

ORDINANCE NO. C-23-11

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 "RMH-25 – RESIDENTIAL MULTIFAMILY HIGH RISE/MEDIUM HIGH DENSITY" DISTRICT TO "P – PARKS, RECREATION AND OPEN SPACE" DISTRICT, LOT 5, BLOCK "B", "BERMUDA-RIVIERA SUB OF GALT OCEAN MILE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 38, PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED WEST OF NORTH OCEAN BOULEVARD, NORTH OF NORTHEAST 41ST STREET, EAST OF NORTHEAST 34TH AVENUE AND SOUTH OF NORTHEAST 42ND COURT, 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, City of Fort Lauderdale, applied for the rezoning of certain property as more particularly described in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, on December 21, 2022, the Planning and Zoning Board (PZ Case No. UDP-Z22020) recommended that the City Commission of the City of Fort Lauderdale ("City Commission") approve the rezoning of the lands 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 such lands; and

WHEREAS, the City Clerk provided notice to the public of a public hearing held on Tuesday, April 4, 2023 at 6:00 P.M., in the City Commission Room, City Hall, Fort Lauderdale, Florida, for the purpose of hearing any public comment pertaining to the rezoning; and

WHEREAS, the City Clerk provided an amended notice to the public of a public hearing held on Tuesday, May 16, 2023 at 6:00 P.M., at the Mary N Porter Riverview Ballroom at

the Broward Center for the Performing Arts, 201 S.W. 5th Avenue, Fort Lauderdale, Florida 33312, for the purpose of hearing any public comment regarding the rezoning; and

WHEREAS, the public hearings were 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 amending the zoning regulations.

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 of Section 47-24.4. of the Unified Land Development Regulations ("ULDR") as enunciated and memorialized in the minutes of its meetings on April 4, 2023 and May 16, 2023, a portion of those findings expressly listed as follows:

The zoning district proposed is consistent with the City's Comprehensive Plan. The proposed Parks, Recreation and Open Space zoning district is consistent with the current land use designation of Medium High Residential. 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 proposed is currently vacant land. Moving forward with the rezoning will ensure the land will be available as open space. The character of development of the parcel with its landscaping and vegetation supports the proposed rezoning to parks and recreation uses. 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. The proposed rezoning of the property is compatible with the surrounding residential uses within the area of the subject property. Since the current use of the site is open space, the proposed rezoning will ensure the zoning district is compatible with the existing use. Furthermore, the proposed rezoning will enhance the existing residential uses by providing additional park and open space for neighbors to enjoy. The character of the surrounding area supports the proposed rezoning.

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 "RMH-25 –Residential Multifamily High Rise/Medium High Density" District to "P – Parks, Recreation and Open Space" District, the following lands, situated in the City of Fort Lauderdale, Broward County, Florida, to wit:

LOT 5, BLOCK "B", "BERMUDA-RIVIERA SUB OF GALT OCEAN MILE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 38, PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

Location: West of North Ocean Boulevard, north of Northeast 41st Street, east of Northeast 34th Avenue and south of Northeast 42nd Court

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 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 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. That all ordinances or parts of ordinances in conflict herewith, be and the same 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 4th day of April, 2023.

PASSED SECOND READING this 16th day of May, 2023.



Mayor
DEAN J. TRANTALIS

ATTEST:

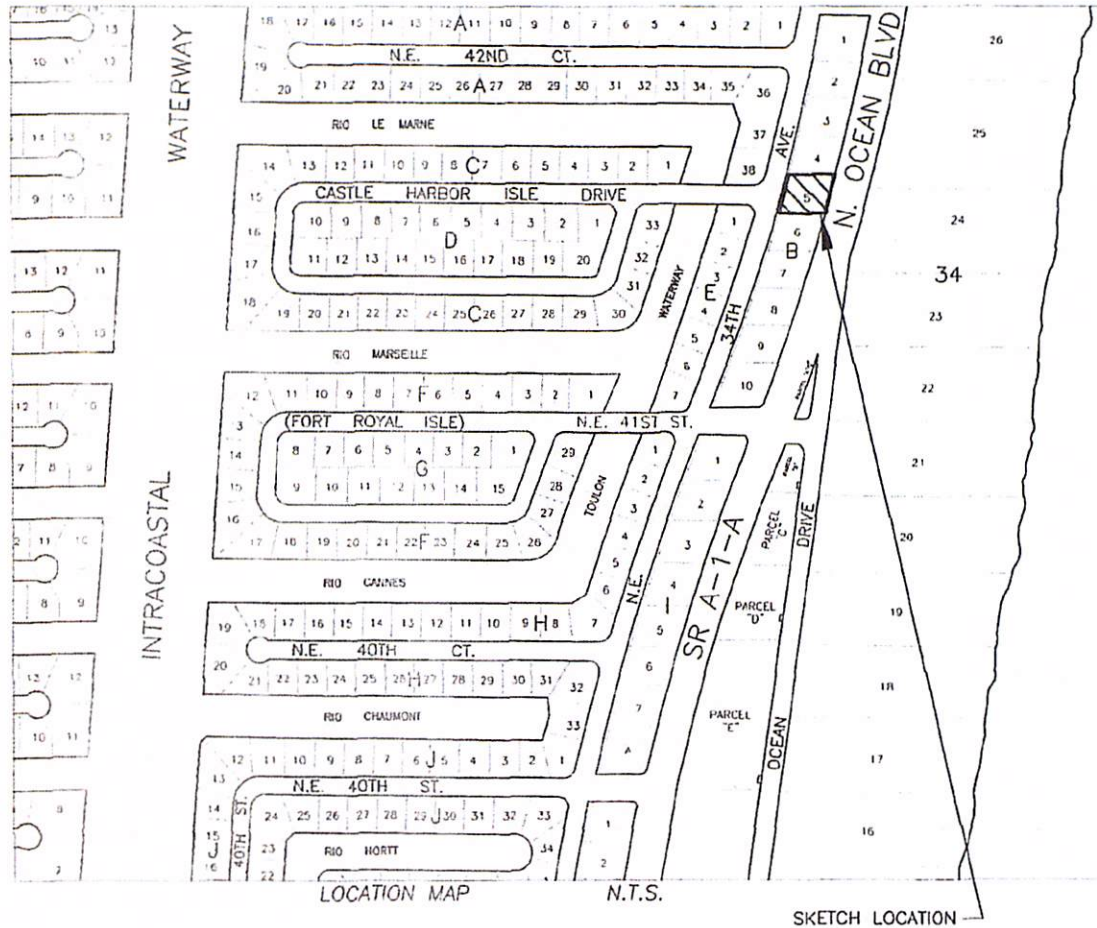


City Clerk
DAVID R. SOLOMAN

SKETCH AND DESCRIPTION

REZONING PETITION FROM (RMH-25) TO (P)

THIS IS NOT A SURVEY



DESCRIPTION:

ALL OF LOT 5, BLOCK 'B', 'BERMUDA-RIVERA SUB OF GALT OCEAN MILE', ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 38, PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA. CONTAINING 13355 SQUARE FEET OR 0.3065 ACRES MORE OR LESS.

NOTES:

- 1) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 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 DOCUMENT CONSISTS OF 2 PAGES AND IS NOT VALID OR COMPLETE WITHOUT ALL PAGES.
- 5) BEARINGS HEREON ARE REFERRED TO AN ASSUMED BEARING OF S 89° 15' 19" W FOR THE NORTH LINE OF SAID LOT 5.

