

ORDINANCE NO. C-14-54

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AS A PUBLIC PURPOSE USE, PURSUANT TO SECTION 47-18.26 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS (“ULDR”), AN AQUATIC CENTER LOCATED AT 501 SEABREEZE BOULEVARD, FORT LAUDERDALE, FLORIDA LEGALLY DESCRIBED AS PARCEL “A”, “INTERNATIONAL HALL OF FAME COMPLEX”, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 138, PAGE 19, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED SOUTH OF LAS OLAS BOULEVARD, NORTH OF BAHIA MAR, WEST OF SEABREEZE BOULEVARD (SRA1A) AND EAST OF THE INTRACOASTAL WATERWAY; GRANTING RELIEF FROM SPECIFIC ZONING REGULATIONS; AND APPROVING AN ASSOCIATED SITE PLAN.

WHEREAS, the applicant proposed to develop an approximately five acre aquatic center (the “Development”); and

WHEREAS, the proposed Development 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

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 # 15-0373, hereinafter referred to as the “Memorandum”, and incorporated herein as if fully set out herein; and

WHEREAS, at its meeting of May 21, 2014, the Planning and Zoning Board (PZ Case No. R14005) 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, August 19, 2014 and Wednesday, September 3, 2014 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 Clerk notified the public of a public hearing to be held on Tuesday, March 17, 2015 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, at the March 17, 2015 meeting, the City Commission deferred second reading of the ordinance to April 7, 2015; 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, 501 Seabreeze Boulevard.
- (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 47-12.5.F.6., South Beach Marina and Hotel Area (SBMHA) District, length and width, of the ULDR in accordance with City Commission Agenda Memo # 15-0373.

SECTION 5. That the site plan submitted to develop an aquatic center located at 501 Seabreeze Boulevard, Fort Lauderdale, Florida, located in an SBMHA zoning district that is attached to City Commission Agenda Memo # 15-0373 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; including and not limited to the conditions imposed at the April 7, 2015 Commission meeting more specifically listed as follows:

Final design of hardscape materials and details along Seabreeze Boulevard frontage space shall be coordinated with new D.C. Alexander Park design.

[Additional conditions may be inserted after adoption and shall replace this notation.]

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 19th day of August, 2014.

PASSED SECOND READING this the _____ day of _____, 2015.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH