INFORMATION PROVIDED BY PULICE LAND SURVEYORS, INC. ELEVATIONS SHOWN AS NAVD88.

CITY WAIVER REQUEST			
PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
MOORING PILES (A1-A15)	35.0'	25'	10.0'

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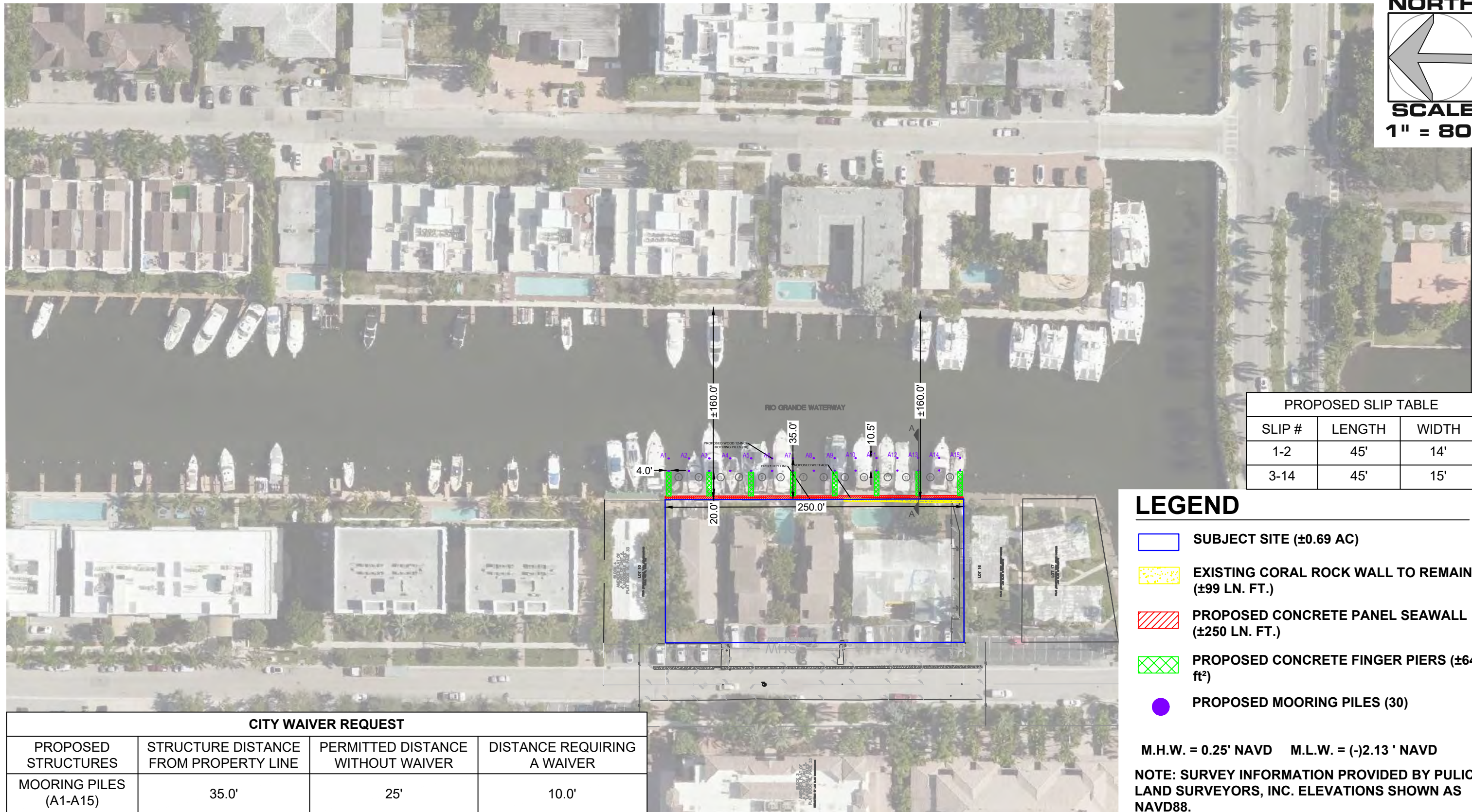
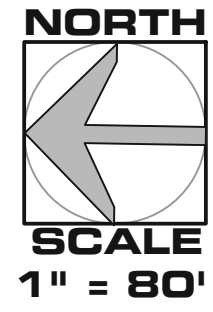
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DISTANCE EXHIBIT		
Date: 3/7/2022	Sheet :	of :
Proj No.: 22-0007	2	3



PROPOSED SLIP TABLE		
SLIP #	LENGTH	WIDTH
1-2	45'	14'
3-14	45'	15'

LEGEND

- SUBJECT SITE (±0.69 AC)
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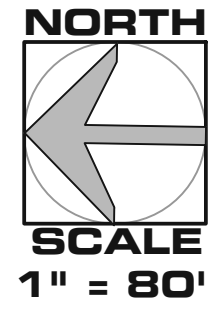
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DISTANCE EXHIBIT		
Date:	Sheet :	of :
3/7/2022	3	3
Proj No.: 22-0007		



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SLIP #	LENGTH	WIDTH
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3-14	45'	15'

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CITY WAIVER REQUEST			
PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
MOORING PILES (A1-A15)	35.0'	25'	10.0'

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www.thechappellgroup.com

- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/Appraisals

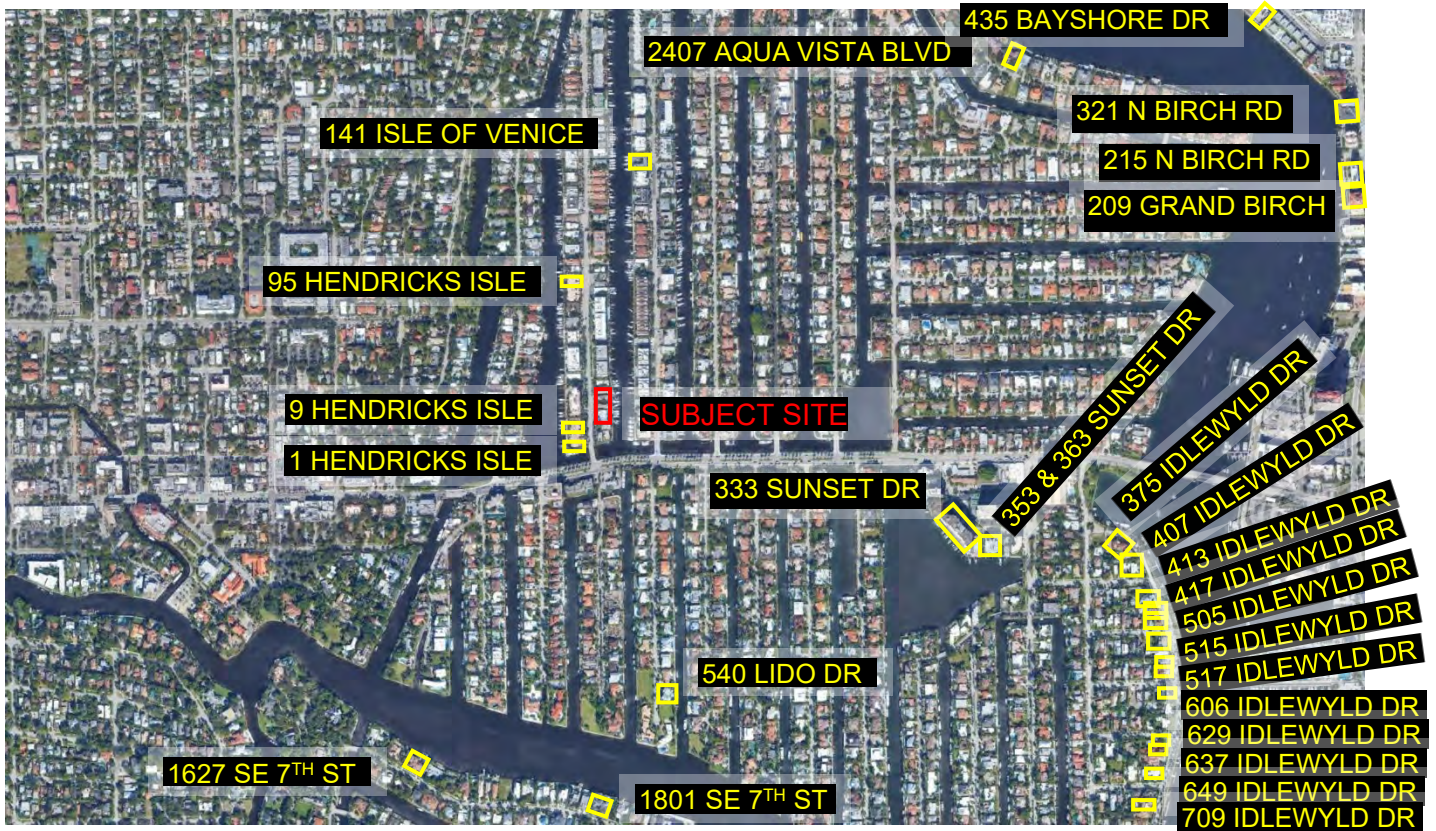
10 HENDRICKS ISLE

PREPARED FOR:
 HENDRICKS GROUP, LLC.

