

ORDINANCE NO. _____

(23-L-40)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE CITY'S ADOPTED COMPREHENSIVE PLAN BY AMENDING THE LAND USE ELEMENT TO ESTABLISH CERTAIN PERMITTED USES IN AREAS DESIGNATED OPEN SPACE AND RECREATION.

WHEREAS, the City adopted its Comprehensive Plan in September 1989, pursuant to Ordinance O-89-54, and has amended the plan over time; and

WHEREAS, Section 163.3184, Florida Statutes, allows for amendments to the comprehensive plan through an expedited review process; and

WHEREAS, the intent of the Land Use Element of the City's Comprehensive Plan is to lay out the physical plan for future development of the City; and

WHEREAS, the Land Use Element describes appropriate locations for future land uses and declares the policies regulating the location and development of all land uses; and

WHEREAS, the proposed Land Use Element text amendment will establish civic and cultural buildings, community facilities and utility uses as permitted uses in areas designated open space and recreation, as more specifically described in the attached Exhibit "A"; and

WHEREAS, Broward Next allows municipalities to have greater flexibility in the process for the incorporation of community facilities and/or utility uses within the land use element of the comprehensive plan as such uses serve a public purpose to promote health, safety and welfare; and

WHEREAS, the proposed text amendment is the same language found in the "Permitted Uses" section of Broward Next, which brings the City's Comprehensive Plan more into compliance with the County's comprehensive plan; and

WHEREAS, pursuant to state law, the Planning and Development Board, acting in its capacity as the Local Planning Agency, held a duly noticed public hearing on September 12, 2023, to review the proposed comprehensive plan amendment and has forwarded a recommendation of approval to the City Commission; and

WHEREAS, Section 163.3184, Florida Statutes, requires that the adoption of plan amendments shall be by ordinance; and

WHEREAS, pursuant to state law, the City Commission (“local governing body”) has conducted two duly advertised public hearings on the proposed plan amendments to the Comprehensive Plan’s Land Use Element and land use map series for the future land use element, one at transmittal stage and one at the adoption stage in compliance with Section 163.3184, Florida Statutes and local ordinances, including review of the objections, recommendations and comments of the Florida Department of Economic Opportunity, if any; and

WHEREAS, the City Commission, after due consideration of all matters, finds that the proposed amendments are consistent with the City of Hollywood’s Comprehensive Plan and the Broward County Comprehensive Plan, the State of Florida Plan, the South Florida Regional Planning Council Regional Plan, and complies with the requirements of the Local Government Comprehensive Planning and Land Development Act; and

WHEREAS, the City Commission, after review of the recommendations of the Director of the Development Services, the Local Planning Agency, comments made at a public hearing, and careful consideration of the issues, finds that the proposed amendments are in the best interest of the health, safety, and welfare of the citizens of the City; and

WHEREAS, the City Commission is transmitting to the Broward County Planning Council an amendment to the City’s Land Use Element of its Comprehensive Plan; and

WHEREAS, the City requests that Broward County transmit the City’s land use amendment for review by the Florida Department of Economic Opportunity.

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 into this Ordinance.

Section 2: That the Land Use Element of the City of Hollywood’s Comprehensive Plan is amended as more specifically set forth in the attached Exhibit “A.”

Section 3: That the attached comprehensive plan text amendment set forth in Exhibit “A” to the City of Hollywood’s Comprehensive Plan shall be transmitted to the State of Florida Department of Economic Opportunity in compliance with Chapter 163, Florida Statutes, and also to the Broward County Planning Council for recertification.

Section 4: That the City of Hollywood’s Comprehensive Plan Future Land Use Element shall be amended to reflect the proposed Land Use Element changes.

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Section 5: If any word, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 6: That pursuant to Section 163.3184(3)(c)(4), Florida Statutes, the effective date of this Ordinance shall be 31 days after the state planning agency notifies the City that the plan amendment package is complete or if timely challenged, the date a final order is issued by the state land planning agency or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier.

ADVERTISED on _____, 2023.

PASSED on first reading this _____ day of _____, 2023.

PASSED AND ADOPTED on second reading this _____ day of _____, 2023.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM:

DOUGLAS R. GONZALES
CITY ATTORNEY

EXHIBIT "A"

LAND USE ELEMENT

V. Analysis and Issues.

Future Land Use Categories.

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Permitted Uses in Areas Designated Open Space and Recreation

The following uses are allowed within Open Space and Recreation areas to the degree and extent permitted by the applicable zoning regulations.

1. Active and passive outdoor recreation.
2. Recreational, educational, civic or cultural buildings which are ancillary or accessory to the primary recreational use.
3. Golf courses, (which are intended to remain as permanent open space).
4. Water oriented activities; such as boat docks and boat ramps.
5. Camping ground and facilities.
6. Outdoor cultural, educational and civic structures and uses.
7. Concessions only when accessory to above uses.
8. Any uses allowed in Conservation.
9. Civic and cultural buildings may be permitted if they are ancillary to the primary recreation use of the site.
10. Community facilities and utility uses, up to five acres, provided that the:
 - a. Community facility and/or utility uses are publicly owned and intended to serve a public purpose to promote health, safety and welfare;
 - b. The City of Hollywood meets the minimum open space requirement of three acres per 1,000 existing and projected permanent residents;
 - c. The proposed community facility or utility use is limited to no more than five acres and The City of Hollywood demonstrates that sufficient and functional open space serving the area residents will be retained.

For a detailed discussion of the rules regarding Open Space and Recreation, see the "Open Space and Recreation" element.