

ORDINANCE NO. C-20-04

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 "RD 15 – RESIDENTIAL SINGLE FAMILY/DUPLEX/LOW MEDIUM DENSITY" TO "CB – COMMUNITY BUSINESS", THE NORTH 11.00 FEET OF LOT 35 AND ALL OF LOTS 36 THROUGH 42, INCLUSIVE, BLOCK 183, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED WEST OF NORTHEAST 4<sup>TH</sup> AVENUE, NORTH OF NORTHEAST 10<sup>TH</sup> STREET (EAST SUNRISE BOULEVARD), EAST OF NORTHEAST 3<sup>RD</sup> AVENUE AND SOUTH OF NORTHEAST 11<sup>TH</sup> STREET, ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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WHEREAS, the applicant, Town Development Co., applied for the rezoning of certain property as more particularly described in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, on December 18, 2019, the Planning and Zoning Board (PZ Case No. ZR19003), as the local planning agency, recommended to the City Commission of the City of Fort Lauderdale ("City Commission") that certain lands herein described should be rezoned in the respects mentioned 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, February 18, 2020, at 6:00 P.M., and Tuesday, March 3, 2020, 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. 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 of February 18, 2020 and March 3, 2020, a portion of those findings expressly listed as follows:

1. The proposed rezoning to X-P for the portion of the property currently zoned RD-15 is consistent with the City's Comprehensive Plan. Pursuant to City's Unified Land Development Regulations (ULDR) Section 47-28.1.G.1, Flexibility Rules, allocation of Commercial Uses on Residential Land Use Designated Parcels, commercial use is permitted if the allocation of commercial flex does not exceed five percent of the total land use area within the flexibility zone that is designated for Residential. Currently, there are 519.6 acres available for commercial flex use. The area to be rezoned is 0.58 acres and if approved, 517.84 acres of commercial flex will remain for commercial flex allocation, refer to Table 1- Commercial Flex Acreage. The proposed rezoning complies with the requirements for commercial flex allocation.
2. The proposed rezoning to X-P will permit the site to accommodate the parking for the proposed use and buffer the adjacent residential uses with ample landscape and a code-required wall abutting the residential use to the north and northwest of the property. The proposed one-story buildings are of similar scale to adjacent uses, and the recently approved Cumberland Farms Gas Station to the south. The buildings are oriented towards NE 4th Avenue. The changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration, since they are similar in scale.

The X-Exclusive Use District is a zoning district which may only be initiated by the owner of the property proposed to be rezoned. The use of the property is restricted to those uses applied for and approved in connection with the rezoning and the property may only be used in conformance with an approved site plan. It is the intent of this section to protect the character of existing residential neighborhoods adjacent to

commercial areas while supporting the viability of the commercial areas. The X district provides a carefully regulated opportunity for certain low intensity commercial uses to be placed within a residential area in a manner compatible with the residential character of the area. The X district is also intended to act as a buffer between existing residential and commercial areas.

3. The surrounding properties have a Land Use designation of Medium Residential and Commercial with associated zoning classifications of General Business (B-2), Community Business (CB), and Residential Single Family/Duplex/Low Medium Density District (RD-15). The rezoning of the RD-15 zoned portion of the Property to X-P is consistent and compatible with the existing mix of uses along Sunrise Boulevard. The property is in the Central City Community Redevelopment Area, which is currently working with a consultant to develop new Zoning Districts and creating regulations that increase the potential for redevelopment and encourage an appropriate mix of uses, open spaces, and neighborhood preservation through design enhancements, including pedestrian-oriented streetscapes.
4. The proposed site and use meet the conditions and performance criteria provided in ULDR Section 47-9.20.C, Rezoning Criteria.
5. The height, bulk, shadow, mass and design of any structure located on the site is compatible with surrounding properties and is consistent with the goals and objectives for the location of the property as provided in the Comprehensive Plan.

**SECTION 2.** 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, be amended by rezoning from "RD 15 – Residential Single Family/Duplex/Low Medium Density" TO "CB – Community Business", the following lands, situated in the City of Fort Lauderdale, Broward County, Florida, to wit:

THE NORTH 11.00 FEET OF LOT 35 AND ALL OF LOTS 36 THROUGH 42, INCLUSIVE, BLOCK 183, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA

Location: West of Northeast 4<sup>th</sup> Avenue, north of Northeast 10<sup>th</sup> Street (East Sunrise Boulevard), east of Northeast

3<sup>rd</sup> Avenue and south of Northeast 11<sup>th</sup> Street

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

SECTION 3. 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 4. 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 5. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 6. That this Ordinance shall be in full force and effect ten (10) days from the date of final passage.

PASSED FIRST READING this the 18<sup>th</sup> day of February, 2020.

PASSED SECOND READING this the \_\_\_\_ day of \_\_\_\_\_, 2020.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

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City Clerk  
JEFFREY A. MODARELLI

m.d. 0-12



# SKETCH AND LEGAL DESCRIPTION

BY

## PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD  
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870

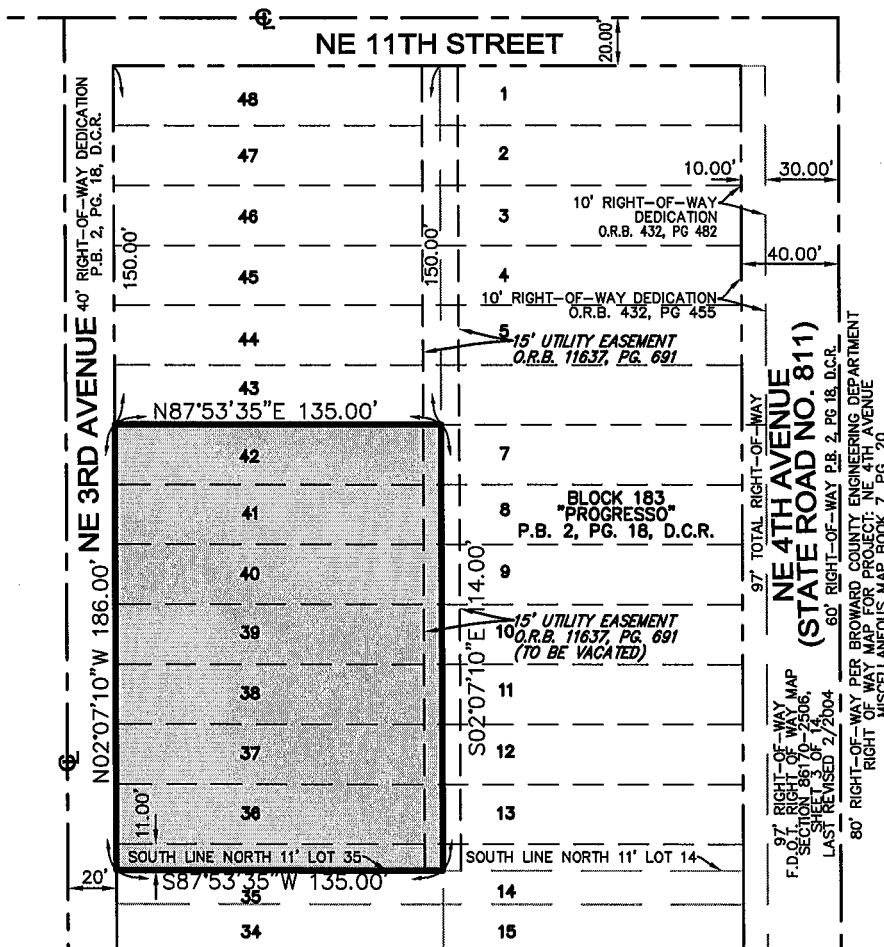


### LEGAL DESCRIPTION:

THE NORTH 11.00 FEET OF LOT 35 AND ALL OF LOTS 36 THROUGH 42, INCLUSIVE, IN BLOCK 183 OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA AND CONTAINING 25,110 SQUARE FEET (0.5764 ACRES) MORE OR LESS.

REZONING FROM RESIDENTIAL SINGLE FAMILY AND DUPLEX/MEDIUM DENSITY (RD 15) TO PARKING LOT (X-P).



### NOTES:

- 1) BEARINGS ARE BASED ON AN ASSUMED MERIDIAN FOR THE EAST RIGHT-OF-WAY LINE OF NE 3RD AVENUE BEING N02°07'10"W.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 4) ALL RECORDED DOCUMENTS ARE PER THE PUBLIC RECORDS OF BROWARD COUNTY, UNLESS OTHERWISE NOTED.

### LEGEND:

- ⊕ CENTERLINE
- O.R.B. OFFICIAL RECORDS BOOK
- P.B. PLAT BOOK
- PG. PAGE
- F.D.O.T. FLORIDA DEPARTMENT OF TRANSPORTATION
- D.C.R. MIAMI-DADE COUNTY RECORDS

FILE: PLAZA STREET PARTNERS

SCALE: 1"=80'

DRAWN BY: B.E.

ORDER NO.: 66258

DATE: 08/08/19

REZONING EXHIBIT

FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

FOR: SHERWIN WILLIAMS

- ☒ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
- ☐ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
- ☐ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274

EXHIBIT "A"