

ORDINANCE NO. C-14-

AN ORDINANCE APPROVING THE APPLICATION OF A PRIOR ZONING REGULATION TO THE CALCULATION OF GROSS FLOOR AREA OF STRUCTURES AND BUILDINGS ON THE PROPERTY DESCRIBED AS ALL OF LOTS 1, 2, 3, 4, 5, 6, 7 AND 8, "A RESUBDIVISION OF BLOCK 8 BIRCH OCEAN FRONT SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 26, PAGE 34, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, ALSO KNOWN AS PARCEL 1, 2 AND 3 OF SAID PLAT, LOCATED SOUTH OF TERRAMAR STREET, NORTH OF WINDAMAR STREET, EAST OF BREAKERS AVENUE AND WEST OF NORTH ATLANTIC BOULEVARD AND WHOSE POSTAL ADDRESS IS 551 NORTH FORT LAUDERDALE BEACH BOULEVARD PURSUANT TO SECTION 47-26.A.1. OF THE UNIFIED LAND DEVELOPMENT REGULATIONS AND APPROVING MODIFICATIONS TO THE APPROVED SITE PLAN FOR A DEVELOPMENT ON SAID PROPERTY.

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WHEREAS, the applicant, Conrad Fort Lauderdale Beach Resort ("Applicant"), owns property located at 551 North Fort Lauderdale Beach Boulevard and zoned ABA; and

WHEREAS, pursuant to Resolution No. 01-43 adopted on March 15, 2001, the City Commission approved a development permit for the construction of a hotel, parking garage and restaurant on said property as a development of significant impact formerly known as the Trump Hotel; and

WHEREAS, pursuant to Ordinance No. C-01-15 adopted on May 1, 2001, the Unified Land Development Regulations ("ULDR") was amended to change how "gross floor area" of buildings or structures east of the Intracoastal Waterway were calculated; and

WHEREAS, Applicant has filed a development application requesting the approval of amendments to the approved site plan that would have been permitted pursuant to the regulations in effect prior to the effective date of Ordinance No. C-01-15, but is not permitted under the zoning regulations applicable to the property at the time of the application; and

WHEREAS, Section 47-26.A.1. of the Unified Land Development Regulations ("ULDR") provides that approval may be granted for the application of the zoning regulations in effect immediately prior to the amendment in order to permit a new project which does not comply with zoning regulations adopted on or after September 4, 1996 and in effect at the time the application for development is filed with the City; and

WHEREAS, the Planning and Zoning Board at its meeting of January 15, 2014 (PZ Case No. 75-R-13) did recommend to the City Commission that the development permit and the request for application of a Prior Zoning Regulation be approved, subject to certain conditions; and

WHEREAS, the City Clerk notified the public of a public hearing to be held on Tuesday, March 14, 2014 at 6:00 o'clock P.M., in the City Commission Room, City Hall, Fort Lauderdale, Florida, for the purpose of hearing any objections which might be made to such application; 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 has reviewed the application as required by Section 47-26.A of the ULDR and finds that the application, subject to certain conditions provided herein, conforms with the provisions of such regulation;

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

SECTION 1. That the request for application of a prior zoning regulation, more specifically Section 47-2.2.C of the ULDR as it existed prior to May 1, 2001, as follows:

“Floor area, gross. The sum of the floor areas of all floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding covered parking and loading areas or parking garages for nonresidential uses. Covered parking and loading areas or parking garages shall be included in calculating gross floor area for residential uses. In restaurants, gross floor area shall also include any outdoor or patio floor area used or designed for use for customer service. For the purpose of calculating parking spaces, see gross floor area as provided in Sec. 47-20.2.B., Parking and Loading Zone Requirements.”

and the associated site plan modifications is approved, subject to the conditions imposed by the Development Review Committee, Planning and Zoning Board and City Commission, and shall be applicable to property situated in the City of Fort Lauderdale, Broward County, Florida to wit:

ALL OF LOTS 1, 2, 3, 4, 5, 6, 7 AND 8, “A RESUBDIVISION OF BLOCK 8 BIRCH OCEAN FRONT SUBDIVISION, ACCORDING

TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 26, PAGE 34, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. ALSO KNOWN AS PARCEL 1, 2 AND 3 OF SAID PLAT, ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, FLORIDA.

Location: 551 North Fort Lauderdale Beach Boulevard

SECTION 2. That the development permit approved by Resolution No. 01-43 is hereby modified as depicted on the attached Exhibit "A".

SECTION 3. That if the applicant wishes to change the development from that approved in accordance with this ordinance, the amendment will be required to be reviewed and approved in accordance with Section 47-24.2.A.5 of the ULDR.

SECTION 4. That the appropriate City officials of the City of Fort Lauderdale shall indicate such application of a prior zoning regulation in its records with proper reference to this ordinance and date of passage.

SECTION 5. 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 6. 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 7. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development and fulfilling the conditions of approval outlined in City Commission Agenda Memorandum 14-0169.

SECTION 8. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 9. That this Ordinance shall be in full force and effect immediately upon and after its final passage.

PASSED FIRST READING this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

PASSED SECOND READING this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

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City Clerk  
JONDA K. JOSEPH