NAVIGATION EXHIBIT		
Date: 3/7/2022	Sheet :	of :
Proj No.: 22-0007	1	1

EXHIBIT IX EXISTING WAIVERS IN THE VICINTY

EXISTING WAIVERS IN THE VICINITY



ADDRESS	MAXIMUM DISTANCE
141 Isle of Venice	35'
95 Hendricks Isle	35'
9 Hendricks Isle	43.4'
1 Hendricks Isle	43'
2407 Aqua Vista Blvd	34.5'
435 Bayshore Dr	48.5'
321 N Birch Rd	75'
215 N Birch Rd	47.5'
209 Grand Birch	45.5'
1627 SE 7 th St	47.2'
1801 SE 7 th St	52'
540 Lido Drive	45.5'
333 Sunset Drive	61.7'

ADDRESS	MAXIMUM DISTANCE
353 & 363 Sunset Drive	54.9'
375 Idlewyld Drive	68'
407 Idlewyld Drive	63.75'
413 Idlewyld Drive	81.45'
417 Idlewyld Drive	78'
505 Idlewyld Drive	68.5'
515 Idlewyld Drive	89.3'
517 Idlewyld Drive	42'
606 Idlewyld Drive	55.8'
629 Idlewyld Drive	50.7'
637 Idlewyld Drive	58'
649 Idlewyld Drive	45'
709 Idlewyld Drive	53.2'
Subject Site	35'

Sec. 47-19.3. - Boat slips, docks, boat davits, hoists and similar mooring structures.

(a) The following words when used in this section shall, for the purposes of this section, have the following meaning:

- (1) *Mooring device* means a subset of mooring structures as defined herein including boat davits, hoists, boat lifts and similar devices that are erected on or adjacent to a seawall or dock and upon which a vessel can be moored. A mooring device does not include docks, slips, seawall or mooring pile.
- (2) *Mooring structure* means a dock, slip, seawall, boat davit, hoist, boat lift, mooring pile or a similar structure attached to land more or less permanently to which a vessel can be moored.
- (3) *NGVD 29* or the National Geodetic Vertical Datum of 1929 means the vertical control datum established for vertical control surveying in the United States of America by the General Adjustment of 1929. The datum is used to measure elevation or altitude above, and depression or depth below, mean sea level (MSL).
- (4) *NAVD88* or the North American Vertical Datum means the vertical control datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988.
- (5) *Seawall* means vertical or near vertical structures placed between an upland area and a waterway. For the purposes of Section 47-19.3(f), rip rap is not considered a seawall.
- (6) *Rip rap* means a foundation of unconsolidated boulders, stone, concrete or similar materials placed on or near a shoreline to mitigate wave impacts and prevent erosion.

(b) Boat davits, hoists and similar mooring devices may be erected on a seawall or dock subject to the following limitations on the number and location as follows:

- (1) Except as provided herein, only one (1) mooring device per the first one hundred (100) feet of lot width or portion thereof, and one mooring device for each additional one hundred (100) feet of lot width. A second mooring device may be permitted within the lot area greater than one hundred (100) feet but less than two hundred (200) feet if approved as a Site Plan Level II permit, subject to the following criteria:
 - a. The location of the proposed mooring device will not interfere with the view from adjacent properties to a degree greater than the intrusion already permitted as a result of the berthing of a vessel at applicant's property within the setback and extension limitations provided in the Code.
 - b. The type of mooring device is the least intrusive and most compatible with the view from the waterway.
 - c. No conflict with a neighboring property owner's usage of the waterway will be created as a result of the additional mooring device.

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.

Approval of a Site Plan Level II development permit for an additional mooring device shall not be final until thirty (30) days after preliminary DRC approval and then only if no motion is approved by the City Commission seeking to review the application pursuant to the process provided in Section 47-26. The denial of an application for an additional mooring device may be appealed to the City Commission in accordance with the provisions of Section 47-26.

- (2) In addition to the mooring device described in paragraph (b)(1) of this section, one (1) lift designed and used solely for the lifting of a personal watercraft (PWC) per development site is permitted. For purposes of this subsection (2) a PWC is as defined in F.S. Ch. 327.
 - (3) The cross section of the davit, hoist or other mooring device shall not exceed one (1) square foot and have a maximum height of six and one-half (6½) feet above lot grade.
 - (4) The lowest appendage of a vessel may not be hoisted greater than one (1) foot above a seawall cap or if no seawall, above the average grade of the upland property and properties abutting either side of the upland property, whichever is less.
- (c) No boat slips, docks, boat davits, hoists, and similar mooring structures not including mooring or dolphin piles or a seawall, may be constructed by any owner of any lot unless a principal building exists on such lot and such lot abuts a waterway. Mooring structures, not including mooring or dolphin piles, shall not extend into the waterway more than twenty-five (25) percent of the width of the waterway or twenty-five (25) feet whichever is less as measured from the property line.
 - (d) Mooring or dolphin piles, shall not be permitted to extend more than thirty (30) percent of the width of the waterway, or twenty-five (25) feet beyond the property line, whichever is less.
 - (e) The City Commission may waive the limitations of Sections 47-19.3.(c), 47-19.3.(d) and 47-39.A.1.b.(12).(a) and 47-39.A.1.b.(12).(b) under extraordinary circumstances, provided permits from all governmental agencies, as required, are obtained after approval of the City Commission, after a public hearing and notification to property owners within three hundred (300) feet. In no event shall the extension exceed thirty (30) percent of the width of the waterway and no variance may be approved by the Board of Adjustment or other agency permitting an extension beyond the thirty percent (30%) limitation. Reflector tape shall be affixed to and continually maintained on all mooring or dolphin piles authorized under this subsection to extend beyond the limitations provided in subsection (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.
 - (f) The top surface of a seawall shall have a minimum elevation of 3.9 feet NAVD88 (see table). The elevation of a seawall or dock shall not exceed a maximum of the base flood elevation (BFE) as identified in the corresponding FEMA Flood Insurance Rate Map (FIRM) for the property, except as specifically set forth herein. For properties with a BFE of 4.0 feet NAVD88, the minimum seawall elevation shall meet 3.9 feet NAVD88 and the maximum seawall or dock elevation shall be 5.0 feet NAVD88. For waterfront properties with a habitable finished floor elevation of less than 3.9 feet NAVD88, a seawall may be constructed at less than the stated minimum elevation if a waiver is granted by the City Engineer. For properties within an X zone, the minimum seawall elevation shall meet 3.9 feet NAVD88 and the maximum seawall or dock elevation shall meet the definition of grade as determined by subsection 47-2.2 (g)(1)(a). The maximum height of related structures attached to a seawall shall not exceed the elevation of the seawall to which the structure is attached. In the event of a conflict between subsection 47-19.5.B.Table 1, Note G: subsection 1.a.ii. and the requirements of this section, this section shall govern. Property owners choosing to construct seawalls at less than 5.0 feet NAVD88 are strongly encouraged to have the foundation designed to accommodate a future seawall height extension up to a minimum elevation of 5.0 feet NAVD88.

