

ORDINANCE NO. C-24-33

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING, PURSUANT TO SECTION 47-18.26 OF THE CITY OF FORT LAUDERDALE UNIFIED LAND DEVELOPMENT REGULATIONS (“ULDR”), THE LOCATION OF A STORMWATER PUMP STATION AND ASSOCIATED FACILITIES AS PUBLIC PURPOSE USES AND STRUCTURES WITHIN A RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY (RS-8) ZONING DISTRICT ON A PROPERTY LEGALLY DESCRIBED AS ALL OF LOT 12, BLOCK 1, “DORSEY PARK FIRST ADDITION”, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 30, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, CONTAINING 5,650 SQUARE FEET, MORE OR LESS AND IDENTIFIED BY THE UNITED STATES POSTAL SERVICE ADDRESS 515 NORTHWEST 15TH AVENUE, FORT LAUDERDALE, FLORIDA; GRANTING RELIEF FROM SECTION 47-5.11, SECTION 47-25.3.A.d.i, AND SECTION 47-5.31 OF THE ULDR; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR CONDITIONS FOR THE TERMINATION OF PUBLIC PURPOSE STATUS.

WHEREAS, the applicant, City of Fort Lauderdale, proposes to locate a stormwater pump station and associated facilities as public purposes and structures within a Residential Single Family/Low Medium Density (RS-8) Zoning District on property generally located at 515 Northwest 15th Avenue, Fort Lauderdale, Florida (the “Development”); and

WHEREAS, the Development Services Department has submitted City Commission Agenda Memo No. 24-0646, hereinafter referred to as the “Memorandum”, and incorporated herein as if fully set out herein; and

WHEREAS, at its meeting of March 20, 2024, the Planning and Zoning Board (PZ Case No. UDP-S22084) recommended approval of the Development as a Public Purpose Use; and

WHEREAS, the City Clerk notified the public of public hearings to be held on Tuesday, June 18, 2024, at 6:00 o’clock P.M., and Tuesday, July 2, 2024, at 6:00 o’clock P.M.

before the City Commission at the Horvitz Auditorium NSU Art Museum located at 1 East Las Olas Boulevard, 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 City of Fort Lauderdale, Florida Unified Land Development Regulations (“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) There is a need for the stormwater pump station at the proposed location because the Dorsey Riverbend Neighborhood experiences flooding during heavy rain events. The proposed site is in a low point of the neighborhood which allows stormwater to flow by gravity to the pump station where it will be pumped via force main to the North Fork New River outfall.”.
- (b) The proposed use meets a valid municipal purpose as stormwater pump station will benefit the health, safety and welfare of the surrounding community by reducing flooding in the Dorsey Riverbend neighborhood.
- (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.

- (g) The proposed site has been determined to be the most feasible for the Development. Hydraulic modeling of rain events was evaluated to identify areas that require the most stormwater improvements to relieve flooding. The pump station site is in a low point of the neighborhood that requires a pump station to pump the stormwater to the North Fork New River outfall.
- (h) The public purpose to be met by the location of the use of the public stormwater pump station outweighs the application of the zoning regulation. The stormwater improvements will benefit the Dorsey Riverbend Neighborhood, making the area more resilient and sustainable, while reducing the negative impacts of stormwater flood events. The pump station is part of the City's efforts to provide proactive stormwater infrastructure that is critically needed.

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 located on the parcel of land legally described as follows:

ALL OF LOT 12, BLOCK 1, "DORSEY PARK FIRST ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 30, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, CONTAINING 5,650 SQUARE FEET, MORE OR LESS.

as more particularly described in Exhibit "A" attached hereto.

SECTION 4. That relief from the following zoning regulations is hereby granted as specified in City Commission Agenda Memorandum No. 24-0646:

- Section 47-5.11 – "List of permitted and conditional uses, RS-8 and RS-8A Residential Single Family/Low Medium Density District."
- Section 47-25.3.A.D.I, "Neighborhood compatibility requirements." and
- Section 47-5.31 – "Table of dimensional requirements for the RS-8 district. (Note A)"

SECTION 5. That the approval of the public purpose use and structure and the relief from the zoning regulations granted are based on conceptual site plan submitted with the application attached to City Commission Agenda Memorandum No. 24-0646 as part of Exhibit 2, which is hereby incorporated by reference and approved, subject to 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, 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. The approval of a public use or facility shall terminate when the use or facility is no longer publicly owned or used, and the property upon which the use or facility is located shall be subject to the requirements of the zoning district within which it is located.

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 18th day of June, 2024.

PASSED SECOND READING this _____ day of _____, 2024.

Mayor
DEAN J. TRANTALIS

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ATTEST:

City Clerk
DAVID R. SOLOMAN

EXHIBIT "A"

***PLACEHOLDER FOR DEVELOPMENT PLAN AS PART OF
EXHIBIT 2 TO COMMISSION AGENDA MEMORANDUM NO. 24-0646.
FULL DOCUMENT WILL BE ATTACHED AFTER FINAL ADOPTION.***