

ORDINANCE NO. C-23-

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 CITY OF FORT LAUDERDALE AND SCHEDULE "A" REVISED COMPILATION ATTACHED THERETO AND BY REFERENCE MADE A PART THEREOF, SO AS TO REZONE FROM "RS-5 – ONE-FAMILY DETACHED DWELLING – COUNTY" DISTRICT TO "P – PARKS, RECREATION AND OPEN SPACE" DISTRICT, A PARCEL OF LAND BEING A PORTION OF CANAL RIGHT OF WAY AS SHOWN ON THE PLAT OF, "PALM AIRE VILLAGE 2ND SECTION ADD'N. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 78, PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED WEST OF NORTHWEST 31ST AVENUE, NORTH OF NORTHWEST 62ND STREET (WEST CYPRESS CREEK ROAD), EAST OF NORTHWEST 34TH AVENUE AND SOUTH OF NORTHWEST 63RD STREET, ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, the City of Fort Lauderdale, applied for the rezoning of the property specifically described in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, on December 21, 2022, the Planning and Zoning Board (PZ Case No. UDP-Z22025) recommended to the City Commission of the City of Fort Lauderdale ("City Commission") that it approve the rezoning of the property described in Exhibit "A" attached hereto and also recommended an amendment of the Official Zoning Map of the City of Fort Lauderdale and Schedule "A" referenced in Section 47-1.6.B. of the Unified Land Development Regulations to include the rezoned property; and

WHEREAS, the City Clerk provided notice to the public of a public hearing on Tuesday, May 16, 2023 at 6:00 P.M. at Mary N Porter Riverview Ballroom at the Broward Center for the Performing Arts located at 201 S.W. 5th Avenue, Fort Lauderdale, Florida, for the purpose of hearing any public comment on the rezoning; and

WHEREAS, the City Clerk provided notice to the public of a public hearing on Tuesday, June 6, 2023 at 6:00 P.M. at Parker Playhouse located at 707 N.E. 8th Street, Fort Lauderdale, Florida, for the purpose of hearing any public comment on the rezoning; and

WHEREAS, the public hearings were duly held at the time and place designated after notice was given by publication as required by law, and the City Commission determined that the requested rezoning met the criteria for rezoning.

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 are hereby made a specific part of this Ordinance.

SECTION 2. The City Commission finds that the application for rezoning meets the criteria in Section 47-24.4. of the Unified Land Development Regulations ("ULDR") as enunciated and memorialized in the minutes of its meetings on May 16, 2023 and June 6, 2023, a portion of those findings are expressly listed as follows:

- A. The zoning district proposed is consistent with the City's Comprehensive Plan. The property is currently zoned RS-5 and has an underlying land use designation of Irregular Residential which is intended primarily for dwellings and other land uses in support of the residential environment. The proposed Parks, Recreation and Open Space zoning district is consistent with this land use designation.
- B. The changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration. The property where the proposed rezoning is to take place is an existing park. Moving forward with the proposed rezoning will make the current park use consistent with its zoning designation. The character of development of the parcel supports the proposed rezoning.
- C. The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses. Since the current use of the site is a park, the proposed rezoning will ensure the zoning district

is compatible with the existing use. Furthermore, the proposed rezoning will enhance the existing surrounding residential and hotel uses by providing park and open space for residents and visitors to enjoy. The character of the surrounding area supports the proposed park use.

SECTION 3. That the City of Fort Lauderdale ULDR 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, are hereby amended by rezoning from RS-5 – One-Family Detached Dwelling – County" District to "P – Parks, Recreation and Open Space" District, the following lands, situated in the City of Fort Lauderdale, Broward County, Florida, to wit:

A PARCEL OF LAND BEING A PORTION OF CANAL RIGHT OF WAY AS SHOWN ON THE PLAT OF, "PALM AIRE VILLAGE 2ND SECTION ADD’N. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 78, PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

Location: West of Northwest 31st Avenue, north of Northwest 62nd Street (West Cypress Creek Road), east of Northwest 34th Avenue and south of Northwest 63rd Street

More specifically described in Exhibit "A" attached hereto and made a part hereof.

SECTION 4. That the appropriate City officials of the City of Fort Lauderdale shall indicate the zoning upon a copy of the Official Zoning Map, and shall indicate an amendment of Schedule "A" accordingly, with proper reference to this ordinance and date of passage.

SECTION 5. 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 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. The ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. That this Ordinance shall be in full force and effect ten (10) days from the date of final passage.

PASSED FIRST READING this ____ day of _____, 2023.

