

ORDINANCE NO. C-13-38

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING LEWIS LANDING PARK AS A PUBLIC PURPOSE USE PURSUANT TO SECTION 47-18.26 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR"), WHICH SITE IS MORE FULLY DESCRIBED AS A PORTION OF LOT 6, BLOCK 35 "TOWN OF FORT LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK "B", PAGE 40 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, GENERALLY LOCATED NORTH OF SOUTHWEST 7TH STREET, EAST OF SOUTHWEST 9TH AVENUE AND SOUTH OF THE SOUTH FORK OF NEW RIVER.

WHEREAS, Lewis Landing Park (the "Park") does not meet the parking requirements of the Unified Land Development Regulations (hereinafter "ULDR"); and

WHEREAS, an application has been submitted by the City of Fort Lauderdale to approve the Park as a Public Purpose Use; and

WHEREAS, Section 47-18.26 of the ULDR authorizes the City Commission to approve plans and locations for uses of land for public purposes in any zoning district within the City of Fort Lauderdale, Florida providing relief from specified zoning regulations; and

WHEREAS, at its meeting of December 19, 2012, the Planning and Zoning Board (PZ Case No. 77-R-11) recommended approval of the Park as a Public Purpose Use; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, September 17, 2013 and Tuesday, October 1, 2013 at 6:00 p.m. in the City Commission Room, City Hall, Fort Lauderdale, Florida for the purpose of hearing any public comment to the application; and

WHEREAS, the City Commission has reviewed the application;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That upon review of the application for approval of a park use as a public purpose use which requires relief from a zoning regulation, the City Commission hereby makes the following findings:

- (a) This is an application for a park on property located and situated in the City of Fort Lauderdale to wit:

A PORTION OF LOT 6, BLOCK 35 "TOWN OF FORT LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK "B", PAGE 40 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA,

that does not meet the parking requirements for public/private recreation pursuant to Section 47-20.2, Table 1 of the ULDR. The application as submitted to the City Commission for review on file with the Department of Sustainable Development, is incorporated herein as if fully set out and is hereinafter referred to as the "Application".

- (b) The Department of Sustainable Development has submitted to the City Commission Agenda Memorandum No. 13-1155, hereinafter referred to as the "Memorandum", and incorporated herein as if fully set out herein.
- (c) The Application meets the requirements provided in Section 47-18.26 of the ULDR.
- (d) That based on the information included in the Application and Memorandum as well as the information provided during the public hearing, there is a need for the park as shown on the site plan located at 630 S.W. 9th Avenue.
- (e) The park meets a valid municipal purpose.
- (f) The park at this location is not in conflict with the City of Fort Lauderdale Comprehensive Plan.

- (g) Off-site and on-site conditions exist as shown on the site plan that will address and reduce any impacts of permitting the park at the proposed location.
- (h) On-site improvements have been incorporated into the site plan which minimize any impact as a result of permitting the public use or amenities.
- (i) Alternative locations have been identified and reviewed.
- (j) The proposed site is the most feasible for the park.
- (k) The public purposes to be met by the location and improvement of the facility outweigh the application of certain zoning regulations related to the park use at this location.

SECTION 2. That pursuant to Section 47-18.26 of the ULDR, relief is granted from Section 47-20, Parking and Loading Requirements, of the ULDR in accordance with the City Commission Agenda Memorandum #13-1155.

SECTION 3. That based on the findings provided in SECTION 1 of this Ordinance, the City Commission hereby approves the application and site plan for the Park as a Public Purpose Use, subject to its meeting all other regulations of the ULDR and the conditions imposed by the Development Review Committee, Planning and Zoning Board and City Commission and those provided herein and the proper City officials are authorized to issue the necessary building and use permits.

SECTION 4. 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 5. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 6. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 7. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 8. That this ordinance shall be in full force and effect immediately upon and after its final passage.

PASSED FIRST READING this the 17th day of September, 2013.

PASSED SECOND READING this the 1st day of October, 2013.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



ASST City Clerk

JONDA K. JOSEPH

JEFFREY MODARELEI

L:\COMM2013\Ords\October 1\C-13-38.docx