

RESOLUTION NO. 2020-181

A RESOLUTION APPROVING ALLOCATION OF EXCESS BOAT SLIPS FOR THE 613 NORTH HALIFAX – SEABREEZE MARINA CONDOMINIUM PLANNED DISTRICT; APPROVING A SLIP ALLOCATION AGREEMENT WITH SHAMROCK-SHAMROCK, LLC, PLANNED DISTRICT DEVELOPER, ESTABLISHING TERMS AND CONDITIONS FOR DEVELOPMENT AND USE OF THE SLIPS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE SLIP ALLOCATION AGREEMENT; AND PROVIDING WHEN THIS RESOLUTION SHALL TAKE EFFECT.

WHEREAS, by Ordinance No. 2020-180, the City Commission rezoned approximately one acre of land located at 613 North Halifax Avenue, adjacent to the Halifax River, and approved the 613 North Halifax – Seabreeze Marina Condominium Planned District Agreement (“PD Agreement”) between the City and Shamrock-Shamrock, LLC (“Developer”), approving development of the property as a multifamily residential condominium and associated site improvements (the “Project”); and

WHEREAS, these associated site improvements include a marina with docks and boat slips on the submerged lands adjacent to the one acre of upland, subject to the condition that Developer obtain separate City Commission approval of an allocation of excess boat slips in accordance with the City’s Land Development Code (“LDC”); and

WHEREAS, in accordance with City Res. No. 05-233 and LDC § 3.4.CC, the number of boat slips available for development within the City’s jurisdictional boundaries (other than boat slips specifically reserved for non-motorized vessels) is limited; and

WHEREAS, in accordance with LDC § 3.4.CC, every property abutting the Halifax River is entitled by right (subject to permitting) to a certain number of specified boat slips, and the development and use of slips in excess of this number requires City Commission approval; and

WHEREAS, while the maximum number of boat slips that may be permitted within the City exceeds the total number of boat slips to which properties are entitled “by right” as referenced above, LDC § 3.4.CC. requires persons requesting an allocation of excess slips to provide a suitable public benefit as determined by the City Commission in accordance with specified procedures and standards; and

WHEREAS, in accordance with LDC § 3.4.CC, Developer’s property is allowed by right (subject to permitting) 5 slips, based on shoreline length; and

WHEREAS, the has submitted an application for allocation of an additional 34 boat slips, and in connection therewith has offered to permanently reserve for public use, 9 of the boat slips built as part of the Project, as well as 5 of the Project’s parking spaces; and

WHEREAS, a Slip Allocation Agreement has been prepared containing various conditions to protect the public interest, including that Developer create and record binding covenants, in form acceptable to the City Attorney, ensuring that the boat slips and parking spaces referenced above, as well as routes of access, remained accessible and available to the public; and that the condominium association for the Project maintain and repair these boat slips, parking spaces, and routes of access without charge to the public; and

WHEREAS, the Slip Allocation Agreement’s deadlines would be coterminous with the deadlines set forth in the PD Agreement; and

WHEREAS, the Deputy City Manager – Administrative Services, recommends approval of the excess slip allocation request, subject to the provisions of the proposed Slip Allocation Agreement.

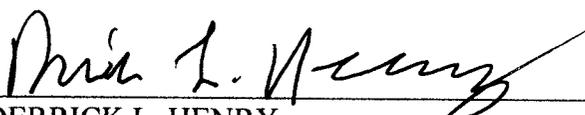
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. The City Commission hereby finds that the perpetual reservation for public use of 9 boat slips and 5 parking spaces being constructed as part of the Project referenced in the Recitals, will provide a net benefit to the public pursuant to LDC § 3.4.CC.6.

SECTION 2. The City Commission hereby approves the allocation of 34 excess boat slips from the City's excess boat slip inventory, for development and use as part of the Project referenced in the Recitals, subject to the provisions of the Slip Allocation Agreement between the City and Shamrock-Shamrock, LLC, the owner/developer of the Project, and to the extent not in conflict therewith, the provisions of LDC § 3.4.CC.

SECTION 3. The Mayor and City Clerk are hereby authorized to execute the Slip Allocation Agreement referenced above. A copy of the Agreement in substantially final form is attached hereto and incorporated herein by reference.

SECTION 4. This Resolution shall take effect immediately upon its adoption.

  
DERRICK L. HENRY  
Mayor

ATTEST:

  
LETITIA LAMAGNA  
City Clerk

Adopted: July 1, 2020