

ORDINANCE NO. C-14-

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RMM-25 TO CB, THROUGH THE ALLOCATION OF COMMERCIAL FLEX, ALL OF LOTS 14, 15, 16, 17, 18, 31, 32, 33, 34, 35 AND 36, BLOCK 177, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, GENERALLY LOCATED SOUTH OF NORTHEAST 9<sup>TH</sup> STREET, NORTH OF SUNRISE BOULEVARD (NORTHEAST 10<sup>TH</sup> STREET), EAST OF NORTHEAST 9<sup>TH</sup> AVENUE AND WEST OF NORTHEAST 10<sup>TH</sup> AVENUE, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

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WHEREAS, in accordance with the Unified Land Development Regulations ("ULDR"), the City may permit commercial use on a parcel with a residential land use designation through a rezoning to a CB, Community Business, District through the allocation of commercial flexibility; and

WHEREAS, the applicant has submitted a site plan to develop a restaurant on the property located at 901 East Sunrise Boulevard, Fort Lauderdale, Florida consisting of the property to be rezoned as described in this Ordinance and a portion within a B-1 zoning district, the development collectively known as Pollo Tropical; and

WHEREAS, the approval of the above-referenced site plan is contingent on the approval of this rezoning; and

WHEREAS, the Planning and Zoning Board at its meeting of February 19, 2014 (PZ Case No. 9-ZR-13) did approve a site plan development permit and a recommendation to the City Commission that the rezoning application be approved and that the lands herein described should be rezoned from RMM-25 to CB 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, April 1, 2014 and Tuesday, April 15, 2014 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 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:

REZONE FROM RMM-25 TO CB THROUGH THE ALLOCATION OF COMMERCIAL FLEX:

ALL OF LOTS 14, 15, 16, 17, 18, 31, 32, 33, 34, 35 AND 36, BLOCK 177, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Location: North of Sunrise Boulevard between N.E. 9<sup>th</sup> Avenue  
And N.E. 10<sup>th</sup> Avenue

SECTION 2. 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 3. 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. All other applicable state or federal permits must be obtained before commencement of the development.

SECTION 4. 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 5. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 6. That this Ordinance shall be in full force and effect ten days from the date of 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