Property's FEMA Flood Insurance Rate Map Location	Minimum Allowable Seawall Elevation	Maximum Allowable Seawall or Dock Elevation
In a floodplain with a base flood elevation greater than or	3.9 feet NAVD88	Base flood elevation of the property

equal to 5.0 feet NAVD88		
In a floodplain with a base flood elevation equal to 4.0 feet NAVD88	3.9 feet NAVD88	5 feet NAVD88
In an X zone, not in a floodplain	3.9 feet NAVD88	Meet the definition of grade as determined by Section 47-2.2(g)(1)(a)

- (1) Seawalls must be designed and built in a substantially impermeable manner to prevent tidal waters from flowing through the seawall while still allowing for the release of hydrostatic pressure from the upland direction.
- (2) Fixed docks may be constructed at an elevation less than the elevation of the seawall to which it is attached but shall not be constructed at an elevation more than ten (10) inches above the seawall's elevation. The dock elevation may not exceed the maximum elevation as described in subsection (f) of this section. Floating docks shall be allowed and must be permitted and permanently attached to a marginal dock, finger pier, mooring pilings, or seawall.
- (3) Seawall improvements constituting substantial repair at the time of permit application shall meet the minimum elevation and consider the design recommendations (see subsection (f) above) for the continuous seawall for the length of the property. For the purposes of this section, the substantial repair threshold shall mean the following:
 - (i) Any improvement to the seawall of more than fifty percent (50%) of the length of the structure, which for the purposes of this section, shall include both the seawall and cap; or
 - (ii) Any improvement to the seawall which results in an elevation change along more than fifty percent (50%) of the length of the structure.
- (4) All property owners must maintain their seawalls in good repair. A seawall is presumed to be in disrepair if it allows for upland erosion, transfer of material through the seawall or allows tidal waters to flow unimpeded through the seawall to adjacent properties or public right-of-way. Property owners failing to maintain their seawalls may be cited. The owner of the property on which the seawall is constructed is required to initiate a process, including but not limited to hiring a contractor or submitting a building permit, and be able to demonstrate progress toward repairing the cited defect within sixty (60) days of receiving notice from the city and complete the repair within three hundred sixty-five (365) days of citation. If the required repair meets the substantial repair threshold, the property owner shall design, permit, and construct the seawall to meet the minimum elevation requirement and design requirement (see subsection 47-19.3(f)) within three hundred sixty-five (365) days of citation.
- (5) Property owners with seawalls below the minimum elevation, or permeable erosion barriers such as rip rap, or a land/water interface of another nature shall not allow tidal waters entering their property to impact adjacent properties or public rights-of-way. Property owners failing to prevent tidal waters from flowing overland and leaving their property may be cited. The owner of the property is required to initiate a process, including but not limited to, hiring a contractor or submitting a building permit, and be able to demonstrate progress toward addressing the cited concern within sixty (60) days of receiving notice from the city and complete the proposed remedy within three hundred sixty-five (365) days of citation.

- (g) No boathouse, permanent covering, or temporary covering for a boat shall be permitted within the setback area required for the zoning district in which such shelter is to be located, nor shall any boathouse, permanent covering or temporary covering for a boat, or any other structure not otherwise specifically permitted, be permitted within or cover any public waterway.
- (h) No watercraft shall be docked or anchored adjacent to residential property in such a position that causes it to extend beyond the side setback lines required for principal buildings on such property, as extended into the waterway, or is of such length that when docked or anchored adjacent to such property, the watercraft extends beyond such side setback lines as extended into the waterway. The owner of real property which would be entitled to the density limitation of a maximum of forty (40) units per acre pursuant to the terms for habitation of floating homes or vessels, Section 47-19.6, may apply for an exception to the setback requirements contained herein. An application for such exception shall be heard by the Planning and Zoning Board (board) at a public hearing called for that purpose. After the public hearing, the board shall make a recommendation to the City Commission that the application be granted or denied, or granted subject to conditions. If the board recommends that the application be either granted or granted subject to conditions, the City Clerk shall place the recommendation on the agenda of the City Commission for a public hearing at a regular meeting. The City Commission shall, by resolution, either grant the application, deny the application, or grant the application subject to such conditions as it finds necessary to the health, safety and general welfare of the citizens of the city. In deciding whether to grant or deny the application, the City Commission shall consider the neighborhood within which the applicant's property lies and the effect that the exception to the setbacks would have on the following:
 - (1) The surrounding property.
 - (2) The ability of adjacent property owners to enjoy abutting waterways.
- (i) Waiver of limitations. Property owners of lands located on the Isle of Venice and Hendricks Isle may dock or anchor watercraft adjacent to their respective properties in a manner which extends beyond side setback lines, required by this section as approved by Resolution No. 85-270.

(Ord. No. C-97-19, § 1(47-19.3), 6-18-97; Ord. No. C-04-2, § 4, 1-12-04; [Ord. No. C-10-44, § 2, 12-7-10](#); [Ord. No. C-13-18, § 2, 6-4-13](#); Ord. No. [C-16-13](#), § 1, 6-21-16; [Ord. No. C-16-27](#), § 1, 12-6-16)

ITEM X

MEMORANDUM MF NO. 22-02

DATE: August 23, 2022

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Marine Facilities Manager

RE: September 1, 2022 MAB Meeting – Application – Proposal to Operate a Floating Business – Rahn Bahia Mar L.L.C.

Attached for your review is an application from Rahn Bahia Mar L.L.C. (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for dockage of a floating structure (120'L x 46'W) for use by Bahia Mar L.L.C. in accord with the City Code of Ordinances, Section 8-146, "Using Boats as Places of Business". The proposed location of the watercraft is located in the marina basin in the south east corner of the Bahia Mar Marina adjacent to Seabreeze Boulevard as shown in the site plan included in **Exhibit 1**.

The City Commissions' review includes consideration of the following specified in Code Section 8-146(a):

- (1) The adequacy of the provisions by the applicant for observation of all health and sanitary regulations of the City.
- (2) The level of the noise to be generated by the proposed business operation.
- (3) The number of patrons, customers or clients expected to travel to and from the floating business and the availability of sufficient parking.
- (4) The recommendation of the Marine Advisory Board.
- (5) Whether the proposed facility will tend to enhance the appearance of the City's waterways and promote the City's image as a family-oriented resort area.

RECOMMENDATIONS

Should the Marine Advisory recommend approval of the application, the resolution under consideration by the City Commission should include at least the following as prescribed in the ULDR and City Code of Ordinances:

Marine Advisory Board

September 1, 2022

Page 2

1. The applicant is required to comply with all Federal and State laws and specifically the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers as it applies to the "floating structure".
2. The applicant must be in compliance and maintain valid copies of all certification and licensing for the floating structure' and comply with all requirements set forth in City Code 8-146 Using Boats As Places Of Business.
3. As a general condition of approval and in order to review for final consistency with this application and these recommendations for approval, prior to or concurrent with applying for City building permits the applicant is required to provide the City's Supervisor of Marine Facilities with copies of permits from the Florida Department of Environmental Protection (FDEP), Broward County Environmental Protection and Growth Management Department, and the U.S. Army Corp of engineers.

AC

Attachment

cc:

Enrique Sanchez, Deputy Director of Parks and Recreation

Jon Luscomb, Marine Facilities Supervisor

**CITY OF FORT LAUDERDALE
MARINE FACILITIES
APPLICATION FOR WATERWAY PERMITS, WAIVERS AND LICENSES**

Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, licenses, permits and approvals involving municipal docking facilities or private uses in the waterways as regulated by Section 8 of the City Code of Ordinances or Section 47-19.3 of the City's Urban Land Development Regulations, shall be preceded by the execution and filing of the following application form available at the Office of the Supervisor of Marine Facilities. The completed application must be presented with the applicable processing fee paid before the agreement is prepared or the application processed for formal consideration (see City of Fort Lauderdale Code Section 2-157). If legal publication is necessary, the applicant agrees to pay the cost of such publication in addition to the application fee.

APPLICATION FORM
(Must be in Typewritten Form Only)

1. LEGAL NAME OF APPLICANT - (If corporation, name and titles of officers as well as exact name of corporation. If individuals doing business under a fictitious name, correct names of individuals, not fictitious names, must be used. If individuals owning the property as a private residence, the name of each individual as listed on the recorded warranty deed):

NAME: Rahn Bahia Mar L.L.C.

TELEPHONE NO: 305-891-1107
(home/cellular)

EMAIL: Jimmy@tatecapital.com

2. APPLICANT'S ADDRESS (if different than the site address): 1175 NE 125th Street, Suite 102, North Miami, FL 33161

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: Using a Boat as a Place of Business

4. SITE ADDRESS: 801 SEABREEZE BOULEVARD ZONING: SBMHA

LEGAL DESCRIPTION AND FOLIO NUMBER: BAHIA MAR 35-39 B ALL BAHIA MAR LYING W OF SEABREEZE BLVD R/W LESS PARCEL 1 & LESS N 80 OF PARCEL 34, AND LESS POR LYING WITHIN R/W FOR S ST RD A-1-A PER MISC MB 8-149 & 8-185

Folio No. 504212270012

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications):
Renderings, Plans, Code Narrative



Applicant's Signature

James D. Tate, President
Printed Name, Title

08/19/2022
Date

=====

The sum of \$ 1500.00 was paid by the above-named applicant on the _____ of _____, 20____ Received by: _____

City of Fort Lauderdale

=====For Official City Use Only=====

Marine Advisory Board Action
Formal Action taken on _____

Commission Action
Formal Action taken on _____

Recommendation _____
Action _____



August 19, 2022

Robert Lochrie, III
Lochrie & Chakas
1401 East Broward Blvd, Suite 303
Fort Lauderdale, FL 33301

Dear Mr. Lochrie:

As the property owner of the Bahia Mar property (Folio 504212270012), I hereby authorize the applicant (Rahn Bahia Mar, LLC.) to submit an application pursuant to Section 8-146 – Using Boats as Places of Business to be located within the Bahia Mar property.

If you have any questions regarding this matter, please contact me at 954-828-5959.

Sincerely,

Greg Chavarria
City Manager

c: D'Wayne Spence, Assistant City Attorney
Andrew Schein, Esq.

Office of the City Manager

100 North Andrews Avenue, Fort Lauderdale, Florida 33301

Telephone (954) 828-5013, Fax (954) 828-5599

www.fortlauderdale.gov



Bahia Mar

The Ferry
Marine Advisory Board
September 1, 2022

Drawing name: G:\Teams\SECAR\120002_bahia_mar_marina_mllg\p\DSAdoc\06-30_drc_submittal\CAD\SHEETS\L-00.dwg L-00 ILLUSTRATIVE MASTER PLAN Aug 08, 2022 3:01pm by: lgrcoo



LEGEND

- ① MARINA VILLAGE
- ⑦ RETAIL PLAZA
- ② HOTEL
- ⑧ MARINA PARK
- ③ RESIDENTIAL TOWER
- ⑨ GROUND LEVEL RETAIL
- ④ MARINA PROMENADE
- ⑩ GATEWAY PARK
- ⑤ COMMERCIAL
- ⑪ PEDESTRIAN BRIDGE CONNECTION
- ⑥ RESTAURANT
- ⑫ SEABREEZE PROMENADE

FOR DRC REVIEW ONLY - NOT FOR CONSTRUCTION

Client:
T.R.R. BAHIA MAR, LLC
1175 NE 125 STREET, SUITE 102
NORTH MIAMI, FL 33161

Project Name:
BahiaMar

LAND PLANNER / LANDSCAPE ARCHITECT
1512 E. BROWARD BOULEVARD, SUITE 110
FORT LAUDERDALE, FLORIDA 33301 USA
TEL: 954.524.3330
www.edsaflan.com
LCC000001

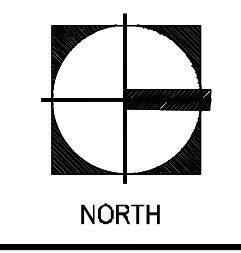
ARCHITECT
K O S I
K O S I ARCHITECTURE
AND INTERIOR DESIGN, INC.
2915 BISCAYNE BLVD #200
MIAMI, FL 33137

Consultants:
FES
FLYNN ENGINEERING SERVICES
241 COMMERCIAL BLVD.
LAUDERDALE-BY-THE-SEA
FL 33308

TRAFFIC ENGINEER
Traf Tech
ENGINEERING, INC.
TRAF TECH ENGINEERING INC
8400 N UNIVERSITY DR # 307
POMPANO BEACH, FL 33321

Rev.	Date	Description	By
▲	5/29/20	DRC ADMIN REVIEW	JMA
▲	5/29/20	DRC ADMIN REVIEW	JMA
▲	8/10/22	DRC AMENDMENT	BSL
▲			
▲			

Date: 15 SEPTEMBER 2017
Project Manager: MPK
Drawn By: DDB MPK MGG
Principal in Charge: BSL
Project No: 116102



SCALE: 1"=60'
0 60' 120'

Seal:

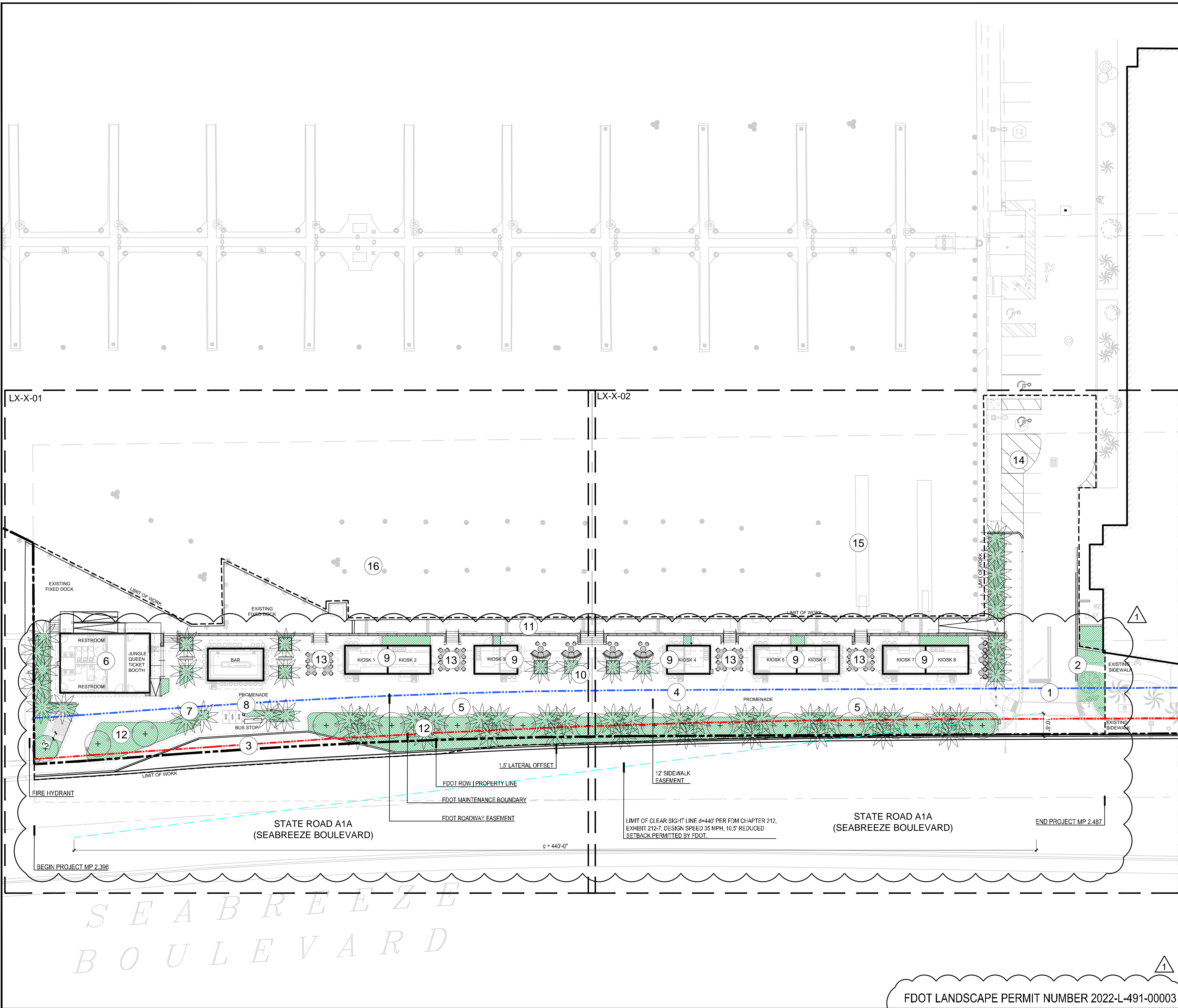
Project Phase:
LEVEL IV SITE PLAN SUBMITTAL

Sheet Title:
ILLUSTRATIVE MASTER PLAN

Sheet Number:
L-0.00

PROPOSED

Drawing name: G:\Teams\SECAR\120002_Bahia Mar Marina Village\FS\05-sheets\fdot permit\0005-L0-1-01-OVER.dwg L0-1-01 - OVERALL PLAN Apr 19 2022 7:52pm by: aremal



- ### LEGEND
- 1 TEMPORARY ACCESS
 - 2 EXISTING WALK TO MARKET
 - 3 MULTI-MODAL BUS DROP
 - 4 MARINA VILLAGE PROMENADE
 - 5 SEATING AREA
 - 6 JUNGLE QUEEN TICKET BOOTH/RESTROOMS
 - 7 RELOCATED BUS BAY
 - 8 BIKE RACK/PUMP
 - 9 MARINA VILLAGE KIOSK
 - 10 LOUNGE GROVE
 - 11 EXISTING FIXED DOCK
 - 12 LANDSCAPE AREA, TYP.
 - 13 OUTDOOR SEATING, TYP.
 - 14 EXISTING PARKING LOT
 - 15 TRANSIENT DOCKS
 - 16 WATER TAXI
- SEABREEZE PROMENADE

Project Name

BAHIA MAR MARINA VILLAGE

Client

TRR BAHIA MAR LLC

PLANNING
LANDSCAPE ARCHITECTURE
URBAN DESIGN

1512 E. BROWARD BOULEVARD, SUITE 110
FORT LAUDERDALE, FLORIDA 33301 USA
TEL: 954.524.3339 LCC000001

Consultants

THE CHAPPELL GROUP INC.
ENVIRONMENTAL CONSULTANT
714 EAST MCNAB ROAD
POMPANO BEACH, FL 33060

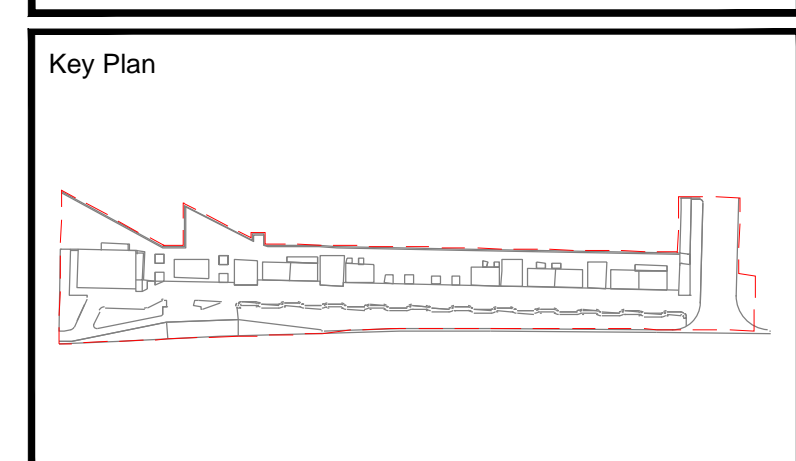
KIMLEY HORN ASSOCIATES
CIVIL ENGINEER
615 SOUTH CONGRESS AVENUE
SUITE 201
DELRAY BEACH, FL 33446

KOBI KARP ARCHITECTURE / INTERIOR DESIGN
CONSULTANT 3 DISCIPLINE
2915 Biscayne Boulevard
Suite 200
Miami, FL 33137

IDDI
CONSULTANT 4 DISCIPLINE
5100 NORTH DIXIE HIGHWAY
FORT LAUDERDALE, FL 33334

FELLER ENGINEERING
MEP
500 NE THIRD AVENUE
FORT LAUDERDALE, FLORIDA 33301

CSW STRUCTURAL GROUP
STRUCTURAL ENGINEER
5397 ORANGE DRIVE
SUITE 203
DAWE, FLORIDA 33314



Rev	Date	Issued for
1	04.11.2022	PERMIT REVISION

Date	01/07/2021
Designed By	DB
Drawn By	AR
Approved / Checked By	BSL
Project Number	120002

Seal

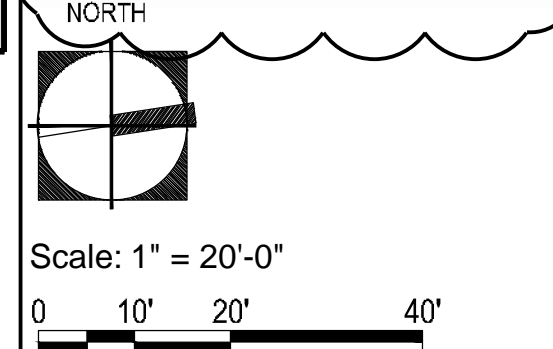
Project Phase

ISSUE FOR PERMIT

Sheet Title

OVERALL PLAN

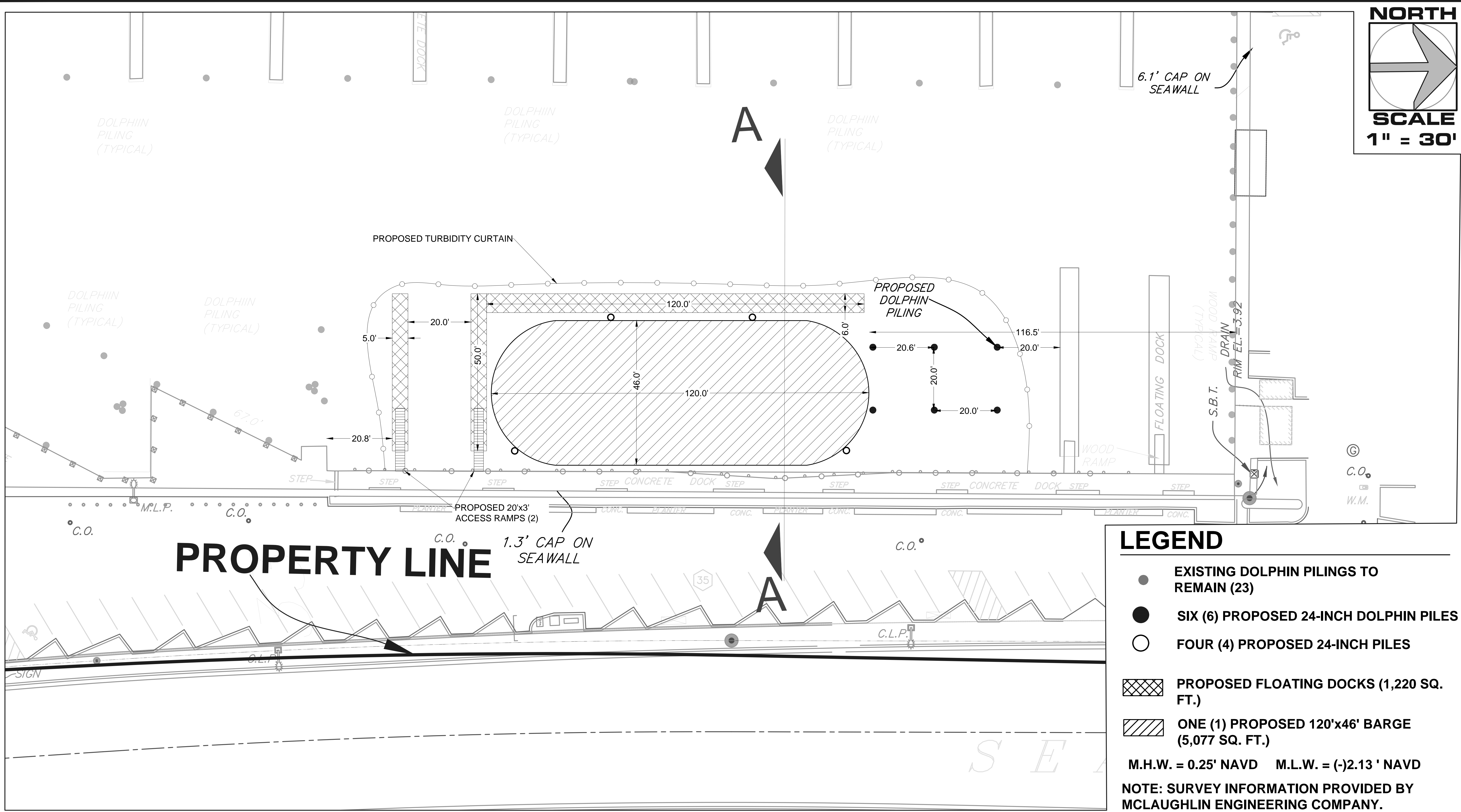
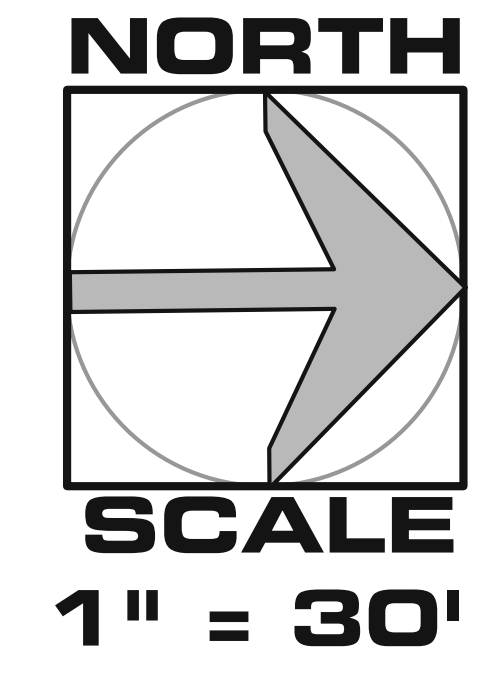
Revision Number	Sheet Number
1	L0-1-01



