

ORDINANCE NO. C-13-36

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM PLANNED UNIT DEVELOPMENT ("PUD") INCLUDING APPROVAL OF A PLAN KNOWN AS THE ESCAPE/TIFFANY HOUSE AND ESTABLISHING THE DEVELOPMENT STANDARDS FOR THE PROPERTY INCLUDING BUT NOT LIMITED TO USES, HEIGHT, YARD, SETBACK, PARKING, OPEN SPACE AND LANDSCAPING TO "PUD" AMENDING THE PERMITTED PRINCIPAL AND ACCESSORY USES AND RETAINING THE DEVELOPMENT PLAN AND DEVELOPMENT STANDARDS PREVIOUSLY APPROVED IN ORDINANCE NO. C-09-07, THE DEVELOPMENT LEGALLY DESCRIBED AS LOTS 1, 2, 3 AND 4, BLOCK 8, "BIRCH OCEAN FRONT SUBDIVISION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 19, PAGE 26; TOGETHER WITH LOTS 15, 16 AND 17 "BIRCH ESTATES", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 23, PAGE 24, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED SOUTH OF RIOMAR STREET AND WEST OF BIRCH ROAD AND BOUNDED ALONG THE SOUTH AND WEST SIDES BY BAYSHORE DRIVE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

WHEREAS, pursuant to Ordinance No. C-09-07 adopted on February 17, 2009 the City Commission approved rezoning from North Beach Residential Area to Planned Unit Development ("PUD") and established the development standards for the property; and

WHEREAS, pursuant to Section 10 of Ordinance No. C-09-07, the Ordinance was in full force and effect on August 18, 2009, the date it was recorded in the Public Records of Broward County, Florida; and

WHEREAS, applicant, Tiffany House LP/The Escape Hotel has submitted a rezoning application with proposed changes to the approved site plan to include a new 12-story residential building adjacent to the existing structure, consisting of 74 residential units, 2,000

square feet of retail space and a 2145-space parking garage, in addition to the 96 hotel rooms proposed in the rehabilitated structure on the property to be rezoned as described in this ordinance; and

WHEREAS, in accordance with Section 47-37.13 of the Unified Land Development Regulations (“ULDR”), amendments to a PUD zoning district that change the approved uses requires the approval of a new application for rezoning in accordance with Section 47-37; and

WHEREAS, the Planning and Zoning Board at its meeting of June 19, 2013 (PZ Case No. 1-ZPUD-08) did recommend to the City Commission that the rezoning application be approved and that the lands herein described should be rezoned to PUD based on the development plan as reviewed and approved as described herein and that the Official Zoning Map and Schedule “A” attached thereto should be amended to include such lands; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, September 17, 2013 and Tuesday, October 1, 2013 at 6:00 o’clock P.M., in the City Commission Room, City Hall, Fort Lauderdale, Florida, for the purpose of hearing any public comment to such rezoning; and

WHEREAS, such public hearing was duly held at the time and place designated after notice of same was given by publication as required by law, and the City Commission determined that the requested rezoning met the criteria for amending the zoning regulations;

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

SECTION 1. That the Unified Land Development Regulations (“ULDR”) of the City of Fort Lauderdale together with the Official Zoning Map of the City of Fort Lauderdale and revised Schedule “A”, describing the lands lying within each Zoning District, as approved on June 18, 1997, and described in Section 47-1.6 of the ULDR, be amended by rezoning in the respects mentioned, the following lands, situate in the City of Fort Lauderdale, Broward County, Florida, to wit:

TO REZONE TO "PUD":

LOTS 1, 2, 3 AND 4, BLOCK 8, "BIRCH OCEAN FRONT SUBDIVISION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 19, PAGE 26; TOGETHER WITH LOTS 15, 16 AND 17 "BIRCH ESTATES", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 23, PAGE 24, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA,

Location: South of Riomar Street and west of Birch Road and bounded along the south and west sides by Bayshore Drive,

subject to the Approved Development Plan, as hereinafter defined, which is approved as part of this rezoning and subject to the regulations and conditions of Section 3 of this Ordinance.

SECTION 2. For the purpose of this Ordinance the following words, terms and phrases shall have the meanings ascribed to them, except where the context clearly indicates a different meaning.

Approved Development Plan. The Approved Development Plan consists of the following:

- (a) The Site Development Plan for The Escape Hotel/Tiffany House, located south of Riomar Street and west of Birch Road and bounded along the south and west sides by Bayshore Drive, Fort Lauderdale, Florida executed by the department director evidencing that the Site Development Plan is the most recently revised to meet the conditions as provided herein as approved by the City's Development Review Committee, such Site Development Plan and narrative for The Escape Hotel/Tiffany House consisting of 39 pages ("Site Plan"), a copy of which is attached hereto as Exhibit "A";
- (b) This ordinance and the conditions established by this ordinance as approved by the City Commission;
- (c) Any conditions of development of the Property approved by the City Commission and as contained in this Ordinance.

Department and Director shall have the same meanings as provided in Section 47-35 of the ULDR.

Developer shall mean Tiffany House LP, its successors or assigns.

Property shall mean the land described in this Ordinance.

Project shall mean the plan of development depicted on and described by the Approved Development Plan.

SECTION 3. The Planned Unit Development District (“PUD”) as applicable to the Property is a zoning district with regulations regarding the development of the Property within the PUD District described as follows:

A. Uses.

1. Residential, hotel and commercial uses as shown and described on the Approved Development Plan.
2. Amenities as depicted and described on the Approved Development Plan.

No other uses, principal or accessory, shall be permitted except as approved as an amendment to this ordinance and the Approved Development Plan.

B. Buildings and Structures. Only those buildings and structures depicted or described on the Approved Development Plan shall be permitted and are only permitted if constructed in accordance with the Approved Development Plan.

C. Development Regulations. The lot size, density, height, yards, setbacks, bulk, shadow, mass, landscaping, parking, open space, design, bufferyards and all other development requirements for the PUD District described herein are and shall be as described in and depicted on the approved Development Plan.

- D. The Developer, its contractors and subcontractors and all laborers working on the Property shall adhere to the construction practices attached hereto as Exhibit "B". The name and telephone number of the person designated to be contacted during construction of the project shall be posted at the entrance to the Property and shall be provided to the owners of property adjacent to the Property.
- E. The PUD District created by this ordinance shall not be subject to variance or special exception as provided by the ULDR and may only be modified as provided in Section 47-37 of the ULDR.
- F. This Ordinance shall be recorded in the Public Records of Broward County, Florida at Applicant's expense.
- G. Conditions.
 - 1. Applicant will be required to complete a Phase I Archeological Survey prior to final DRC;
 - 2. If approved, the residential units are subject to School Board of Broward County public school concurrency review and mitigation. As applicable, applicant shall provide a student mitigation satisfaction letter from the School Board of Broward County prior to final DRC;
 - 3. Applicant shall execute a maintenance agreement at time of construction permitting for any improvements in public easements and sidewalks for hardscape, landscape, trees and irrigation; and
 - 4. Construction debris mitigation measures shall be included in a Construction Debris Mitigation Plan and submitted to the City's building official prior to issuance of a building permit for the subject development. Additional measures may be required to ensure compliance with the City's code, as deemed necessary by the building official. Applicant shall submit a detailed construction staging and traffic routing plan prior to approval of a construction permit.

SECTION 4. The Approved Development Plan is hereby approved and made a part of this Ordinance as if fully set out herein.

SECTION 5. All provisions of Section 47-37 of the ULDR shall apply to this PUD District, including but not limited to, regulations regarding amendments of the PUD District and Expiration and Extension of the Site Plan.

SECTION 6. If there is a conflict between any of the documents comprising the Approved Development Plan, the more restrictive interpretation by the City's Zoning Administrator shall govern the development of the Property.

SECTION 7. That the appropriate City officials of the City of Fort Lauderdale shall indicate such zoning upon a copy of the Official Zoning Map, and shall indicate an amendment of Schedule "A" accordingly, upon the records with proper reference to this ordinance and date of passage.

SECTION 8. That except as modified hereby, Ordinance No. C-09-07 adopted by the City Commission on February 17, 2009 is hereby ratified and reaffirmed.

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. 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 12. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 13. That this Ordinance shall be in full force and effect on the date it is recorded in the Public Records of Broward County, Florida.

PASSED FIRST READING this the 17th day of September, 2013.

PASSED SECOND READING this the _____ day of _____, 2013.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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**Exhibits are provided as part of
Commission Agenda Memorandum 13-1070**

Ordinance No. C-13-36

Larger copies of the Exhibits to Ordinance No. C-13-36 adopted on October 1, 2013 are on file and may be viewed at the City of Fort Lauderdale. Please see the City Clerk for location of development plans.