

ORDINANCE NO. \_\_\_\_\_

(14-FZV-22)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, CHANGING THE ZONING DESIGNATION OF THE PROPERTY LOCATED AT 2535 N. 40TH AVENUE FROM LOW DENSITY MULTIPLE FAMILY (RM-9) TO LIGHT INTENSITY OFFICE (O-1); APPROVING THE APPLICATION OF THE 5% FLEXIBILITY RULE (RESIDENTIAL TO COMMERCIAL/GENERAL BUSINESS) WITHIN FLEXIBILITY ZONE 82 TO PERMIT COMMERCIAL/GENERAL BUSINESS LAND USE ON THE SUBJECT PROPERTY PURSUANT TO THE CITY'S COMPREHENSIVE PLAN AND POLICY 01.01.04 OF THE BROWARD COUNTY LAND USE PLAN; AND AMENDING THE CITY'S ZONING MAP TO REFLECT SAID CHANGES.

WHEREAS, the City's Zoning and Land Development Regulations provide that an application for a change of zoning designation may be filed; and

WHEREAS, a valid application was filed (14-FZV-22) requesting a change of zoning designation from Low Density Multiple Family (RM-9) to Light Intensity Office (O-1), and the application of the 5% Flexibility Rule (Residential to Commercial/General Business) and a Variance for the property located at 2535 N. 40<sup>th</sup> Avenue, which contains approximately 0.36 net acres as more specifically described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the existing property has a current zoning designation of Low Density Multiple Family (RM-9) and a Future Land Use Designation of Medium Residential (6-10 units/acre); and

WHEREAS, the subject property is adjacent to Low Intensity Multiple Family (RM-9) on the north, east, and west, and Low Intensity Office (O-1) to the south; and

WHEREAS, the Department of Planning, following an analysis of the application and its associated documents, has determined that the proposed change of zoning district is consistent with the City's Zoning and Land Development Regulations, is consistent with the City's Comprehensive Plan, and has therefore, recommended that the proposed request be approved; and

WHEREAS, the subject property cannot be used for Commercial/General Business Use without the application of the 5% Flexibility Rule; and

WHEREAS, the City's Comprehensive Plan (Future Land Use Element- Permitted Uses) and Policy 01.01.04 of the Broward County Land Use Plan require the application of the 5% Flexibility Rule (Residential to Commercial) to permit a change in land use on a residentially designated parcel within Flexibility Zone 82 which will effectively change the underlying land use to Commercial/General Business; and

WHEREAS, the application of the 5% Flexibility Rule to the subject property will allow for the existing building to be used as an office building; and

WHEREAS, the allocation of 0.366acres required to permit the residential to commercial change of land use designation for the subject parcel described in Exhibit "A" will leave a balance of approximately 46.67acres in Flexibility Zone 82; and

WHEREAS, the Department of Planning, following analysis of the application of the 5% Flexibility Rule, recommended it be approved; and

WHEREAS, on April 10, 2014, the Planning and Development Board, acting as the Local Planning Agency, recommended that the City Commission approve 14-FZV-22 and approved a Variance pursuant to Resolution14-FZV-22; and

WHEREAS, the City Commission of the City of Hollywood has conducted duly advertised hearings on rezoning and application of the 5% Flexibility Rule through the above referenced petition and has considered all comments received concerning the proposed request as required by state law and local ordinances and resolutions; and

WHEREAS, the City Commission finds that the rezoning request to Light Intensity Office (O-1) along with the application of the 5% Flexibility Rule, are consistent with the City's Zoning and Land Development Regulations, is consistent with the City's Comprehensive Plan, is consistent with the City-Wide Master Plan, is consistent with Policy 01.01.04 of the Broward County Land Use Plan, and is in the best interest of the citizens of the City of Hollywood;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the applicant has presented competent substantial evidence that the requested rezoning to O-1 is consistent with the City's Zoning and Land Development Regulations, is consistent with the City's Comprehensive Plan, and there is no legitimate public purpose in maintaining the existing zoning.

Section 2: That the subject property, as more particularly described in Exhibit "A", is hereby rezoned from the zoning designation of Low Density Multiple Family (RM-9) to Light Intensity Office (O-1).

Section 3: That the 5% Flexibility Rule pursuant to the City of Hollywood's Comprehensive Plan and Policy 01.01.04 of the Broward County Land Use Plan is

hereby applied to allocate approximately 0.36 acres of flexibility acreage to property located at 2535 N. 40<sup>TH</sup> Avenue, as more particularly described in Exhibit "A" (subject parcel), attached hereto and incorporated herein by reference.

Section 4: That the allocation 0.36 acres within Flexibility Zone 82 to the subject property is hereby approved.

Section 5: That this amendment to the Comprehensive Plan shall be transmitted to the Broward County Planning Council for recertification.

Section 6: That all sections or parts of sections of the Zoning and Land Development Regulations, Code of Ordinances, and all ordinances or parts thereof and all resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 7: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 8: That this Ordinance shall take effect immediately upon its passage and adoption.

Advertised this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
PETER BOBER, MAYOR

ATTEST:

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PATRICIA A. CERNY, MMC,  
CITY CLERK

APPROVED AS TO FORM & LEGALITY  
for the use and reliance of the  
City of Hollywood, Florida only.

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JEFFREY P. SHEFFEL, CITY ATTORNEY