FDOT LANDSCAPE PERMIT NUMBER 2022-L-491-00003 ORIGINAL TITLE BLOCK DRAWN AT 24"x36" (Arch D)



BAHIA MAR MARINA VILLAGE VIEW
FORT LAUDERDALE, FLORIDA



LEGEND

- EXISTING DOLPHIN PILINGS TO REMAIN (23)
- SIX (6) PROPOSED 24-INCH DOLPHIN PILES
- FOUR (4) PROPOSED 24-INCH PILES
- ▨ PROPOSED FLOATING DOCKS (1,220 SQ. FT.)
- ▩ ONE (1) PROPOSED 120'x46' BARGE (5,077 SQ. FT.)

M.H.W. = 0.25' NAVD M.L.W. = (-)2.13' NAVD

NOTE: SURVEY INFORMATION PROVIDED BY MCLAUGHLIN ENGINEERING COMPANY.

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THE Chappell GROUP INC.

714 East McNab Road
 Pompano Beach, Florida 33060
 tel. 954.782.1908
 fax. 954.782.1108
www.thechappellgroup.com

- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/Appraisals

BAHIA MAR FLOATING BARGE

PREPARED FOR:
 RAHN BAHIA MAR, LLC

PROPOSED CONDITIONS-INSET A		
Date: 7/20/2022	Sheet : 4	of : 6
Proj No.: 15-0020.004		





PELICAN FERRY - BAHIA MAR - Ft. Lauderdale, FL

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PELICAN FERRY - BAHIA MAR - Ft. Lauderdale, FL

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Bahia Mar

The Ferry
Marine Advisory Board
September 1, 2022

Marine Advisory Board

The Ferry – Bahia Mar

1. General Information

This application is for the installation of The Ferry, which will be located at the Marina Village at Bahia Mar. The Ferry is the retired “Pelican” ferry, which was used to transport passengers and vehicles to and from Fisher Island in Miami. The Ferry is being redesigned by Kobi Karp Architecture to transform The Ferry into a complimentary epicenter of the Marina Village, where guests can find ample covered outdoor seating along the waterway.

The intent of the Marina Village was always to provide a best-in-class food and beverage venue overlooking the world class marina. The opportunity for permanent, comfortable, and safe seating for patrons was lacking, with most of the seating facing A1A rather than the waterway. The introduction of The Ferry will significantly enhance the patron experience by providing additional covered seating for patrons to enjoy their food and beverages from the Marina Village while providing a more intimate and connective experience to the waterway.

The Ferry will also return a part of Bahia Mar and Fort Lauderdale’s literary history. Bahia Mar is home to the fictional Boat Slip F-18, where The Busted Flush houseboat was docked in John MacDonald’s 21-part *Travis McGee* book series. In 1987, Bahia Mar brought the fictional Slip F-18 to reality, marking the slip and installing an information plaque. Slip F-18 was removed in 2016. Slip F-18 will return and will be the new home of The Ferry, bringing back a piece of Fort Lauderdale’s literary history.

2. Code Requirements – Using Boats as a Place of Business

Sec. 8-146. Using boats as places of business.

- (a) *General restriction.* It is prohibited to operate a floating business within the city without approval by the city commission. In determining whether or not to grant such approval, the city commission shall consider the following:
- (1) The adequacy of provisions by the applicant for observation of all health and sanitary regulations of the city;
RESPONSE: All health and sanitary regulations will be followed. Applicant has already received permit approval for the Ferry from the County, Army Corps of Engineers, and the Florida Department of Environmental Protection.
 - (2) The level of noise to be generated by the proposed business operation;
RESPONSE: Noise levels will be consistent with the provisions required by the City of Fort Lauderdale ULDR.
 - (3) The number of patrons, customers or clients expected to travel to and from floating business and the availability of sufficient parking facilities therefor;
RESPONSE: The addition of “The Ferry” to the approved Marina Village is neutral to both the parking and traffic previously approved for the project. Specifically, restaurant uses in building 14 (reduced) and building 15 (removed) to accommodate the Ferry. There is also adequate existing parking available onsite to accommodate the parking in phase one. Structurally, the Ferry can hold approximately 550 people; however, maximum capacity will be limited by all relevant fire codes.
 - (4) The recommendation of the marine advisory board; and
RESPONSE: The project will be presented at the September 1st Marine Advisory Board (MAB).
-

- (5) Whether the proposed facility will tend to enhance the appearance of the city's waterways and promote the city's image as a family-oriented resort area.

RESPONSE: The Ferry is designed to enhance the resort and family atmosphere of the approved Marina Village by providing the public an opportunity to engage with the waterfront and share in the marina heritage of the Bahia Mar. Providing food and beverage opportunities within the Marina helps to further activate the Marina Village welcoming guests from the surrounding hotels, along with residents to enjoy this unique resort destination. The aesthetics of the Ferry are consistent with the nautical atmosphere of the Bahia Mar and support the city's image as a family-oriented resort area.

- (b) *Safety standards.* Any floating business used as a place from which any business or professional service of any type is conducted which would come within the definition of Group A or B occupancy pursuant to the Florida Building Code and which is approved pursuant to subsection (a) of this section shall be subject to the following safety requirements:

- (1) *Certificate of occupancy.* No floating business shall be occupied unless a certificate of occupancy has been issued by the fire marshal and the building official. The fire marshal and the building official may issue a certificate of occupancy when the conditions set forth in this subsection have been met. A certificate of occupancy may be revoked by the building official or fire marshal for violation of the terms of this section. Recertification shall be required annually or upon relocation of the floating business. The initial fee for certification shall be two hundred fifty dollars (\$250.00). The fee for recertification shall be one hundred dollars (\$100.00).

RESPONSE: Acknowledged.

- (2) *Structural requirements.* A floating business shall be stable under the action of dead and live loads and consideration shall be given to the effect of off-center loading and wind loading in determining overall stability. The design of a floating business shall be based upon accepted basic engineering principles for a structure and if, in the judgment of a certified marine surveyor or naval architect, instability is in evidence, then at the discretion of the fire marshal and building official the following calculations shall be permitted:

- a. *Metacentric height.* The metacentric height (GM) shall be at least one (1) foot or greater.

RESPONSE: Glowacki Engineering ("GE") has designed structural, electrical, and mechanical modifications to the Ferry to ensure the minimum required GM will be met.

- b. *Freeboard immersion.* The freeboard, as measured from the waterline to the top of the first floor or deck of the completed floating business, including dead load but not live load, shall be at least one (1) foot four (4) inches (with list angles equal to zero (0) degrees). The allowable immersion under the action of off-center loading or wind loading shall not exceed two-thirds of the original freeboard with a list angle of four (4) degrees. Freeboard shall be measured from the waterline to the top of the floor or deck at the side of the floating business at a point where such freeboard has its least dimension.

