

ORDINANCE NO. C-23-21

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-8 – RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY" DISTRICT TO "P – PARKS, RECREATION AND OPEN SPACE" DISTRICT, ALL OF LOTS 1, 2, 3, 4, 5 AND 6, BLOCK 101, "WAVERLY PLACE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 19, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED WEST OF SOUTHWEST 9TH AVENUE, NORTH OF NORTH FORK NEW RIVER, EAST OF PALM AVENUE (SOUTHWEST 11TH AVENUE) AND SOUTH OF TEQUESTA STREET (SOUTHWEST 4TH 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-Z22028) recommended that the City Commission of the City of Fort Lauderdale ("City Commission") 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 in the Unified Land Development 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 in Section 47-24.4. of the Unified Land Development Regulations ("ULDR") as enunciated and memorialized in the minutes of its meetings of 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-8 and has an underlying land use designation of Low-Medium 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 vacant property with plans to make it a passive 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 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-8 – Residential Single Family/Low Medium 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:

ALL OF LOTS 1, 2, 3, 4, 5 AND 6, BLOCK 101, "WAVERLY PLACE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 19, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA

Location: West of Southwest 9th Avenue, north of North Ford New River, east of Palm Avenue (Southwest 11th Avenue) and south of Tequesta Street (Southwest 4th 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.

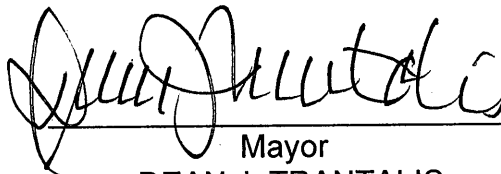
SECTION 6. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

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 16th day of May, 2023.

PASSED SECOND READING this 6th day of June, 2023.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN

REZONING PETITION FROM (RS-8) TO (P)

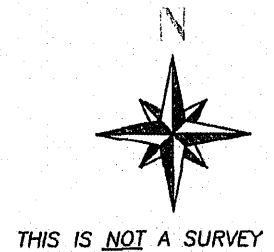
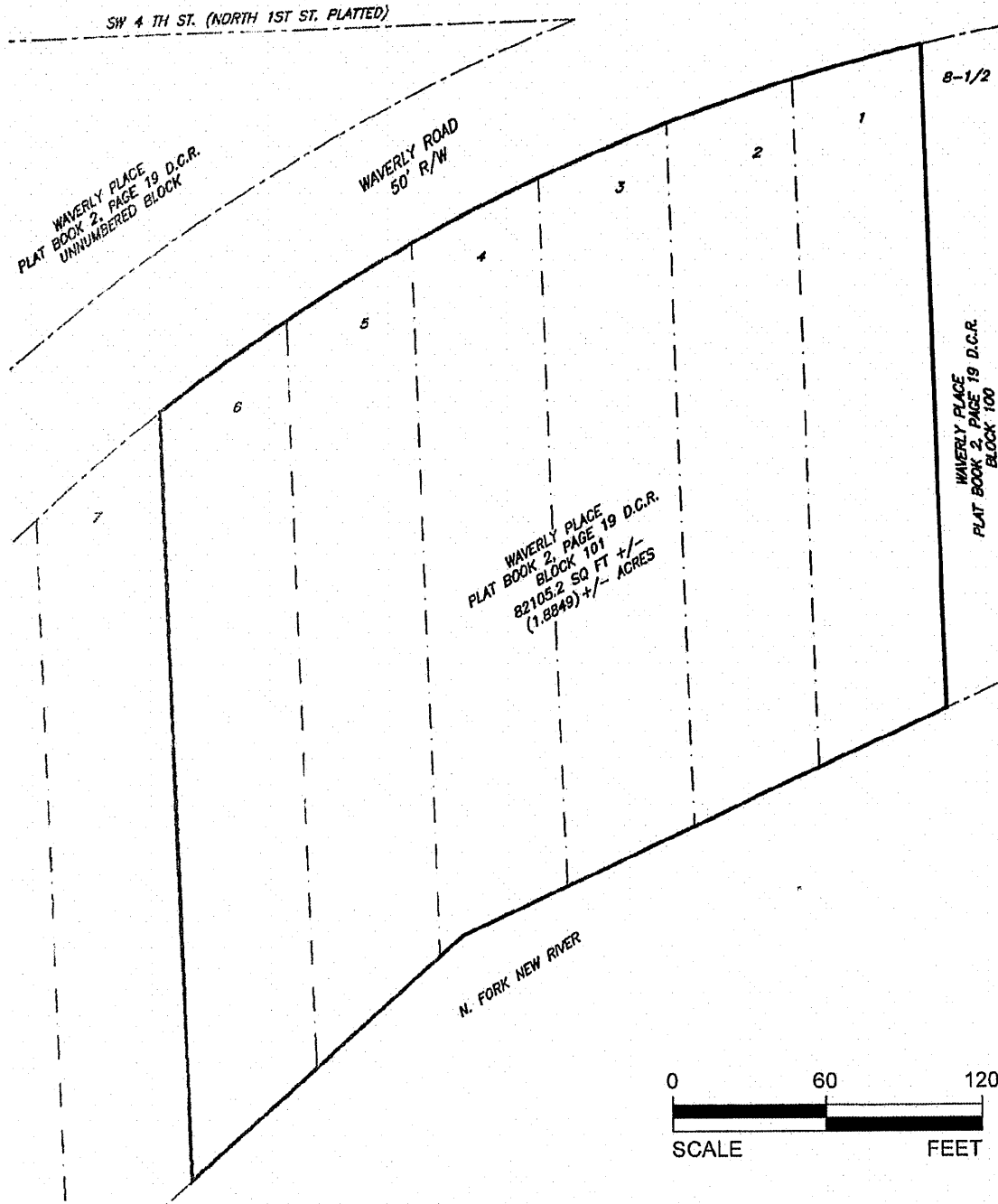


Exhibit "A"

SKETCH AND DESCRIPTION

REZONING PETITION FROM (RS-8) TO (P)

THIS IS NOT A SURVEY



SHEET 2 OF 2

LEGEND:

P.B. PLAT BOOK
 PG. PAGE
 D.C.R. DADE COUNTY RECORDS
 R/W RIGHT OF WAY
 N.T.S. NOT TO SCALE
 RS-8 RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
 P PARKS, RECREATION AND OPEN SPACE

CITY OF FORT LAUDERDALE

EXHIBIT 1

WAVERLY ROAD PARK

REZONING FROM (RS-8) TO (P)

BY: M.D.

ENGINEERING

DATE: 11/7/22

CHK'D M.D.

DIVISION

SCALE: 1"=60'