

ORDINANCE NO. C-21-29

AN ORDINANCE APPROVING THE APPLICATION OF A PRIOR ZONING REGULATION OF THE INTRACOASTAL OVERLOOK AREA DISTRICT REQUIREMENTS AND LIMITATIONS AS PROVIDED IN SECTION 47-12.5.D OF THE CITY OF FORT LAUDERDALE, FLORIDA UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR) TO THE DEVELOPMENT OF PROPERTY DESCRIBED AS ALL OF LOTS 3, 4, 5 AND 6, BLOCK 7, "BIRCH OCEAN FRONT SUBDIVISION" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 19, PAGE 26 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED NORTH OF RIOMAR STREET, SOUTH OF TERRAMAR STREET, EAST OF THE INTRACOASTAL WATERWAY AND WEST OF BAYSHORE DRIVE, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, PURSUANT TO SECTION 47-26.A.1. OF THE ULDR AND APPROVING THE SITE PLAN FOR A DEVELOPMENT ON SAID PROPERTY; PROVIDING FOR CONFLICTS AND REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, Bayshore Concepts, LLC, owns property located at 551 Bayshore Drive, Fort Lauderdale, Florida in the Intracoastal Overlook Area (IOA) zoning district; and

WHEREAS, applicant is proposing to develop a 65-unit residential development consisting of two buildings, each 120 feet in height (11 stories), connected by an above-grade parking garage, with a land use designation of Central Beach Regional Activity Center (Beach RAC); and

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, adopted Ordinance No. C-00-26 on June 6, 2000, creating Section 47-12.5.D.5. of the ULDR, which states as follows:

“Length and width. The maximum length and width of a structure shall be two hundred (200) feet.”

WHEREAS, the proposed development complies with all requirements of the City of Fort Lauderdale, Florida, Unified Land Development Regulations (“ULDR”), with the exception that the overall building length of 388 feet, 6 inches exceeds the maximum requirement of 200 feet as provided in subsection 47-12.5.D.5 of the ULDR; and

WHEREAS, the applicant is requesting the application of prior zoning regulations pursuant to Section 47-26.A.1 of the ULDR, which provides that approval may be granted for the application of the zoning regulations in effect immediately prior to the last amendment in order to permit a new project which does not comply with zoning regulations adopted on or after September 4, 1996 and in effect at the time the application for development is filed with the City; and

WHEREAS, the Planning and Zoning Board at its meeting of July 21, 2021 (Case No. UDP-S20009) did recommend to the City Commission that the development permit and the request for application of a prior zoning regulation be approved, subject to certain conditions; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Thursday, September 9, 2021, and Tuesday, September 21, 2021, at 6:00 o’clock P.M., in the City Commission Room, City Hall, Fort Lauderdale, Florida, and through communication media technology accessible through the City’s website (www.fortlauderdale.gov), for the purpose of hearing any objections which might be made to such application; and

WHEREAS, such public hearings were duly held at the time and place designated after notice of same was given by publication as required by law, and

WHEREAS, the City Commission has reviewed the application as required by Section 47-26.A of the ULDR and finds that the application, subject to certain conditions provided herein, conforms with the provisions of such regulation, more specifically finding that the application or a prior zoning regulation meets the criteria of Section 47-12.5.D of the ULDR as it existed prior to May 1, 2001, as enunciated and memorialized in the minutes of its meetings of September 9, 2021 and September 21, 2021, a portion of those findings expressly listed as follows:

1. The project is consistent with and will support the goals of the Central Beach Regional Activity Center by providing high quality residential options which will support the local beach economy. Further, the project has been designed to be resilient to sea level rise; creates a connectivity between Bayshore Drive and the Intracoastal; and creates a strong sense of place with its exemplary architecture.

2. The project is located in the IOA zoning district and meets all of the district's requirements, with the exception of ULDR Section 47-12.5.D.5. The dimensional requirements for the IOA and for the proposed new development are similar with the shortened structure of the parking exceeding 200 feet – allowing the parking podium to be shorter than would be necessary to meet the parking requirements if the length was restricted to 200 feet.
3. The project meets the Neighborhood Compatibility requirements. Refer to the Adequacy and Neighborhood Compatibility section herein for addition information.
4. Application of the 200-foot maximum limitation on the garage, that is only two levels in height, unreasonably burdens the property by the literal application of the dimensional limitation. The design of the project provides an open ground level experience to the general public and masks the parking. The requirement to separate the garage into two garages could potentially result in a taller, less pedestrian friendly design with additional vehicular entrances for access and loading access would be introduced at the ground level, disrupting the public realm and replacing some of the ground level townhomes with garage openings. The Property is unusual in shape in that it is very long. This design also preserves and creates views of the Intracoastal Waterway.
5. The dimensional limitation disproportionately burdens and restricts the use of the applicant's property. The project's design with low-level hidden parking, greater ground level uses and public interaction with pedestrian amenities enhances the public realm.

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

SECTION 1. That the above recitals are true and correct and incorporation herein.

SECTION 2. That the request for application of a prior zoning regulation, more specifically Section 47-12.5.D of the ULDR as it existed prior to May 1, 2001, without the following subsection:

“Length and width: The maximum length and width of a structure shall be 200 feet”

and the associated site plan is approved, subject to the conditions imposed by the Development Review Committee, Planning and Zoning Board and City Commission, and shall be applicable to property situated in the City of Fort Lauderdale, Broward County, Florida to wit:

ALL OF LOTS 3, 4, 5 AND 6, BLOCK 7, "BIRCH OCEAN FRONT SUBDIVISION" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 19 PAGE 26 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

Located: North of Riomar Street, South of Terramar Street, east of the Intracoastal Waterway and west of Bayshore Drive

And as depicted on the sketch and description attached hereto as Exhibit “A

SECTION 3. That a site plan development permit approving the development plan is depicted and attached as Exhibit “B”.

SECTION 4. That if the applicant wishes to change the development from that approved in accordance with this ordinance, the amendment will be required to be reviewed and approved in accordance with Section 47-24.2.A.5 of the ULDR.

SECTION 5. That the appropriate City officials of the City of Fort Lauderdale shall indicate such application of a prior zoning regulation in its records with proper reference to this ordinance and date of passage.

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. 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 8. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development and fulfilling the conditions of approval outlined in Commission Agenda Memorandum No. 21-0886.

SECTION 9. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 10. That this Ordinance shall be in full force and effect immediately upon and after its final passage.

PASSED FIRST READING this 9th day of September, 2021.

PASSED SECOND READING this ____ day of _____, 2021.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI



McLAUGHLIN ENGINEERING COMPANY

LB#285

ENGINEERING * SURVEYING * PLATTING * LAND PLANNING
1700 N.W. 64th STREET #400, FORT LAUDERDALE, FLORIDA
33309 PHONE (954) 763-7611 * FAX (954) 763-7615

M.O.O.K.

SCALE 1" = 80'

SKETCH AND DESCRIPTION
551 BAYSHORE DRIVE
FORT LAUDERDALE, FLORIDA

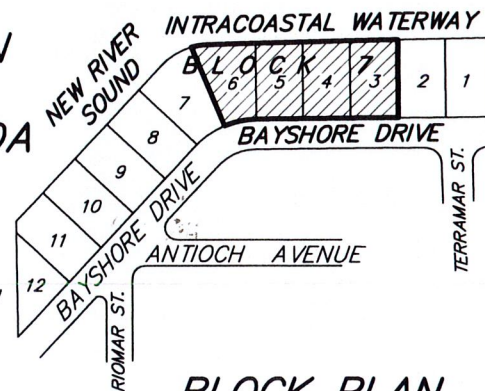


LEGAL DESCRIPTION:

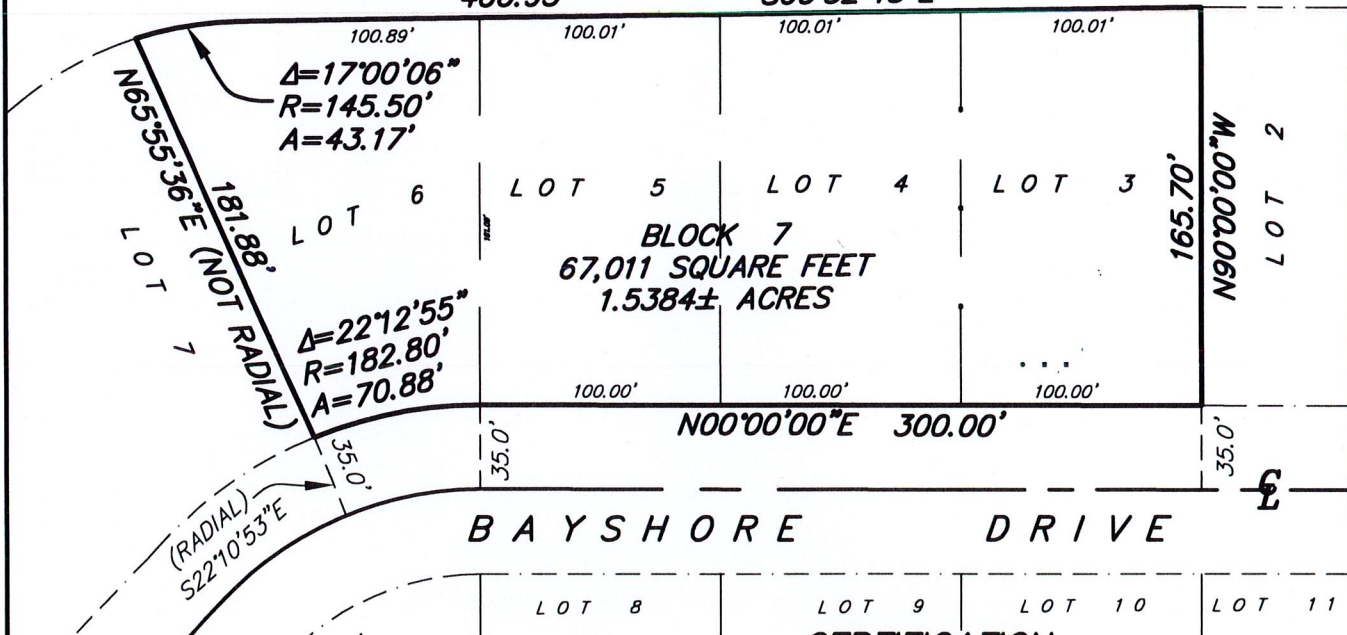
Lots 3, 4, 5, and 6, Block 7, BIRCH OCEAN FRONT SUBDIVISION, according to the plat thereof recorded in Plat Book 19, Page 26, of the public records of Broward County, Florida.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 67,011 square feet or 1.5384 acres more or less.

INTRACOASTAL WATERWAY
400.93' 500'52'48"E



BLOCK PLAN
NOT TO SCALE



NOTES:

- 1) This sketch reflects all easements and rights-of-way, as shown on above referenced record plat(s).
2) Legal description prepared by McLaughlin Engineering Co.
3) This drawing is not valid unless sealed with an embossed surveyors seal.
4) THIS IS NOT A BOUNDARY SURVEY.
5) Bearings shown assume the East line of Lots 5, 4 and 3, as North 00°00'00" East.

CERTIFICATION

Certified Correct. Dated at Fort Lauderdale, Florida this 16th day of August, 2021. Revised this 19th day of August, 2021.

McLAUGHLIN ENGINEERING COMPANY
James M. McLaughlin Jr.
Registered Land Surveyor No. 4497
State of Florida.

FIELD BOOK NO. _____

DRAWN BY: JMMjr

JOB ORDER NO. V-6385

CHECKED BY: _____

REF. DWG.: 93-3-117

C: \JMMjr\2021\V6385

EXHIBIT "A"

PLACEHOLDER FOR EXHIBIT “B” TO ORDINANCE
EXHIBIT 3 TO CAM # 21-0886 – SITE PLAN DEVELOPMENT PERMIT