

ORDINANCE NO. C-20-

AN ORDINANCE AMENDING SECTION 47-1.6.B OF THE CITY OF FORT LAUDERDALE, FLORIDA UNIFIED LAND DEVELOPMENT REGULATIONS THROUGH THE REVISION OF THE OFFICIAL ZONING MAP OF THE CITY OF FORT LAUDERDALE AND SCHEDULE "A" REVISED COMPILATION ATTACHED THERETO AND BY REFERENCE MADE A PART THEREOF, SO AS TO REZONE FROM "RMM-25 – RESIDENTIAL MULTIFAMILY MID RISE/MEDIUM HIGH DENSITY DISTRICT" TO "PDD – PLANNED DEVELOPMENT DISTRICT", LOTS 1, 2, 3 AND 4, BLOCK 8, "BEVERLY HEIGHTS", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 30, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED WEST OF SOUTHEAST 9TH AVENUE, NORTH OF SOUTHEAST 2ND COURT, EAST OF SOUTHEAST 8TH AVENUE AND SOUTH OF SOUTHEAST 2ND STREET, ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, in accordance with Sections 47-37A, 47-24.4, 47-25.2 and 47-25.3 of the City of Fort Lauderdale, Florida Unified Land Development Regulations ("ULDR"), rezoning to a Planned Development District ("PDD") zoning district requires the approval of a development plan which meets the criteria provided in the above sections of the ULDR; and

WHEREAS, applicant, Towers at Las Olas LLC, has submitted a development plan known as Towers Place at Las Olas, located at Southeast 2nd Street, Fort Lauderdale, Florida, as part of the zoning application to develop a multifamily residential development to be rezoned as more particularly described in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the Planning and Zoning Board, at its meeting of June 17, 2020 (Case No. PDD19002) by unanimous vote, recommended to the City Commission of the City of Fort Lauderdale that the rezoning application be approved and that the lands herein described should be rezoned from "RMM-25 – Residential Multifamily Mid Rise/Medium High Density District" to "PDD – Planned Development District" 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 public hearings to be held on Tuesday, August 18, 2020, and Tuesday, September 1, 2020, at 6:00 P.M., or as soon thereafter as possible, 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 was given as required by law, and the City Commission determined that the applicant demonstrated by competent, substantial evidence in the record that the requested rezoning met the criteria for the PDD zoning district;

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

SECTION 1. That the above recitals are true and correct and incorporated into this ordinance by this reference.

SECTION 2. The City Commission finds that the application for rezoning of lands described in Section 3 of this ordinance meets the criteria of Section 47-37A, 47-24.4, 47-25.2 and 47-25.3 of the ULDR, subject to the conditions imposed by the Development Review Committee and the Planning and Zoning Board, as enunciated and memorialized in the minutes of its meetings of August 18, 2020 and September 1, 2020, a portion of those findings expressly listed as follows:

[SPACE RESERVED FOR FINDINGS OF FACT]

SECTION 3. 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 from "RMM-25 – Residential Multifamily Mid Rise/Medium High Density District" TO "PDD – Planned Development District", the following lands situated in the City of Fort Lauderdale, Broward County, Florida, to wit:

LOTS 1, 2, 3 AND 4, BLOCK 8, "BEVERLY HEIGHTS",
ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT
BOOK 1, PAGE 30, OF THE PUBLIC RECORDS OF BROWARD
COUNTY, FLORIDA

Location: West of Southeast 9th Avenue, north of Southeast 2nd
Court, east of Southeast 8th Avenue and south of
Southeast 2nd Street

being more particularly described in Exhibit "B" attached hereto and made a part hereof.

SECTION 4. That in accordance with Section 47-37A. Planned Development District ("PDD") zoning district of the ULDR, the development plan attached hereto as Exhibit A (the "Development Plan") is hereby approved, subject to the conditions imposed by the department and City Commission set forth in the attached Exhibit C, and by reference made part of this Ordinance as the specific zoning regulations and standards for the development of the property identified in Section 3 hereof (the "Property").

SECTION 5. All provisions of Section 47-37A of the ULDR shall apply to this PDD, including but not limited to, regulations regarding amendments of the PDD and expiration and extension of the PDD development 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, the date of passage, and a notation that the zoning may revert to the RMM-25 zoning district if the PDD approval expires pursuant to Section 47-37A.16 of the ULDR.

SECTION 8. 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 that conform with this Ordinance upon recording of this Ordinance and fulfilling all conditions imposed by the department and the City Commission.

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 on the date it is recorded in the Public Records of Broward County, Florida.

SECTION 12. 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 13. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

PASSED FIRST READING this _____ day of _____, 2020.

PASSED SECOND READING this _____ day of _____, 2020.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

EXHIBIT A

***PLACE HOLDER FOR EXHIBIT ____ OF
COMMISSION AGENDA MEMORANDUM 20-0506. FULL
DOCUMENT WILL BE ATTACHED AFTER FINAL ADOPTION***

EXHIBIT "C"

**CONDITIONS OF APPROVAL
CASE NO. PDD19002**

1. Prior to Final DRC, the applicant shall provide an off-site improvement plan that depicts enhancements to the multipurpose path adjacent to the subject property which extends approximately 1,200 linear feet from S.E. 8th Avenue to S.E. 2nd Court. Enhancements shall include, at a minimum, new pavement markings or colored pavement or thermoplastic pavement, and two (2) signs located at the entry/end points of the path. The applicant may propose additional elements such as landscape, benches, etc. The striping and signing of the multipurpose path must comply with MUTCD design standards and any color used must not match bicycle, transit, or toll lane colors. Enhancements shall be considered off-site public improvements and shall satisfy meeting requirements of ULDR Section 47-37A.9.
2. Prior to Final DRC, the applicant shall modify the site plan specific to the conditions of approval by the Historic Preservation Board which state that the parking located in the front of the structure be mitigated for its effect on the historic structure by modifying the design of the courtyard entryway.
3. Prior to Final DRC, the applicant shall execute a parking reduction order and record such in the Public Records of Broward County, Florida.
4. Prior to Final DRC, the applicant shall execute a development agreement consistent with ULDR, Section 47-37A.13, Agreements, which shall be recorded in the public records of Broward County and provided to the City post-recording.
5. Prior to Final DRC, applicant shall provide a School Capacity Availability Determination (SCAD) letter that confirms that school capacity is available, or if capacity is not available, that mitigation requirements have been satisfied.
6. Pursuant to ULDR Section 47-38A, Park Impact Fees, applicant will be required to pay a Park Impact Fee for the proposed residential units prior to issuance of a building permit.