PASSED SECOND READING this ____ day of _____, 2023.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

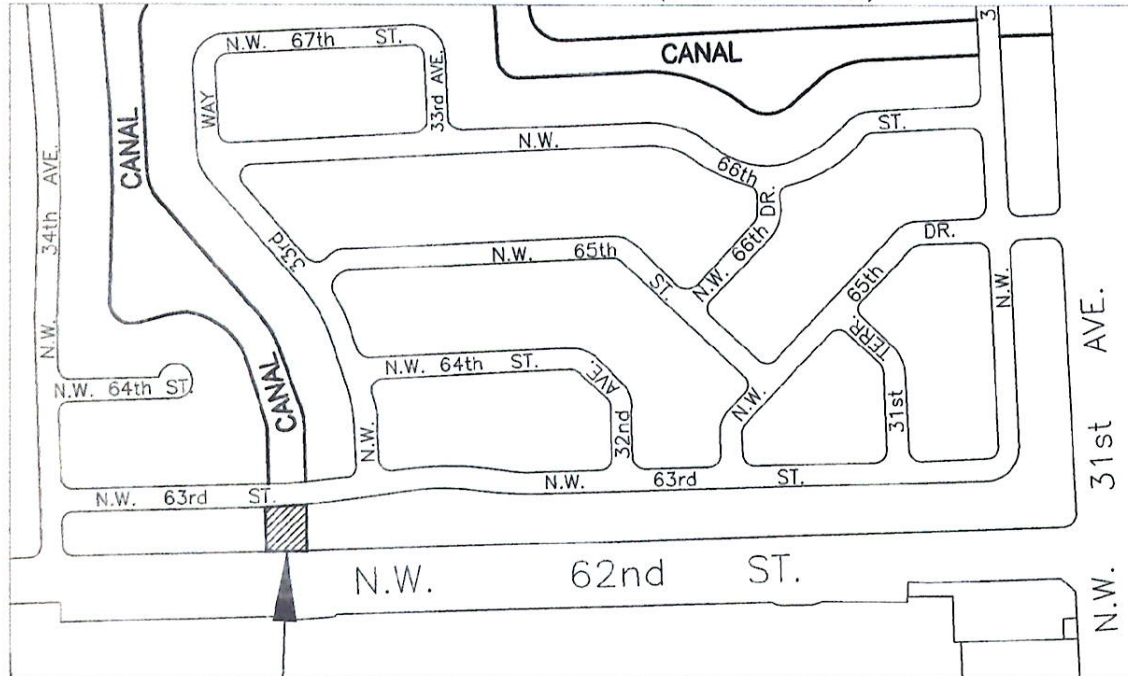
THIS IS NOT A FIELD SURVEY

SKETCH AND DESCRIPTION

PALM AIRE PARK
ZONE (RS-5) TO (P)



LOCATION MAP (NOT TO SCALE)



LOCATION OF SKETCH

DESCRIPTION: PALM AIRE PARK

A PARCEL OF LAND BEING A PORTION OF CANAL RIGHT-OF-WAY, AS SHOWN ON THE PLAT OF "PALM AIRE VILLAGE 2ND SECTION ADD'N. 3" AS RECORDED IN PLAT BOOK 78 PAGE 31 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 7, BLOCK 18 OF SAID PALM AIRE VILLAGE 2ND SECTION ADD'N. 3, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID CANAL RIGHT-OF-WAY; THENCE N 00°22'41" W ALONG THE EAST LINE OF SAID LOT 7 ALSO BEING THE WEST LINE OF SAID CANAL RIGHT-OF-WAY, A DISTANCE OF 100.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 7, SAID POINT ALSO BEGINNING ON THE SOUTH RIGHT-OF-WAY LINE OF NORTHWEST 63RD STREET. THENCE N 89°37'19" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 33.63 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTH; THENCE EASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 06°00'00" AND A RADIUS OF 450.00 FEET FOR AN ARC DISTANCE OF 47.12 FEET TO A POINT OF NON-TANGENCY, SAID POINT BEING THE NORTHWEST CORNER OF LOT 33, BLOCK 14 OF PALM AIRE VILLAGE 2ND SECTION - ADD'N. 2, AS RECORDED IN PLAT BOOK 74 PAGE 25 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE S 00°22'41" E ALONG THE WEST LINE OF SAID LOT 33, ALSO BEING THE EAST LINE OF SAID CANAL RIGHT-OF-WAY, A DISTANCE OF 102.39 FEET TO THE SOUTHWEST CORNER OF SAID LOT 33, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE ON NORTHWEST 62ND STREET; THENCE S 89°37'19" W ALONG THE SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA. CONTAINING 8,038 SQUARE FEET, MORE OR LESS.

NOTES:

- 1) BASIS OF BEARING IS SOUTH RIGHT-OF WAY LINE OF NORTHWEST 63RD STREET N 89°37'19" E.
- 2) SUBJECT TO EXISTING EASEMENTS, RIGHT-OF WAYS, COVENANTS, RESERVATIONS AND RESTRICTIONS OF RECORD, IF ANY
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
- 4) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.

SHEET 1 OF 2

I HEREBY CERTIFY THAT THE HEREIN SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, PREPARED UNDER MY RESPONSIBLE CHARGE IN ACCORDANCE WITH THE STANDARDS OF PRACTICE IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODES, PURSUANT TO SECTION 472.027.

