

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AMENDMENTS TO THE SITE PLAN ASSOCIATED WITH THE APPROVED BEACH DEVELOPMENT PERMIT FOR THE RESIDENTIAL CONDOMINIUM PROJECT LOCATED AT 527 ORTON AVENUE, FORT LAUDERDALE, FLORIDA, IN THE NORTH BEACH RESIDENTIAL AREA ZONING DISTRICT, TO INCREASE THE BUILDING HEIGHT FROM 75 FEET TO 115 FEET WITH ASSOCIATED REDUCED SETBACK REQUEST FOR 18 RESIDENTIAL UNITS IN THE CENTRAL BEACH REGIONAL ACTIVITY CENTER.

WHEREAS, in accordance with Section 47-12.6 of the City of Fort Lauderdale, Florida Unified Land Development Regulations (“ULDR”), no person shall carry out any development nor shall any person use any parcel of land for any purpose in the Central Beach Area without first obtaining a beach development permit from the city in accordance with the provisions and requirements of the ULDR; and

WHEREAS, on December 18, 2018, the City Commission adopted Resolution No. 18-277 approving the issuance of a beach development permit for a Site Plan Level IV development permit application submitted to construct a residential project including parking and reduced yard requirements located at 527 Orton Avenue, Fort Lauderdale, Florida, and located in the North Beach Residential Area (NBRA) zoning district; and

WHEREAS, ten (10) allocatable capacity trips (“ACTs”) were reserved for the development in accordance with Section 47-12.6 of the ULDR; and

WHEREAS, in accordance with Sections 47-12.6.F.1 and 47-12.8.D.1.a of the ULDR, the ACTs will continue to be reserved as long as the finding of adequacy and beach development permit are valid; and

WHEREAS, Section 47-24.2.A.5.c. of ULDR, provides that if the applicant wishes to change the development to an extent which exceeds the authority of the department to approve amendments as provided in subsection 47-24.2.A.5.b. i or ii, the proposed amendment to the Site Plan Level III or level IV permit will be required to be reviewed by the department and forwarded to the body which gave final approval to the original development permit; and

WHEREAS, the applicant, Orton Place, LLC, is requesting that the City Commission approve an amendment to the Site Plan Level IV permit to increase the building height from 75 feet to 115 feet (6 stories to 10 stories) with associated reduced setback request for 18 residential units in the Central Beach Regional Activity Center; and

WHEREAS, the City Commission has reviewed the application to amend the site plan submitted by the applicant, as required by the ULDR, and finds that such amended plan conforms with the provisions of such laws;

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

SECTION 1. That each WHEREAS clause set forth above is true and correct and incorporated herein by this reference.

SECTION 2. That the amendments to a Site Plan Level IV development permit application submitted to construct a residential project including parking located at 527 Orton Place, Fort Lauderdale, Florida, approved for the issuance of a beach development permit by Resolution No. 18-277 is hereby approved, subject to the modifications and conditions imposed at the June 15, 2021 City Commission meeting.

SECTION 3. That the findings, provisions, and conditions of Resolution No. 18-277 that do not conflict with or are not expressly superseded by the effect of the provisions of this resolution are hereby reaffirmed.

SECTION 4. Issuance of a development permit or amendment to 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 5. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 6. That this Resolution shall be in full force and effect immediately upon adoption.

ADOPTED this _____ day of _____, 2021.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI