

ORDINANCE NO. C-20-42

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AS A PUBLIC PURPOSE USE, PURSUANT TO SECTION 47-18.26 OF THE CITY OF FORT LAUDERDALE UNIFIED LAND DEVELOPMENT REGULATIONS ("ULDR"), A SURFACE PARKING LOT AND TEMPORARY FIRE STATION GENERALLY LOCATED AT 735 NORTH FORT LAUDERDALE BEACH BOULEVARD, FORT LAUDERDALE, FLORIDA, AND LEGALLY DESCRIBED AS BLOCK 10, BIRCH OCEAN FRONT SUBDIVISION NO. 2, FORT LAUDERDALE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 22, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH THE EAST HALF OF THAT PORTION OF VACATED BREAKERS AVENUE LYING ADJACENT TO BLOCK 10, BIRCH OCEAN FRONT SUBDIVISION NO. 2, AS VACATED PER OFFICIAL RECORDS BOOK 16039, PAGE 239, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID LANDS SITUATE IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA AND CONTAINING 70,572 SQUARE FEET (1.620 ACRES) MORE OR LESS; GRANTING RELIEF FROM SPECIFIC ZONING REGULATIONS; AND APPROVING AN ASSOCIATED SITE PLAN.

WHEREAS, the applicant, City of Fort Lauderdale, proposes to develop a 70,573 square foot surface parking lot and temporary fire station generally located at 735 North Fort Lauderdale Beach Boulevard, Fort Lauderdale, Florida (the "Development"); and

WHEREAS, the Department of Sustainable Development has submitted City Commission Agenda Memo No. 20-0797, hereinafter referred to as the "Memorandum", and incorporated herein as if fully set out herein; and

WHEREAS, at its meeting of September 16, 2020, the Planning and Zoning Board (PZ Case No. PLN-SITE-20020002) 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 Thursday, November 5, 2020, and Tuesday, November 17, 2020, 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 of promoting the health, safety and welfare of the surrounding community.
- (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.
- (h) 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 4 of this Ordinance.

SECTION 4. That the site plan submitted to develop a 70,573 square foot surface parking lot and temporary fire station as depicted on Exhibit "A", located in an "ABA" (A-1-A Beachfront Area) zoning district that is attached to City Commission Agenda Memo No. 20-0797 is hereby incorporated by reference and approved, granting relief from conflicting zoning regulation, subject to the modifications and conditions imposed by the Development Review Committee, Planning and Zoning Board and City Commission.

SECTION 5. 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 6. 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 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.

SECTION 9. 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 10. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 11. That this ordinance shall be in full force and effect immediately upon and after its final passage.

PASSED FIRST READING this 5th day of November, 2020.

PASSED SECOND READING this _____ day of _____, 2020.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

EXHIBIT “A”

***PLACEHOLDER FOR DEVELOPMENT PLAN AS PART OF
EXHIBIT 1 TO COMMISSION AGENDA MEMORANDUM NO. 20-0921.
FULL DOCUMENT WILL BE ATTACHED AFTER FINAL ADOPTION.***