

**RESOLUTION NO. 19R-12-275**

**A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING TO LE PARC AT LAUDERHILL, LLC, A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW WITHIN THE RESIDENTIAL MULTIFAMILY (RM-40) ZONING DISTRICT A MULTIFAMILY DWELLING UNITS ATTACHED USE ON A 9.93 + ACRE SITE LEGALLY DESCRIBED AS TRACT 1, AT&T NO. 1 127-18B TRACT 1 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS FOLIO #494231340010, N.W. 40<sup>TH</sup> AVENUE., LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, this property is zoned Residential Multifamily (RM-40) Zoning District by the City of Lauderhill Zoning Map; and

WHEREAS, pursuant to the Land Development Regulations (LDR), this use is permitted in the Residential Multifamily zoning district by Special Exception approval only; and

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

Section 1. The Special Exception Use Order of Le Parc at Lauderhill, LLC., to allow within the Residential Multifamily (RM-40) Zoning District a Multifamily Dwelling Units Attached Use on a 9.93+ acre site legally described as Tract 1, AT&T No. 1 127-18B Tract 1 of the Public Records of Broward County Florida, more commonly known as Folio #494231340010, N.W. 40<sup>th</sup> Avenue, Lauderhill, Florida, is hereby approved subject to the following conditions:

1. This Special Exception Use development order for a Multifamily Dwelling Units, Attached Use shall be specifically granted to Le Parc at Lauderhill, LLC and such development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to another entity without further Special Exception approval from the City Commission. Further, this special exception use development order shall automatically expire and become null and void if any entity other than Le Parc at Lauderhill, LLC operates the use.
2. A separate Special Exception shall be required to operate a Child Care Use as shown on Sheet A-3.1.1 (Attachment E) of the Submitted Plans for this application.

3. A Site Plan Approval is required for the New Construction of the proposed Multifamily Development consisting of 330 Dwelling Units as provided by the applicant (Attachment E).
4. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.
5. If the City's Code Enforcement Board assesses a lien for landscaping, trash or other unsightly or unsafe conditions, this special exception use development order may be brought before the City Commission to be reconsidered, at which time the development order or the conditions of approval may be subject to modification, suspension or revocation.
6. If the City's Police Department or Code Department records more than three instances regarding noise, loitering, parking or criminal activity, either from observation by police officers or verified from complaints by three or more unrelated individuals, within any ninety (90) day period, the special exception use may be brought before the City Commission to be reconsidered, at which time the development order or the conditions of approval may be subject to modification, suspension or revocation.
7. Any violation of these conditions of approval may result in a public hearing before the City Commission and may result in the modification, suspension or revocation of this special exception use development order or its conditions or both. Further, consistent with LDR Article IV, Part 1.0., Section 1.8, this development order may be revoked, suspended or modified based on the grounds stated herein. In addition, this development order is subject to post-approval review consistent with LDR Article IV, Part 4.0., Section 4.11.

Section 2. The Staff Report, as prepared by City staff, and all other substantial competent evidence presented at the Commission meeting, is incorporated herein and is hereby adopted as the findings of fact as to this special exception.

Section 3. This Resolution shall take effect immediately upon its passage.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED AND ADOPTED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

PRESIDING OFFICER

ATTEST:

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CITY CLERK

MOTION  
SECOND

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M. BATES  
H. BERGER  
R. CAMPBELL  
D. GRANT  
K. THURSTON

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Approved as to Form

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W. Earl Hall  
City Attorney