

ORDINANCE NO. C-18-

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-97-21, AS AMENDED BY ORDINANCE NO. C-01-45, AS AMENDED BY ORDINANCE NO. C-12-03, AS AMENDED BY ORDINANCE NO. C-13-22, TO APPROVE AN AMENDMENT TO THE APPROVED SITE DEVELOPMENT AREA OF THE HOMELESS ASSISTANCE CENTER LOCATED AT 920 N.W. 7th AVENUE, FORT LAUDERDALE, FLORIDA; PROVIDING FOR RATIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 47-47 of the Code of Ordinance of the City of Fort Lauderdale (1997) authorized the City Commission to approve plans and locations for uses of publicly owned land for public purposes in any zoning district within the City of Fort Lauderdale, Florida; and

WHEREAS, the City Commission adopted Ordinance No. C-97-21 on June 17, 1997, approving the use of property and a site plan for a homeless assistance center located at 600 West Sunrise Boulevard (now known as 920 N.W. 7th Avenue; the "Property"); and

WHEREAS, the City Commission adopted Ordinance No. C-01-45 on October 2, 2001, amending Ordinance No. C-97-21 to revise conditions to permit child day care to be provided to children in other programs and to change the time for submitting an annual report; and

WHEREAS, the City Commission adopted Ordinance No. C-12-03 on February 21, 2012, amending Ordinance C-97-21 to revise conditions of the DO to permit services to clients of other homeless providers, to review the date for submitting the annual report, deleting provisions no longer applicable and revising other conditions; and

WHEREAS, the City Commission adopted Ordinance No. C-13-22 on June 18, 2013, amending Ordinance No. C-97-21 to allow an interior renovation to increase the permitted number of beds from 200 to 230; and

WHEREAS, the Property is currently owned by Broward County, a political subdivision of the State of Florida ("County"); and

WHEREAS, the operator of the homeless assistance center, Broward Partnership for the Homeless, Inc., a Florida not for profit corporation (the "Broward Partnership"), proposes to develop up to one hundred ("100") affordable housing units on the southern portion of the Property (the "Development Parcel"); and

WHEREAS, the proposed use of the Development Parcel is not an approved use of the property as provided in Ordinance No. C-97-21, as amended, and does not constitute a "public purpose use" pursuant to Section 47-18.26 of the Unified Land Development Regulation ("ULDR"); and

WHEREAS, property should be excluded from the site development area for the homeless assistance center approved pursuant to Ordinance No. C-97-21, as amended; and

WHEREAS, the Broward County Board of County Commissioners at its February 6, 2018 meeting authorized Broward Partnership to act on behalf of the County in filing and processing an application to revise City Ordinance No. 97-21.

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

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified as being true and correct and are incorporated herein by this reference.

SECTION 2. That Paragraph (a) of Section 3 of Ordinance No. C-97-21, as amended by Ordinance No. C-01-45 and Ordinance No. C-12-03, is hereby amended as follows:

- (a) ~~If the southeast corner of the block is incorporated into the subject Center, the use shall be limited to parking, landscaping, and an accessory storage building only, subject to administrative review approval by the City's Department of Sustainable Development.~~

Upon the conveyance of the southern portion of the site, more particularly described in Exhibit A of Ordinance No. C-18- (the "Development Parcel"), the Development Parcel will no longer constitute a portion of the land approved for a public purpose use by Ordinance No. C-97-21, as amended, and shall not be afforded the approvals and exceptions

granted herein, the effectiveness of this provision being conditioned on the following:

- (i) The Development Parcel will continue to serve as off-site parking for the Center providing a required fifty-four (54) parking spaces, including two (2) handicapped spaces and two (2) loading zones ("required parking"), for the benefit of the Center memorialized in an off-site parking agreement in conformance with Section 47-20.18, ULDR, executed by the new owner of the Development Parcel and easements necessary for the use of these parking spaces granted by the new owner for Center residents, guests, and employees; or
- (ii) A different parcel within seven hundred (700) feet of the Center and complying with the provisions of the ULDR will serve as off-site parking for the Center providing a required fifty-four (54) parking spaces, including two (2) handicapped spaces and two (2) loading zones ("required parking") for the benefit of the Center memorialized in an off-site parking agreement in conformance with Section 47-20.18, ULDR, executed by the new owner of the Development Parcel and easements necessary for the use of these parking spaces granted by the new owner for Center residents, guests, and employees; or
- (iii) The Development Parcel is determined by City's Department of Sustainable Development staff as no longer required for off-site parking.

SECTION 3. The changes to the conditions established in this Ordinance do not change or impact any of the findings provided in Ordinance C-97-21, as amended, and these findings remain in full force and effect.

SECTION 4. Except as amended herein, Ordinance No. C-97-21, adopted on June 17, 1997, as amended by Ordinance No. C-01-45, adopted on October 2, 2001, as amended by Ordinance No. C-12-03, adopted on February 21, 2012, as amended by Ordinance No. C-13-22 adopted on June 18, 2013, is hereby ratified and reaffirmed.

SECTION 5. Broward Partnership shall record a copy of this Ordinance in the Public Records of Broward County by the City Clerk within 30 days from the date of final passage and provide a copy of the recorded Ordinance to the City.

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. All ordinances or parts of ordinances, Resolutions or parts thereof in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION 8. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this the _____ day of _____, 2018.

PASSED SECOND READING this the _____ day of _____, 2018.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI