

ORDINANCE NO. _____

(18-PZ-48)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, CHANGING THE ZONING DESIGNATION OF THE PROPERTY GENERALLY LOCATED EAST OF SOUTHWEST 40TH AVENUE ON SOUTHWEST 49TH COURT FROM C-3 (MEDIUM INTENSITY COMMERCIAL) TO GU (GOVERNMENT USE); AMENDING THE CITY'S ZONING MAP TO REFLECT THE CHANGE IN ZONING DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, an Application (18-PZ-48) was filed by Broward County with the Department of Development Services, Planning Division, including a request for a change of zoning district designation from C-3 (Medium Intensity Commercial) to GU (Government Use), for the property generally located east of Southwest 40th Avenue on Southwest 40th Court, with approximately two net acres as more particularly described in the attached Exhibit "A" ("Subject Parcel"); and

WHEREAS, the purpose of this request for change in zoning designation is for the placement of a Public Safety Communication Tower on the property; and

WHEREAS, the Subject Parcel is currently designated C-3 (Medium Intensity) and a Future Land Use Designation of General Business, and the Subject Parcel is currently vacant; and

WHEREAS, the subject parcel abuts Medium Intensity Commercial (C-3) on the north; Industrial Research Office Commercial (IROC) - Dania Beach on the south; Planned Development (PD) on the east; and Single Family 6000 (RS-6000) Dania Beach on the west; and

WHEREAS, the Planning Manager and Planning Administrator, following analysis of the application and its associated documents, has determined that the proposed change of zoning district is consistent with the Zoning and Land Development Regulations, is consistent with the City's Comprehensive Plan and the City-Wide Master Plan, and have therefore recommended approval; and

WHEREAS, on September 6, 2018, the Planning and Zoning Board met and reviewed the above request for a change of zone to GU (Government Use), and forwarded a recommendation of denial to the City Commission; and

WHEREAS, the City Commission finds that the rezoning request to GU (Government Use) is/is not consistent with the Zoning and Land Development Regulations, is/is not consistent with the City of Hollywood's Comprehensive Plan, and is/is not 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 foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That the Applicant has/has not presented competent substantial evidence that the requested rezoning to GU is/is not consistent with the Zoning and Land Development Regulations, is/is not consistent with the City of Hollywood's Comprehensive Plan, and there is/is not a legitimate public purpose in maintaining the existing zoning.

Section 3: That the Subject Parcel, as more particularly described in the attached Exhibit "A", is/is not rezoned from the zoning designation of C-3 (Medium Intensity Commercial) to GU (Government Use).

Section 4: That the Official Zoning Map of the City of Hollywood is/is not amended to incorporate the above described change in zoning designation for the Subject Parcel.

Section 5: That all sections or parts of sections of the Zoning and Land Development Regulations, Code of Ordinances, and all resolutions or parts thereof in conflict are repealed to the extent of such conflict.

Section 6: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, that invalidity shall not affect the validity of any remaining portions of this Ordinance.

REZONING ORDINANCE FOR PROPERTY GENERALLY LOCATED AT SW 49TH COURT (18-PZ-48)

Section 7: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2018.

PASSED on first reading this _____ day of _____, 2018.

PASSED AND ADOPTED on second reading this _____ day of _____, 2018.

RENDERED this _____ day of _____, 2018.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY for the use and reliance of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES, CITY ATTORNEY