

ORDINANCE NO. C-16-12

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM SOUTH BEACH MARINA AND HOTEL AREA ("SMBHA") DISTRICT TO INNOVATIVE DEVELOPMENT ("ID") DISTRICT, INCLUDING APPROVAL OF A DEVELOPMENT PLAN KNOWN AS BAHIA MAR AND ESTABLISHING THE DEVELOPMENT STANDARDS FOR THE PROPERTY INCLUDING BUT NOT LIMITED TO USES, HEIGHT, YARD, SETBACK, PARKING, OPEN SPACE AND LANDSCAPING, ALL THAT PART OF "BAHIA MAR" ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 35, PAGE 39 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING WEST OF THE RIGHT-OF-WAY OF SEABREEZE BOULEVARD, LESS AND EXCEPT: PARCEL 1; ALSO EXCEPTING THEREFROM THE NORTH 80 FEET OF PARCEL 34, OF SAID "BAHIA MAR", LOCATED BETWEEN SEABREEZE BOULEVARD AND THE INTRACOASTAL WATERWAY, NORTH OF HARBOR DRIVE AND SOUTH OF THE INTERNATIONAL SWIMMING HALL OF FAME, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

WHEREAS, in accordance with Section 47-37A.1 of the Unified Land Development Regulations ("ULDR"), rezoning to an ID zoning district requires the approval of a development plan which meets the criteria provided in Section 47-37A.1; and

WHEREAS, applicant, RAHN BAHIA MAR LLC, has submitted a development plan known as BAHIA MAR as part of the rezoning application to develop a mix of land uses to be rezoned as described in this ordinance; and

WHEREAS, the Planning and Zoning Board at its meeting of December 16, 2015 (Case No. ID15001) did, by an affirmative vote of a majority plus one additional member, recommend to the City Commission that the rezoning application be approved and that the lands herein described should be rezoned from SMBHA to ID based on the development plan as reviewed and approved as described herein 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 public hearings to be held on Tuesday, February 2, 2016, and Tuesday, February 16, 2016, at 6:00 P.M., or as soon

thereafter as possible, in the City Commission Room, City Hall, Fort Lauderdale, Florida, for the purpose of hearing any public comment to such rezoning; and

WHEREAS, at the City Commission meeting held February 2, 2016, the City Commission unanimously passed a motion to continue the public hearing to March 1, 2016 and schedule the second public hearing for April 5, 2016; and

WHEREAS, at the City Commission meeting held March 1, 2016, the City Commission unanimously passed a motion to continue the public hearing to a special meeting scheduled for May 10, 2016; and

WHEREAS, at the City Commission meeting held May 10, 2016, the City Commission announced the second public hearing will be held on June 7, 2016; and

WHEREAS, at the City Commission meeting held June 7, 2016, the City Commission announced the second public hearing will be held on June 21, 2016; and

WHEREAS, at the City Commission meeting held June 21, 2015, the City Commission announced the second public hearing will be held on July 12, 2016; and

WHEREAS, such public hearings were duly held at the time and place designated after notice was given as required by law, and the City Commission determined that the applicant demonstrated by competent, substantial evidence in the record that the requested rezoning met the criteria for the ID zoning district;

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

SECTION 1. That the above recitals are true and correct and incorporated into this ordinance by this reference.

SECTION 2. That the Unified Land Development Regulations ("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 from South Beach Marina and Hotel Area ("SBMHA") District to Innovative Development ("ID") District, the following lands situated in the City of Fort Lauderdale, Broward County, Florida, to wit:

ALL THAT PART OF "BAHIA MAR" ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 35, PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING WEST OF THE RIGHT-OF-WAY OF SEABREEZE BOULEVARD, LESS AND EXCEPT THEREFROM PARCEL 1 ALSO EXCEPTING THEREFROM THE NORTH 80 FEET OF PARCEL 34; SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Location: Between Seabreeze Boulevard and the Intracoastal Waterway, north of Harbor Drive and south of the International Swimming Hall of Fame

SECTION 3. That in accordance with Section 47-37A. Innovative Development ("ID") District of the ULDR, the development plan attached hereto as Exhibit A (the "Development Plan") is hereby approved, subject to the conditions imposed by the department and City Commission set forth in the attached Exhibit B, and by reference made part of this Ordinance as the specific zoning regulations and standards for the development of the property identified in Section 2 hereof (the "Property").

SECTION 4. All provisions of Section 47-37A of the ULDR shall apply to this ID District, including but not limited to, regulations regarding amendments of the ID District and expiration and extension of the ID development plan.

SECTION 5. If there is a conflict between any of the documents comprising the approved Development Plan, the more restrictive interpretation by the City's Zoning Administrator shall govern the development of the Property.

SECTION 6. 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, the date of passage, and a notation that the zoning may revert to the SMBHA zoning district if the ID approval expires pursuant to Section 47-37A.16 of the ULDR.

SECTION 7. That pursuant to the provisions of the ULDR of the City of Fort Lauderdale, Florida, the proper city officials are hereby authorized to issue the necessary building and use permits that conform with this Ordinance upon recording of this Ordinance and fulfilling all conditions imposed by the department and the City Commission.

SECTION 8. 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 9. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 10. That this Ordinance shall be in full force and effect on the date it is recorded in the Public Records of Broward County, Florida.

SECTION 11. 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.

SECTION 12. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

PASSED FIRST READING this the 10th day of May, 2016.

PASSED SECOND READING this the _____ day of _____, 2016.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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EXHIBIT A

***PLACE HOLDER FOR EXHIBIT 5 OF
COMMISSION AGENDA MEMORANDUM 16-0827. FULL
DOCUMENT WILL BE ATTACHED AFTER FINAL ADOPTION***

EXHIBIT B

***PLACE HOLDER FOR EXHIBIT 8 OF
COMMISSION AGENDA MEMORANDUM 16-0827. FULL
DOCUMENT WILL BE ATTACHED AFTER FINAL ADOPTION***