DATED: NOVEMBER 4th, 2022

MICHAEL W. DONALDSON
PROFESSIONAL SURVEYOR AND MAPPER NO. 6490
STATE OF FLORIDA

Michael W. Donaldson
11/9/22

CITY OF FORT LAUDERDALE		
EXHIBIT 1 PALM AIRE PARK (RS-5) TO (P)		
BY: SP	ENGINEERING	DATE: 11/4/22
CHK'D SP	DIVISION	SCALE: NTS

Exhibit "A"

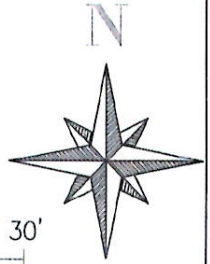
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Exhibit 7

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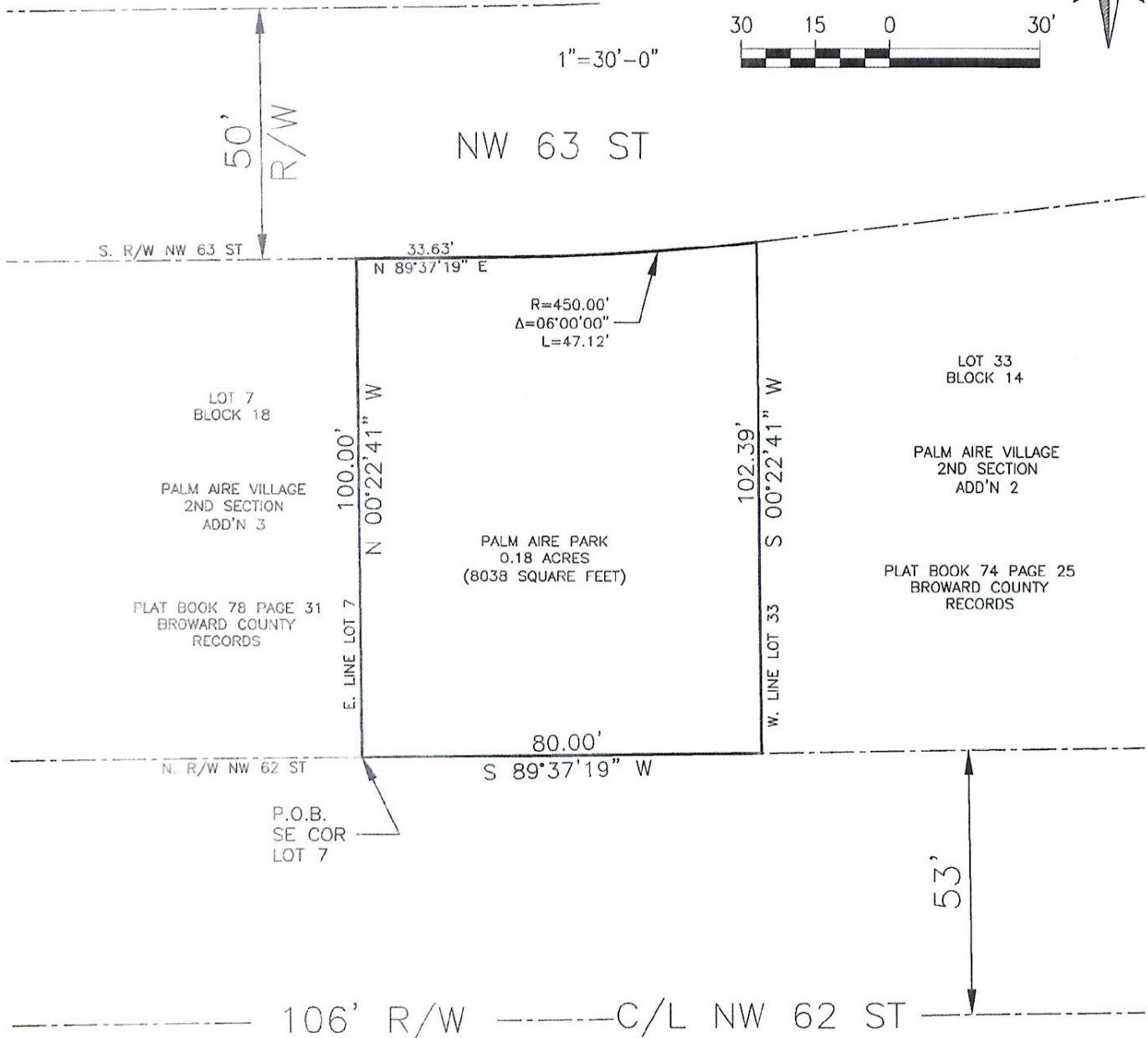
SKETCH AND DESCRIPTION

PALM AIRE PARK
ZONE: (RS-5) TO (P)



THIS IS NOT A FIELD SURVEY

1"=30'-0"



LEGEND:

P.O.B. DENOTES: POINT OF BEGINNING
R/W DENOTES: RIGHT OF WAY
C/L DENOTES: CENTERLINE
R DENOTES: RADIUS
Δ DENOTES: ANGLE
L DENOTES: LENGTH
RS-5 DENOTES: ONE-FAMILY DETACHED DWELLING DISTRICT
P DENOTES: PARK

SHEET 2 OF 2

CITY OF FORT LAUDERDALE		
EXHIBIT 1		
PALM AIRE PARK		
RS-5 TO P		
BY: SP	ENGINEERING	DATE: 11/4/22
CHK'D SP	DIVISION	SCALE: 1"=30'