RESPONSE: GE is designing structural, electrical, and mechanical modifications to the Ferry. As these plans mature our stability calculations will provide this requested information. At this time, knowledge of the vessel as it exists today suggest that the minimum required freeboard will be met and the maximum allowable heel angle will be avoided.

- c. *List angle.* The maximum angle of list shall not exceed four (4) degrees under the action of either off-center or wind loading.

RESPONSE: GE is designing structural, electrical, and mechanical modifications to the Ferry. As these plans mature our stability calculations will provide this requested information. At this

time, knowledge of the vessel as it exists today suggest that the maximum allowable heeling angle will be avoided due to the influence of wind or off-center loading.

- d. *Off-center loading.* The off-center loading shall be considered as applicable to the completed floating business, including dead load and shall consist of a line load of one hundred (100) pounds or five (5) pounds per foot of width, whichever is greater, per lineal foot (first floor) and fifty (50) pounds, or two and one-half (2.5) pounds per foot of width, whichever is greater, per lineal foot (second floor, habitable attic or loft). The uniform line load is to be applied halfway between the center of gravity and the outside edge of deck to one (1) side of the floating business at a time. The dividing line is the longitudinal axis of the floating business and the overturning moment resulting from the off-center loading shall be taken about the computed center of gravity. Stability with off-center loading shall be tested on both sides of the longitudinal axis. The ratio, MR/MO, MO being the overturning moment due to off-center loading, and the MR being the resisting moment due to buoyancy, shall be equal to one (1) applied with a list to four (4) degrees. Overturning moments and resisting moments are to be taken about a longitudinal line passing through the computed center of gravity.

RESPONSE: GE is designing structural, electrical, and mechanical modifications to the Ferry. As these plans mature our stability calculations will provide this requested information. At this time, knowledge of the vessel as it exists today suggest that the required ratio of overturning to resisting moments will be met.

- e. *Wind loading.* Wind loading shall be applied to the completed floating business, including dead load and live load, but not off-center loading. The ratio, MR/MN, MN being the wind heeling moment, and MR being the resisting moment due to buoyancy, shall be equal to one (1) applied with a list equal to four (4) degrees.

RESPONSE: GE is designing structural, electrical, and mechanical modifications to the Ferry. As these plans mature our stability calculations will provide this requested information. At this time, knowledge of the vessel as it exists today suggest that the required ratio of wind heeling to resisting moments will be met.

- f. *Calculations by qualified, certified marine surveyor or naval architect.* Calculations shall be submitted by a certified marine surveyor or naval architect showing that the floating business conforms to the requirements of this section.

RESPONSE: GE, who will be providing stability calculations, is a naval architectural consulting firm staffed by professional engineers licensed in Florida. Final calculations will be provided at the time of permit.

- (3) *Electrical.* The following electrical requirements shall be met:

- a. *Grounding.* In addition to any grounding provided by the conduit system, there shall be installed a common grounding conductor of not less than No. 12 AWG, arranged in accordance with the requirements of the National Electrical Code (Article 250), properly attached to the interior of all metallic boxes, housings and enclosures and properly connected to the grounding facility of all receptacles. The hull, if metal, metallic piping, exposed metal structural members, metal railing, ladders, etc., shall be effectively bonded to the ground bus. If the hull is built of materials other than metal, a ground electrode of corrosion-resistant metal shall be so located as to be in contact with the water and be connected with No. 6 AWG copper wire to the ground bus. The electrode shall be of bronze or brass and not smaller than one-quarter-inch diameter and eighteen (18) inches in length.

RESPONSE: Electrical system will be in accordance with Florida Building Code, Broward Edition, and the National Electrical Code, and marine grade parts (wire, receptacles, etc.) will be applied as well, when available.

- b. *Wiring methods.* Wiring installations shall comply with the requirements of the Florida Building Code, Broward Edition, and the National Electrical Code. Nonmetallic sheathed cable shall be limited to the extent of being fished in any existing partitions.

RESPONSE: Electrical system will be in accordance with Florida Building Code, Broward Edition, and the National Electrical Code, and marine grade parts (wire, receptacles, etc.) will be applied as well, when available.

- (4) *Fuel gas piping.* All fuel gas lines shall be installed in accordance with the Florida Building Code, Broward Edition, and with the following special requirements:

RESPONSE: The proposed facility will not have any gas piping/services.

- a. *Cathodic protection.* All gas piping shall have approved cathodic protection.

RESPONSE: N/A

- b. *Connections, valves.* Where gas is permitted by the building official to be distributed from shoreside facilities, connections to the floating business shall be made by the use of approved high pressure flexible hose and such connections shall terminate in a positive disconnect coupling. A separate shut-off valve shall be installed ahead of such connection. Connections shall not be immersed in water or run exposed on docks, piers, floats or vessels. The length of the flexible connection shall not be excessive nor shall it be used as a substitute for gas piping.

RESPONSE: N/A

- c. *Liquid propane gas.* The installation of liquid propane gas facilities aboard the floating business shall comply with the National Fire Protection Association Code.

RESPONSE: N/A

- (5) *Moorage berths.* Moorage berths shall be connected to a public street by land or by walkway not less than four (4) feet wide. Walkways and berths shall be illuminated at an average intensity of two (2) footcandles.

RESPONSE: The walkway and dockside connections are not less than 4' in width, and lighting on the path will be at least two (2) footcandles.

- (6) *Fire protection.* The following fire prevention measures shall be observed:

- a. All floating businesses must be protected by automatic fire sprinkler systems designed and installed according to the Florida Building Code, Broward Edition, and the National Fire Protection Association Code.

RESPONSE: GE to rely on Broward County Fire Inspector's review of the vessel arrangement plans as modified. These reviewed plans should specify which compartments or regions on the vessel will require an automatic fire sprinkler system. The sprinkler system (if any) shall be designed by a company expert in this technology.

- b. One (1) side of the floating business must be within thirty (30) feet of an approved driveable surface, thereby providing access for fire-rescue department equipment.

RESPONSE: The access point to the Ferry is less than 30' from a drivable surface capable of supporting the access for fire-rescue department equipment.

- c. Where propane gas is used, automatic gas detectors shall be installed as prescribed in the National Fire Protection Association Code.

RESPONSE: N/A, as the proposed facility will not have any gas piping/services.

- d. All interior finish shall comply with chapter 37 of the Florida Building Code, Broward Edition.

RESPONSE: Acknowledged.

- e. All cooking equipment and ventilation equipment shall be installed and protected in accordance with the Florida Building Code, Broward Edition, and the National Fire Protection Association Code.

RESPONSE: N/A, as the proposed facility will not have any cooking equipment/services as the food will be served from the landside Kiosks in the Marina Village.

- f. No open flames, candles, etc., shall be permitted for decorative purpose on any floating business.

RESPONSE: Acknowledged.

- g. There shall be a minimum of one (1) fire hydrant within two hundred fifty (250) feet of the main entrance into the floating business.

RESPONSE: There is an existing fire hydrant approximately 130 feet away from the main entrance of the Ferry, located at the corner of the southern drive aisle.

- h. Portable fire extinguishers shall be installed in accordance with the Florida Building Code, Broward Edition and the National Fire Protection Association Code. Additional extinguishers or extinguishing capability may be required by the fire marshal.

RESPONSE: GE to rely on Broward County Fire Inspector's review of the vessel arrangement plans as modified. These reviewed plans should specify which compartments or regions on the vessel will require certain portable fire extinguishers. The specified fire extinguishers shall be ordered by a company expert in this technology.

- (7) A floating business may be issued a certificate of occupancy, notwithstanding less than full compliance with this section when, in the judgment of the fire marshal and building official, the following conditions are fulfilled:

- a. Compliance is substantially complete; and

RESPONSE: Noted.

- b. Full compliance is not possible with the existing floating business, or would induce severe hardship, and no single item of noncompliance, nor all items together, constitutes a threat to the safety or welfare of the occupants, users or public.

RESPONSE: Noted.

(Code 1953, § 11-32; Ord. No. C-68-23, § 2, 6-4-68; Ord. No. C-73-120, § 1, 11-20-73; Ord. No. C-79-59, § 1, 7-17-79; Ord. No. C-81-65, § 1, 9-15-81; Ord. No. C-89-135, § 3, 12-5-89; Ord. No. C-91-69, § 7, 10-15-91; Ord. No. C-03-23, § 2, 7-1-03 ; Ord. No. C-17-28 , § 21, 9-13-17)

Sec. 8-146. Using boats as places of business.

- (a) *General restriction.* It is prohibited to operate a floating business within the city without approval by the city commission. In determining whether or not to grant such approval, the city commission shall consider the following:
- (1) The adequacy of provisions by the applicant for observation of all health and sanitary regulations of the city;
 - (2) The level of noise to be generated by the proposed business operation;
 - (3) The number of patrons, customers or clients expected to travel to and from floating business and the availability of sufficient parking facilities therefor;
 - (4) The recommendation of the marine advisory board; and
 - (5) Whether the proposed facility will tend to enhance the appearance of the city's waterways and promote the city's image as a family-oriented resort area.
- (b) *Safety standards.* Any floating business used as a place from which any business or professional service of any type is conducted which would come within the definition of Group A or B occupancy pursuant to the Florida Building Code and which is approved pursuant to subsection (a) of this section shall be subject to the following safety requirements:
- (1) *Certificate of occupancy.* No floating business shall be occupied unless a certificate of occupancy has been issued by the fire marshal and the building official. The fire marshal and the building official may issue a certificate of occupancy when the conditions set forth in this subsection have been met. A certificate of occupancy may be revoked by the building official or fire marshal for violation of the terms of this section. Recertification shall be required annually or upon relocation of the floating business. The initial fee for certification shall be two hundred fifty dollars (\$250.00). The fee for recertification shall be one hundred dollars (\$100.00).
 - (2) *Structural requirements.* A floating business shall be stable under the action of dead and live loads and consideration shall be given to the effect of off-center loading and wind loading in determining overall stability. The design of a floating business shall be based upon accepted basic engineering principles for a structure and if, in the judgment of a certified marine surveyor or naval architect, instability is in evidence, then at the discretion of the fire marshal and building official the following calculations shall be permitted:
 - a. *Metacentric height.* The metacentric height (MG) shall be at least one (1) foot or greater.
 - b. *Freeboard immersion.* The freeboard, as measured from the waterline to the top of the first floor or deck of the completed floating business, including dead load but not live load, shall be at least one (1) foot four (4) inches (with list angles equal to zero (0) degrees). The allowable immersion under the action of off-center loading or wind loading shall not exceed two-thirds of the original freeboard with a list angle of four (4) degrees. Freeboard shall be measured from the waterline to the top of the floor or deck at the side of the floating business at a point where such freeboard has its least dimension.
 - c. *List angle.* The maximum angle of list shall not exceed four (4) degrees under the action of either off-center or wind loading.
 - d. *Off-center loading.* The off-center loading shall be considered as applicable to the completed floating business, including dead load and shall consist of a line load of one hundred (100) pounds or five (5) pounds per foot of width, whichever is greater, per lineal foot (first floor) and fifty (50) pounds, or two and one-half (2.5) pounds per foot of width, whichever is greater, per

lineal foot (second floor, habitable attic or loft). The uniform line load is to be applied halfway between the center of gravity and the outside edge of deck to one (1) side of the floating business at a time. The dividing line is the longitudinal axis of the floating business and the overturning moment resulting from the off-center loading shall be taken about the computed center of gravity. Stability with off-center loading shall be tested on both sides of the longitudinal axis. The ratio, MR/MO , MO being the overturning moment due to off-center loading, and the MR being the resisting moment due to buoyancy, shall be equal to one (1) applied with a list to four (4) degrees. Overturning moments and resisting moments are to be taken about a longitudinal line passing through the computed center of gravity.

- e. *Wind loading.* Wind loading shall be applied to the completed floating business, including dead load and live load, but not off-center loading. The ratio, MR/MN , MN being the wind heeling moment, and MR being the resisting moment due to buoyancy, shall be equal to one (1) applied with a list equal to four (4) degrees.
 - f. *Calculations by qualified, certified marine surveyor or naval architect.* Calculations shall be submitted by a certified marine surveyor or naval architect showing that the floating business conforms to the requirements of this section.
- (3) *Electrical.* The following electrical requirements shall be met:
- a. *Grounding.* In addition to any grounding provided by the conduit system, there shall be installed a common grounding conductor of not less than No. 12 AWG, arranged in accordance with the requirements of the National Electrical Code (Article 250), properly attached to the interior of all metallic boxes, housings and enclosures and properly connected to the grounding facility of all receptacles. The hull, if metal, metallic piping, exposed metal structural members, metal railing, ladders, etc., shall be effectively bonded to the ground bus. If the hull is built of materials other than metal, a ground electrode of corrosion-resistant metal shall be so located as to be in contact with the water and be connected with No. 6 AWG copper wire to the ground bus. The electrode shall be of bronze or brass and not smaller than one-quarter-inch diameter and eighteen (18) inches in length.
 - b. *Wiring methods.* Wiring installations shall comply with the requirements of the Florida Building Code, Broward Edition, and the National Electrical Code. Nonmetallic sheathed cable shall be limited to the extent of being fished in any existing partitions.
- (4) *Fuel gas piping.* All fuel gas lines shall be installed in accordance with the Florida Building Code, Broward Edition, and with the following special requirements:
- a. *Cathodic protection.* All gas piping shall have approved cathodic protection.
 - b. *Connections, valves.* Where gas is permitted by the building official to be distributed from shoreside facilities, connections to the floating business shall be made by the use of approved high pressure flexible hose and such connections shall terminate in a positive disconnect coupling. A separate shut-off valve shall be installed ahead of such connection. Connections shall not be immersed in water or run exposed on docks, piers, floats or vessels. The length of the flexible connection shall not be excessive nor shall it be used as a substitute for gas piping.
 - c. *Liquid propane gas.* The installation of liquid propane gas facilities aboard the floating business shall comply with the National Fire Protection Association Code.
- (5) *Moorage berths.* Moorage berths shall be connected to a public street by land or by walkway not less than four (4) feet wide. Walkways and berths shall be illuminated at an average intensity of two (2) footcandles.
- (6) *Fire protection.* The following fire prevention measures shall be observed:

-
- a. All floating businesses must be protected by automatic fire sprinkler systems designed and installed according to the Florida Building Code, Broward Edition, and the National Fire Protection Association Code.
 - b. One (1) side of the floating business must be within thirty (30) feet of an approved driveable surface, thereby providing access for fire-rescue department equipment.
 - c. Where propane gas is used, automatic gas detectors shall be installed as prescribed in the National Fire Protection Association Code.
 - d. All interior finish shall comply with chapter 37 of the Florida Building Code, Broward Edition.
 - e. All cooking equipment and ventilation equipment shall be installed and protected in accordance with the Florida Building Code, Broward Edition, and the National Fire Protection Association Code.
 - f. No open flames, candles, etc., shall be permitted for decorative purpose on any floating business.
 - g. There shall be a minimum of one (1) fire hydrant within two hundred fifty (250) feet of the main entrance into the floating business.
 - h. Portable fire extinguishers shall be installed in accordance with the Florida Building Code, Broward Edition and the National Fire Protection Association Code. Additional extinguishers or extinguishing capability may be required by the fire marshal.
- (7) A floating business may be issued a certificate of occupancy, notwithstanding less than full compliance with this section when, in the judgment of the fire marshal and building official, the following conditions are fulfilled:
- a. Compliance is substantially complete; and
 - b. Full compliance is not possible with the existing floating business, or would induce severe hardship, and no single item of noncompliance, nor all items together, constitutes a threat to the safety or welfare of the occupants, users or public.

(Code 1953, § 11-32; Ord. No. C-68-23, § 2, 6-4-68; Ord. No. C-73-120, § 1, 11-20-73; Ord. No. C-79-59, § 1, 7-17-79; Ord. No. C-81-65, § 1, 9-15-81; Ord. No. C-89-135, § 3, 12-5-89; Ord. No. C-91-69, § 7, 10-15-91; Ord. No. C-03-23, § 2, 7-1-03 ; Ord. No. C-17-28 , § 21, 9-13-17)