

**DEVELOPMENT SERVICES DEPARTMENT
Planning & Zoning Division**

MEMORANDUM

PZ 06-06-99

06/16/99 COUNCIL AGENDA ITEM

TO: Robert Rawls, Interim Town Administrator

THRU: Mark Kutney, AICP, Development Services Director

BY: Jason Eppy, Planner II

DATE: June 2, 1999

RE: ZB 3-3-99 - Ordinance

The attached Ordinance authorizes the rezoning of property from A-3(Cty) to B-2, located at 3000 SW 59th Terrace, as approved by Town Council on June 2, 1999.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-3, UTILITY DISTRICT, OF THE BROWARD COUNTY CODE TO B-2, COMMUNITY BUSINESS DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from A-3, Utility District, of the Broward County Code to B-2, Community Business District; and,

WHEREAS, said notice was given and publication made as required by law on May 5, 1999, and a public hearing thereunder was held on June 2, 1999.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from A-3, Utility District, of the Broward County Code to B-2, Community Business District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof.

b. The applicant has agreed to record Deed Restrictions in a form which is attached hereto and made a part hereof as Exhibit "B", which said undertaking shall be binding upon the applicant and its successors in title.

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as B-2, Community Business District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 1999.

PASSED ON SECOND READING THIS _____ DAY OF _____, 1999.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 1999.

EXHIBIT "A"

DESCRIPTION:

TRHE WEST 210.00 FEET LYING SOUTH OF THE NORTH 100.00 FEET OF TRACT
6, TIER 25 OF NEWMAN'S SURVEY
AS RECORDED IN PLAT BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF DADE
COUNTY FLORIDA.
SAID LANDS SITUATE IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA,
CONTAINING 133,314 SQUARE FEET, 3.061 ACRES, MORE OR LESS.

Prepared by:
H. Collins Forman, Jr., Esq.
H. Collins Forman, Jr. P.A.
1323 Southeast Third Avenue
Fort Lauderdale, Florida 33316

Record and Return to:
Town of Davie
Town Clerk's Office
6591 Orange Drive
Davie, Florida 33314-3399

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that Charles R. Forman and Hamilton C. Forman ("Declarant"), being the Owners of that certain real property located in the Town of Davie, Broward County, Florida and described on Exhibit "A" attached hereto and made a part hereof, voluntarily makes the following Declaration of Restrictions covering the real property described in Exhibit "A" attached hereto, specifying that this Declaration of Restrictions shall constitute a covenant running with the land and that this dedication shall be binding upon the undersigned Declarant and upon all persons deriving or taking title through the undersigned Declarant. These restrictions, during their lifetime, shall be for the benefit of the Town of Davie, Florida.

1. The above described property may be used for any purpose authorized under the applicable zoning category under the Davie Land Code, except for the following uses:

- Bowling Alleys;
- Skating Rinks;
- Dance Halls;
- Clubs (Community Recreation Halls are permitted);
- Golf Courses or Miniature Golf;
- Movie Theaters;
- Performing Arts;
- Pawnshops;
- Pool Rooms or Halls;
- Fast Food Restaurants;
- Dry Cleaners that employ a dry cleaning method that causes soil contamination;
- Commercial facilities that are open to the general public for vehicle painting or repairs, tire sales or repairs;
- Convenience Stores that remain open more than 18 hours in any 24 hour day.

2. These restrictions shall not be construed to grant a use not allowable under the applicable zoning category of the subject property.

3. These covenants are to run with the land and shall be binding upon all parties and persons deriving or taking title through the undersigned Declarant from the date these covenants are recorded in the Public Records of Broward County, Florida. This Declaration of Restrictions may be amended or removed by the Town of Davie, Florida, by a written document of equal formality and dignity and with the approval of the undersigned or its successors or assigns. Any amendment to this Declaration of Restrictions or termination thereof shall be recorded in the Public Records of Broward County, Florida. Nothing herein shall prevent the Declarant or its successors in title or assigns from applying to the Town of Davie, Florida, for modification of the Declaration of Restrictions or termination thereof.

4. Invalidation of any one portion of this Declaration of Restrictions or any portion of this document by judgment or court order in no way shall affect any other provisions, which shall remain in full force and effect.

5. This Declaration of Restrictions is executed for the purpose of protecting the health, safety, and welfare of the residents of the subject property and citizens of the Town of Davie.

6. Nothing herein shall be construed as a modification or waiver of any prior agreements between the parties hereto.

IN WITNESS WHEREOF, I have set my hand and seal this 24 day of June, 1999.

Signed, sealed and delivered:

Maxine Brown
Print name: MAYINE BROWN

ST Jayner
Print name: ST Jayner

Maxine Brown
Print name: MAYINE BROWN

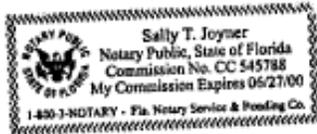
ST Jayner
Print name: ST Jayner

Charles Richard Forman
Charles R. Forman

Hamilton C. Forman
Hamilton C. Forman

STATE OF FLORIDA
COUNTY OF BROWARD

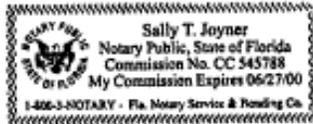
The foregoing instrument was acknowledged before me this 24 day of June, 1999 by Charles R. Forman who is personally known to me ~~or who has produced~~ as identification.



Sally T. Joyner
Notary Public
Print Name: _____
My Commission Expires: (Seal)

STATE OF FLORIDA
COUNTY OF BROWARD

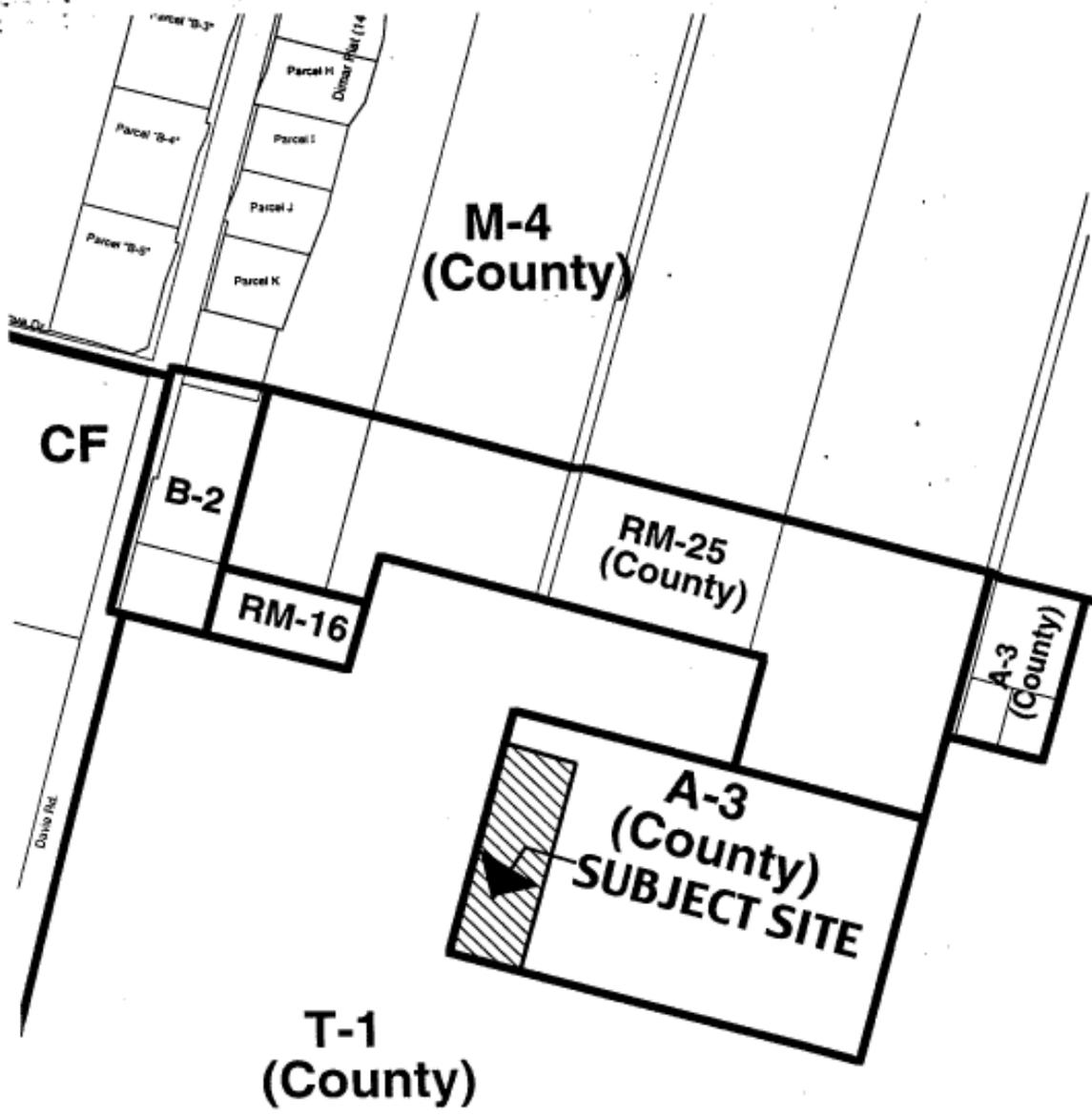
The foregoing instrument was acknowledged before me this 24 day of June, 1999 by Hamilton C. Forman who is personally known to me ~~or who has produced~~ as identification.



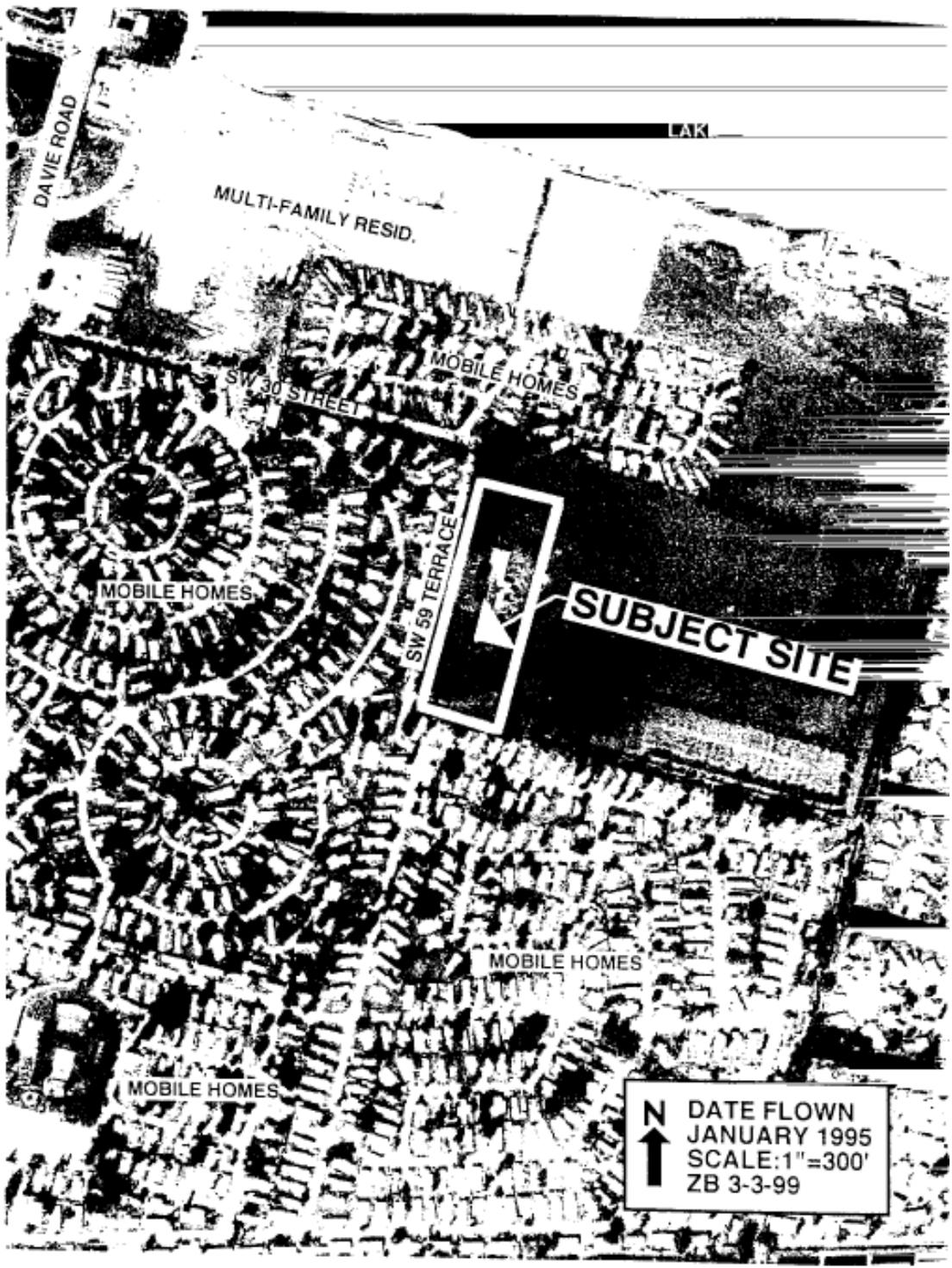
Sally T. Joyner
Notary Public
Print Name: _____
My Commission Expires: (Seal)

EXHIBIT "A"

THE WEST 210 FEET OF THE SOUTH 644 FEET OF TRACT 6, TIER 25 OF
NEWMAN'S SURVEY, ACCORDING TO THE PLAT THEREOF,
RECORDED IN PLAT BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF
BROWARD COUNTY, FLORIDA.



PETITION NUMBER	N
ZB 3-3-99	▲
PREPARED 4/19/99	Scale: 1" = 400'
BY THE PLANNING & ZONING DIVISION	



N
↑
DATE FLOWN
JANUARY 1995
SCALE: 1"=300'
ZB 3-3-99