

ORDINANCE NO. C-21-23

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 RESIDENTIAL SINGLE FAMILY DUPLEX/MEDIUM DENSITY ("RD-15") ZONING DISTRICT TO COMMUNITY BUSINESS ("CB") ZONING DISTRICT, THROUGH THE ALLOCATION OF COMMERCIAL FLEXIBILITY, ALL OF LOTS 25, 26, 27, 28, 29, 30, 31 AND 32, BLOCK 143, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LOCATED WEST OF THE NORTHEAST 4<sup>TH</sup> AVENUE, NORTH OF NORTHEAST 11<sup>TH</sup> STREET, EAST OF NORTHEAST 3<sup>RD</sup> AVENUE AND SOUTH OF NORTHEAST 12<sup>TH</sup> STREET, ALL SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

WHEREAS, the applicant, 1123 NE 4<sup>TH</sup> AVE FL, LLC, applied for the rezoning of certain property as more particularly described in Exhibit "A" attached hereto and incorporated herein ("subject property"); and

WHEREAS, the subject property is designated "Medium Density", a residential land use designation on the City of Fort Lauderdale Future Land Use Map; and

WHEREAS, in accordance with the City of Fort Lauderdale, Florida Unified Land Development Regulations ("ULDR"), the City may allocate commercial flexibility on residential land use designated parcels subject to the rezoning to a Community Business ("CB") District, 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 redevelopment of several parcels of land located at 1123 Northeast 4<sup>th</sup> Avenue to construct a mixed-use project consisting of a 5-story building with 60 residential units and 2,250 square feet of commercial ground-level retail space, a new surface parking lot and underground parking; and

WHEREAS, on May 19, 2021, the Planning and Zoning Board (PZ Case No. PLN-SITE-20100002), 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, July 6, 2021, at 6:00 P.M., and Tuesday, August 17, 2021, 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 hearings were 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 through the allocation of flexibility meets the criteria of Section 47-24.2 and Section 47-24.4 of the ULDR as enunciated and memorialized in the minutes of its meetings of July 6, 2021 and August 17, 2021, a portion of those findings expressly listed as follows:

1. The proposed CB zoning designation will provide an appropriate transition between the more intense commercial uses along NE 4<sup>th</sup> Avenue and existing residential uses. The CB zoning designation allows for mixed-use provided the request is approved under the conditional use permit application.
2. The proposed rezoning will not adversely impact the character of development in or near the area under consideration. The eastern portion of this property is zoned CB. Commercial and residential uses are already existing in the vicinity of the property.
3. The proposed CB zoning district is compatible with surrounding uses and zoning districts. The eastern portion of the property is zoned CB and the property is adjacent to a bus transit route. Properties to the north and south are zoned CB and consists of vacant lots along NE 4<sup>th</sup> Avenue. The property's proximity to bus transit makes CB an appropriate zoning designation that will allow residential mixed use as well as less intense commercial uses. There are single family, townhouse, and multifamily development to the north, west, and south that are zoned RD-15.

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 Residential Single Family Duplex/Medium Density ("RD-15") zoning district to Community Business ("CB") zoning district, through the allocation of commercial flexibility, the following lands, situated in the City of Fort Lauderdale, Broward County, Florida, to wit:

ALL OF LOTS 25, 26, 27, 28, 29, 30, 31 AND 32, BLOCK 143,  
"PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS  
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  
11<sup>th</sup> Street, east of Northeast 3<sup>rd</sup> Avenue and  
south of Northeast 12<sup>th</sup> Street

More specifically described 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 in accordance with Section 47-28.1.G. – Allocation of commercial use on residential land use designated parcels of the ULDR, the site plan included as Exhibit 4 to Commission Agenda Memorandum No. 21-0569 is hereby approved for the issuance of a Site Plan Level IV permit subject to conditions imposed by the Development Review Committee, Planning and Zoning Board and City Commission.

SECTION 5. That any amendments to the site plan approved as part of this rezoning may be considered in accordance with the provisions for amending a site plan level IV, as provided in Section 47-24.2.A.5, Development permits and procedures.

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.

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 6<sup>th</sup> day of July, 2021.

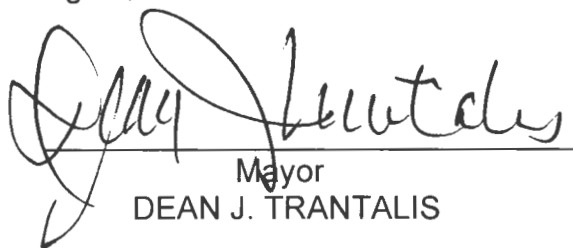
PASSED SECOND READING this 17<sup>th</sup> day of August, 2021.

ATTEST:



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City Clerk  
JEFFREY A. MODARELLI

  
Mayor  
DEAN J. TRANTALIS