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 8, 2022

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

Michael W. Donaldson
11/9/22

SHEET 1 OF 2

CITY OF FORT LAUDERDALE

EXHIBIT 1

4201 N OCEAN BLVD. PARK
REZONING FROM (RMH-25) TO (P)

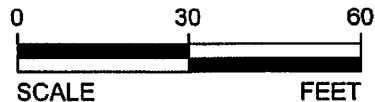
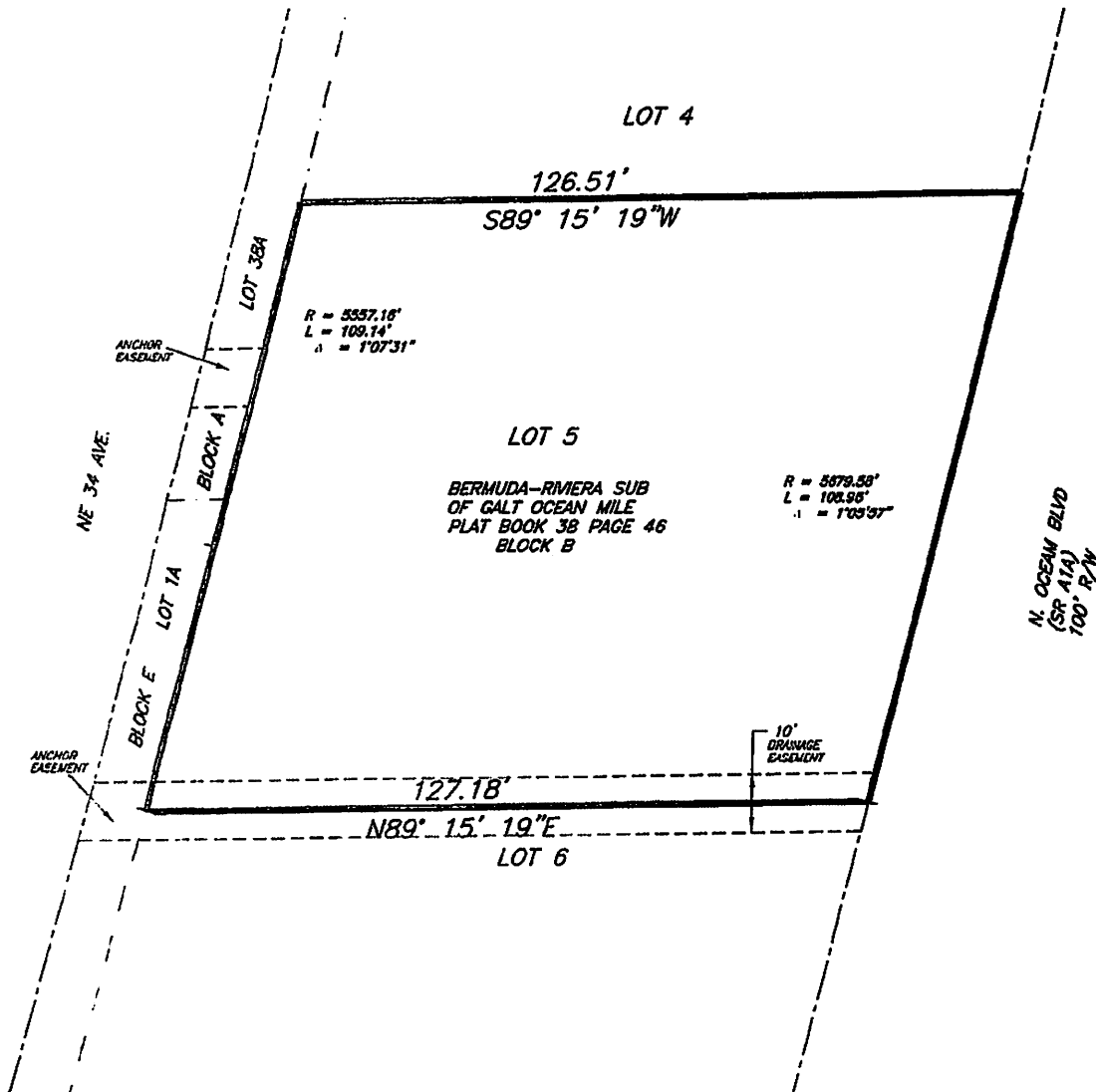
BY: M.D.	ENGINEERING	DATE: 11/8/22
CHK'D M.D.	DIVISION	SCALE: N.T.S.

Exhibit "A"

SKETCH AND DESCRIPTION

REZONING PETITION FROM (RMH-25) TO (P)

THIS IS NOT A SURVEY



LEGEND:

B.C.R. BROWARD COUNTY RECORDS
 R/W RIGHT OF WAY
 N.T.S. NOT TO SCALE
 RMH-25 RESIDENTIAL MULTIFAMILY HIGH RISE/MEDIUM HIGH DENSITY
 P PARKS, RECREATION AND OPEN SPACE
 L ARC LENGTH
 R RADIUS
 Δ CENTRAL ANGLE

SHEET 2 OF 2

CITY OF FORT LAUDERDALE

EXHIBIT 1

4201 N OCEAN BLVD. PARK
 REZONING FROM (RMH-25) TO (P)

BY: M.D.	ENGINEERING	DATE: 11/8/22
CHK'D M.D.	DIVISION	SCALE: 1"=30'