

ORDINANCE NO. C-13-15

AN ORDINANCE EXTENDING A MORATORIUM WITHIN THE CITY OF FORT LAUDERDALE ON THE ACCEPTANCE BY CITY OF AN APPLICATION FOR OR ISSUANCE OF A PERMIT FOR A LIQUOR STORE OR CONVENIENCE STORE ON PROPERTY LOCATED WITHIN THE NORTHWEST-PROGRESSO-FLAGLER HEIGHTS COMMUNITY REDEVELOPMENT AREA FOR A PERIOD OF SIX (6) MONTHS PROVIDING FOR A STUDY OF THESE USES AND THEIR IMPACT ON THE AREA, AND RELATED REGULATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution No. 95-86 on June 2, 1995, the City Commission found the existence of blight conditions in an area of the City of Fort Lauderdale, known as the Northwest-Progresso-Flagler Heights Community Redevelopment Area as more particularly described in that resolution, such area being referred to herein as the NWPCRA and declared the City Commission to be the Community Redevelopment Agency (Agency) for that area pursuant to section 163.346 Florida Statutes: and

WHEREAS, pursuant to Resolution No. 95-170, the City Commission adopted the NWPCRA Plan on November 7, 1995; and

WHEREAS, the Agency has and continues to develop comprehensive zoning regulations that will apply within the NWPCRA; and

WHEREAS, studies have been conducted of the NWPCRA towards this end; and

WHEREAS, citizens of the City of Fort Lauderdale have identified and expressed their concerns regarding the proliferation of certain uses that are permitted within certain zoning districts lying within the NWPCRA; and

WHEREAS, the uses identified as liquor store and convenience store have been perceived as contributing to the decrease in the value of property in the NWPCRA and as having a negative impact on vehicular and pedestrian traffic; and

WHEREAS, concerns have been expressed that continued permitting of these uses within the NWPCRA cause inconsistent zoning patterns and discourage other uses that are compatible with neighborhoods within the area; and

WHEREAS, there is public concern that the proliferation of these uses within the NWPCRA has been perceived as impeding progress toward achieving the goals for redevelopment within the NWPCRA and the goals contained in the NWPCRA Plan; and

WHEREAS, a study of these uses within the NWPCRA would assist in determining whether an increase in their number within the area negatively impact the NWPCRA as provided herein; and

WHEREAS, at its meeting of April 5, 2011, the City Commission discussed these concerns and expressed a desire to study the impact of these uses within the NWPCRA to determine whether existing zoning regulations adequately protect against any negative impacts that may be created by permitting these uses; and

WHEREAS, pursuant to Ordinance No. C-11-17 adopted on August 23, 2011, the City Commission imposed a moratorium within the City of Fort Lauderdale on the acceptance by City of an application for or issuance of a permit for a liquor store or convenience store on property located within the Northwest-Progresso-Flagler Heights Community Redevelopment Area; and

WHEREAS, pursuant to Resolution No. 12-140 adopted at its meeting of August 21, 2012, the City Commission extended the term of Ordinance No. C-11-17 for an additional ninety (90) days from August 23, 2012; and

WHEREAS, pursuant to Ordinance No. C-12-48 adopted on December 4, 2012, the City Commission imposed a moratorium within the City of Fort Lauderdale on the acceptance by City of an application for or issuance of a permit for a liquor store or convenience store on property located within the NWPCRA; and

WHEREAS, pursuant to Resolution No.13-29 adopted at its meeting of February 19, 2013, the City Commission extended the term of Ordinance No. C-12-48 for an additional ninety (90) days from March 4, 2013; and

WHEREAS, an additional six (6) month extension will allow City staff to complete and submit a recommendation to the Planning and Zoning Board to create a new zoning district for the area impacted by the moratorium;

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

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and hereby made a part of this Ordinance.

SECTION 2. MORATORIUM IMPOSED. A moratorium on the acceptance of an application for or issuance of a permit for a liquor store or convenience store on property located within the boundaries of the Northwest-Progresso-Flagler Heights Community Redevelopment Area is hereby established for a period of six (6) months from the effective date of this ordinance in order to research the impact of these uses within the NWPCRA.

SECTION 3. This moratorium shall not affect any property or development that is currently legally in existence pursuant to validly issued development permits as long as the use and property are in compliance with all applicable local, county, state and federal laws.

SECTION 4. Notwithstanding the time limit on the moratorium herein established, in the event the City Commission finds that additional time is needed for staff to conclude its study associated with liquor store and convenience store uses permitted within the NWPCRA and for drafting of amendments to regulations of such uses if needed, then the term of this ordinance may be extended by resolution duly adopted by the City Commission for up to an additional ninety (90) days.

SECTION 5. Notwithstanding any other provision of this ordinance, this moratorium shall terminate upon the adoption of an ordinance regulating liquor store and convenience store uses.

SECTION 6. 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 7. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 8. That this Ordinance shall be in full force and effect immediately upon and after its final passage.

PASSED FIRST READING this the 7th day of May, 2013.

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

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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