

ORDINANCE NO. C-16-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE LAS OLAS CORRIDOR IMPROVEMENTS, CONSISTING OF A PARKING GARAGE AND ASSOCIATED PUBLIC REALM IMPROVEMENTS, AS A PUBLIC PURPOSE USE THAT DOES NOT MEET THE MAXIMUM LENGTH OF A STRUCTURE AND SETBACK REQUIREMENTS IN A CENTRAL BEACH ZONING DISTRICT AND THE MAXIMUM SLOPE OF FLOORS IN A PARKING GARAGE AS PROVIDED IN THE UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR") PURSUANT TO SECTION 47-18.26 OF THE ULDR, LEGALLY DESCRIBED AS PARCEL "A" AND PARCEL "B", "LAS OLAS DEL MAR I", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 147, PAGE 20, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; LOT 2, 4, LOT 3 SOUTH 50', LOT 1 LESS NORTH 51', LOT 3 LESS SOUTH 50', LOT 1 LESS NORTH 51' LESS STREET RIGHT-OF-WAY, "MOONEY POINT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AND LOT 8, LESS SOUTH 22' MORE OR LESS FOR STREET RIGHT-OF-WAY AND LOT 9, LESS SOUTH 21' MORE OR LESS FOR STREET RIGHT-OF-WAY, AND LOT 9 LESS SOUTH 21' MORE OR LESS FOR STREET RIGHT-OF-WAY AND LESS PORTION OF LOTS 8 AND 9 DESCRIBED AS BEGINNING AT CORNER OF LOT 9, SOUTHERLY 114.79', WESTERLY 34.95', THAT PORTION OF LAS OLAS BOULEVARD AS DESIGNATED IN MISCELLANEOUS MAP BOOK 8-149, THAT PORTION OF BLOCK A LYING EAST OF SEABREEZE AVENUE LESS NORTH 20' FOR STREET RIGHT-OF-WAY AND LESS EAST 10' FOR STREET RIGHT-OF-WAY TOGETHER WITH NORTH ½ OF VACATED ALLEY LYING SOUTH ABOVE DESCRIBED PARCEL BLOCK A, "LAS OLAS BY THE SEA", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN RE-AMENDED PLAT BOOK 1, PAGE 16 OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA, GENERALLY LOCATED SOUTH OF CORTEZ STREET,

NORTH OF S.E. 5TH STREET, WEST OF S. ATLANTIC BOULEVARD AND EAST OF THE INTRACOASTAL WATERWAY; GRANTING RELIEF FROM SPECIFIC ZONING REGULATIONS; AND APPROVING AN ASSOCIATED SITE PLAN.

WHEREAS, the applicant proposed to develop a 428-space parking garage north of the Las Olas Bridge fronting the Intracoastal Waterway (the "Development"); and

WHEREAS, the proposed parking garage exceeds the maximum length of a structure as prescribed by Section 47-12.5.F.6. of the Unified Land Development Regulations (hereinafter "ULDR"), and the proposed slope of the parking ramp internal in the garage exceeds the five percent for ninety degree parking as prescribed by Section 47-20.9 of the ULDR; and

WHEREAS, Section 47-18.26 of the ULDR provides relief from specified zoning regulations when the City Commission approves uses or structures for public purposes; and

WHEREAS, 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"; and

WHEREAS, the Department of Sustainable Development has submitted City Commission Agenda Memo No. 16-0575, hereinafter referred to as the "Memorandum", and incorporated herein as if fully set out herein; and

WHEREAS, at its meeting of February 17, 2016, the Planning and Zoning Board (PZ Case No. R15062) recommended approval of the Development as a Public Purpose Use; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, July 12, 2016 and Tuesday, August 16, 2016 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 and conducted a public hearing and found that the Development meets the criteria set out in Section 47-18.26.F. of the ULDR;

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

SECTION 1. That the foregoing WHEREAS clauses set forth above are true and correct and herein incorporated by this reference.

SECTION 2. That upon review of the application for approval of the Development as a public purpose use, the City Commission hereby finds the Application meets the requirements provided in Section 47-18.26 of the ULDR as follows:

- (a) Information included in the Application and Memorandum and provided at the public hearings, demonstrate a need for the Development, as shown on the site plan, located at the proposed location as depicted on the attached Exhibit "A".
- (b) The Development meets a valid municipal purpose.
- (c) The Development at this location is not in conflict with the City of Fort Lauderdale Comprehensive Plan.
- (d) The site plan incorporates off-site and on-site conditions that will address and reduce any impact of permitting the Development at the proposed location.
- (e) The site plan incorporates on-site improvements that minimize any impact as a result of permitting the public use or amenities.
- (f) Alternative locations for the Development were identified and reviewed and the proposed site has been determined to be the most feasible for the Development.
- (g) The public purposes to be met by the Development outweigh the

application of certain zoning regulations related to the development use at this location.

SECTION 3. That based on the findings provided in SECTION 2 of this Ordinance, the City Commission hereby approves the application for the Development as a Public Purpose Use, subject to the conditions of site plan approval imposed by the Development Review Committee, Planning and Zoning Board, City Commission and identified in SECTION 5 of this Ordinance.

SECTION 4. That pursuant to Section 47-18.26 of the ULDR, relief is granted from Section 47-20.9, Parking Garages, of the ULDR in accordance with City Commission Agenda Memo No. 16-0575. Relief is further granted from Section 47-12.5, District requirements and limitations, of the ULDR in accordance with City Commission Agenda Memo No. 16-0575.

SECTION 5. That the site plan submitted to develop a parking garage as depicted on Exhibit "A", Fort Lauderdale, Florida, located in PRD and ABA zoning districts that is attached to City Commission Agenda Memo No. 16-0575 is hereby incorporated by reference and approved, subject to the modifications and conditions imposed by the Development Review Committee, Planning and Zoning Board and City Commission.

SECTION 6. 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 Development Review Committee, Planning and Zoning Board and City Commission.

SECTION 7. If the applicant wishes to modify or amend the site plan approved hereby, such amendment may be reviewed, amended or modified, as provided in Section 47-24 of the ULDR.

SECTION 8. 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 9. This approval is conditioned upon the applicant obtaining all other applicable

state or federal permits before commencement of the development.

SECTION 10. 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 11. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 12. That this ordinance shall be in full force and effect immediately upon and after its final passage.

PASSED FIRST READING this the _____ day of _____, 2016.

PASSED SECOND READING this the _____ day of _____, 2016.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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Exhibit "A" is Exhibit 1 of CAM 16-0575