

ORDINANCE NO. C-16-

AN ORDINANCE AMENDING THE CITY OF FORT LAUDERDALE, FLORIDA, UNIFIED LAND DEVELOPMENT REGULATIONS SO AS TO REZONE FROM "RMM-25" TO "X-P", THROUGH THE ALLOCATION OF COMMERCIAL FLEXIBILITY, LOTS 16, 17, 18 AND 19, BLOCK 178, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, FLORIDA, LOCATED EAST OF NORTHEAST 8<sup>th</sup> AVENUE, SOUTH OF NORTHEAST 11<sup>th</sup> STREET, WEST OF NORTHEAST 9<sup>th</sup> AVENUE AND NORTH OF SUNRISE BOULEVARD, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FORT LAUDERDALE AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS; AND APPROVE AN ASSOCIATED SITE PLAN INCLUDING A PARKING REDUCTION AND RELOCATION OF NORTHEAST 9<sup>TH</sup> AVENUE STREET CLOSURE.

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WHEREAS, the applicant, 825 Sunrise LLC, applied for the rezoning of certain property as described in SECTION 1 herein from "RMM-25" to "X-P" zoning district; and

WHEREAS, in accordance with the Unified Land Development Regulations ("ULDR"), rezoning to an "X-P" District requires the allocation of commercial flexibility and approval of a site plan which meets the criteria provided in the ULDR; and

WHEREAS, the site plan submitted as part of the rezoning application proposes the development of a retail use building on the business property, a parking lot on the property to be rezoned, a parking reduction and relocation of the Northeast 9<sup>th</sup> Avenue street closure as described in this ordinance; and

WHEREAS, the Planning and Zoning Board at its meeting of September 21, 2016 (PZ Case No. ZR16002) did recommend to the City Commission that the site plan reviewed in connection with the rezoning application be approved and that the lands herein described should be rezoned from "RMM-25" to "X-P" 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 a public hearing to be held on Tuesday, December 6, 2016 and Tuesday, December 20, 2016 at 6:00 P.M., in the City

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

WHEREAS, such public hearing was duly held at the time and place designated after notice of same 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. That the 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 through the allocation of commercial flexibility in the respects mentioned, the following lands, situate in the City of Fort Lauderdale, Broward County, Florida, to wit:

REZONE FROM "RMM-25" TO "X-P":

LOTS 16, 17, 18 AND 19, BLOCK 178, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, FLORIDA. LOCATED EAST OF NORTHEAST 8<sup>th</sup> AVENUE, SOUTH OF NORTHEAST 11<sup>th</sup> STREET, WEST OF NORTHEAST 9<sup>th</sup> AVENUE AND NORTH OF SUNRISE BOULEVARD, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

Location: 825 East Sunrise Boulevard

Also depicted in Exhibit "A" attached hereto and made a part hereof.

SECTION 2. 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 3. That the site plan submitted for review as part of this rezoning request consists of 8,902 square feet of commercial retail building and associated parking, parking reduction, and relocation of Northeast 9<sup>th</sup> Avenue street closure as depicted in Exhibit "B" attached hereto, and is hereby approved subject to the conditions imposed by the Development Review Committee, the Planning and Zoning Board and the City Commission. The site plan approval includes a parking reduction order and the relocation of Northeast 9<sup>th</sup> Avenue street closure as approved by the Planning and Zoning Board at its meeting of September 21, 2016.

SECTION 4. 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 5. 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 6. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 7. That this Ordinance shall be in full force and effect ten days from the date of final passage.

PASSED FIRST READING this the \_\_\_\_ day of \_\_\_\_\_, 2016.

PASSED SECOND READING this the \_\_\_\_ day of \_\_\_\_\_, 2016.

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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

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City Clerk  
JEFFREY A. MODARELLI



# McLAUGHLIN ENGINEERING COMPANY

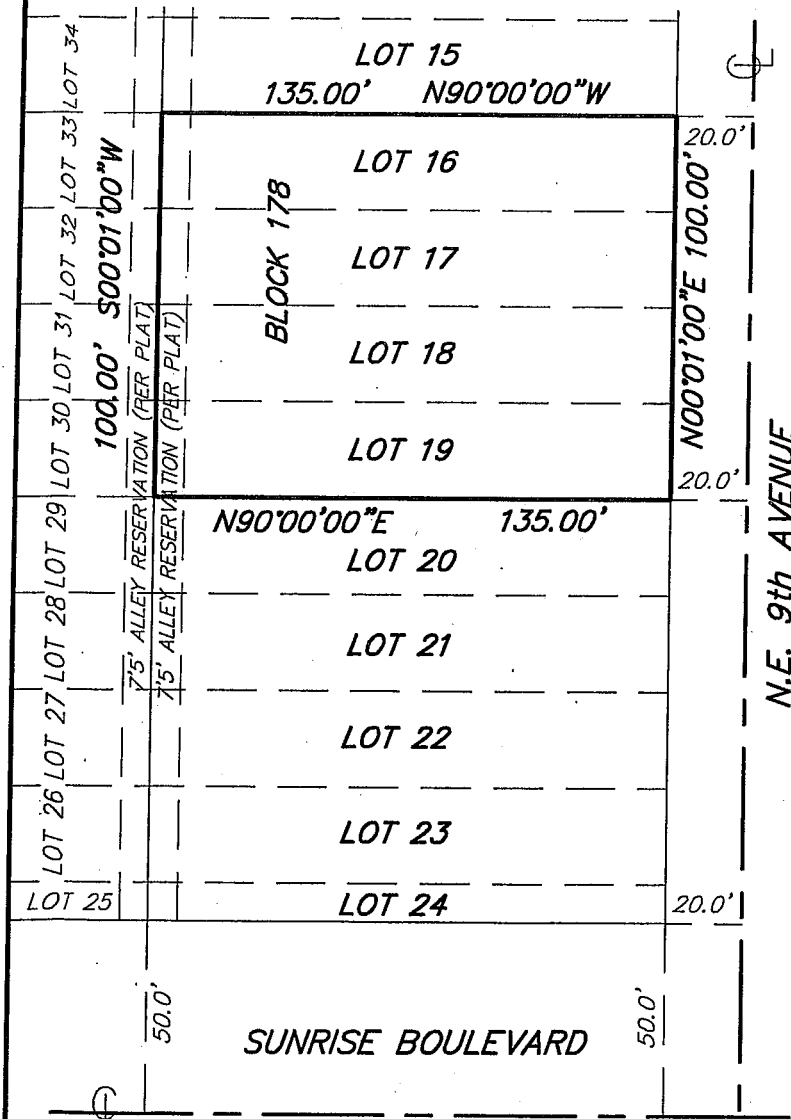
LB#285

ENGINEERING \* SURVEYING \* PLATTING \* LAND PLANNING  
1700 N.W. 64th STREET #400, FORT LAUDERDALE, FLORIDA 33309  
PHONE (954) 763-7611 \* FAX (954) 763-7615

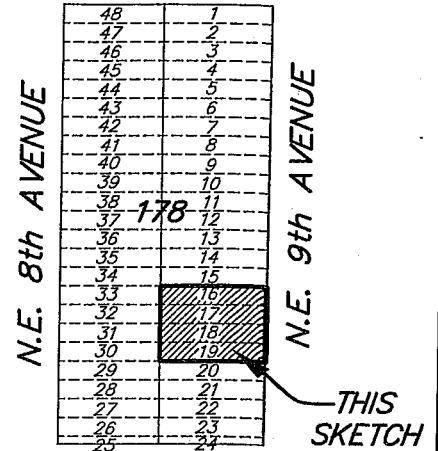
M.D. O.K.

SCALE 1" = 50'

## SKETCH AND DESCRIPTION TO ACCOMPANY REZONING PETITION FROM RMM-25 TO X-P



N.E. 11th STREET



SUNRISE BOULEVARD  
BLOCK PLAN  
NOT TO SCALE

### LEGAL DESCRIPTION:

Lots 16, 17, 18 and 19, Block 178, PROGRESSO, according to the plat thereof, as recorded in Plat Book 2, Page 18, of the public records of Dade County, Florida.

Said land situate, lying and being in the City of Fort Lauderdale, Broward County, Florida, and containing 13,500 square feet or 0.3099 acres, more or less.

### CERTIFICATION

Certified Correct. Dated at Fort Lauderdale, Florida this 22nd day of July, 2016.

### NOTES:

- 1) This sketch reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Legal description prepared by McLaughlin Engineering Co.
- 3) This drawing is not valid unless sealed with an embossed surveyors seal.
- 4) THIS IS NOT A BOUNDARY SURVEY.
- 5) Bearings shown assume the North line of Lots 16 to 24, as North 00°01'00" East.

McLAUGHLIN ENGINEERING COMPANY

JERALD A. McLAUGHLIN  
Registered Land Surveyor No. 5269  
State of Florida.

FIELD BOOK NO. \_\_\_\_\_

DRAWN BY: JMMjr

JOB ORDER NO. V-1383

CHECKED BY: \_\_\_\_\_

REF. DWG.: 16-2-011

Exhibit A

C: \JMMjr\2016\V1383 (REZONE)

## **EXHIBIT B**

***PLACE HOLDER FOR EXHIBIT 2 OF  
COMMISSION AGENDA MEMORANDUM 16-1358. FULL  
DOCUMENT WILL BE ATTACHED AFTER FINAL ADOPTION***