

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

(17-DFPSV-12)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING THE APPLICATION OF THE 5% FLEXIBILITY RULE (RESIDENTIAL TO COMMERCIAL) TO APPROXIMATELY ONE ACRE FOR THE PROPERTY LOCATED AT 831 N. HIGHLAND DRIVE (3500 BUILDING), PURSUANT TO THE CITY OF HOLLYWOOD'S COMPREHENSIVE PLAN AND POLICY 13.01.10 OF THE BROWARD COUNTY LAND USE PLAN; AMENDING THE CITY'S LAND USE MAP TO REFLECT THE CHANGE IN LAND USE DESIGNATION.

WHEREAS, the City's Comprehensive Plan and Zoning and Land Development Regulations provide that an application for use of the 5% Flexibility Rule may be filed; and

WHEREAS, an application (17-DFPSV-12) was filed with the Department of Development Services, Planning and Urban Design Division requesting the application of the 5% Flexibility Rule to the property located at 831 N. Highland Drive (3500 Building), as more specifically described in Exhibit "A", pursuant to the City's Comprehensive Plan and Policy 13.01.10 of the Broward County Land Use Plan, which will change the Future Land Use Designation from Residential to Commercial for the portion zoned O-1 (Low Intensity Office District) only; and

WHEREAS, the portion of the subject parcel is located within a Light Intensity Office Zoning District, contains approximately one net acre, has a current City Land Use Plan Designation of Low Residential and a County Land Use Plan Designation of Residential; and

WHEREAS, the portion of the subject parcel has a current zoning designation of O-1 (Low Intensity Office District) with HD (Hospital District) to the north, RS-5 (Single Family District) to the south and east, and O-1 to the west; and

WHEREAS, the portion of the subject parcel is adjacent to the following land uses: Community Facility to the north, Low Residential to the south and east, and Office to the west; and

WHEREAS, the City's Comprehensive Plan (Land Use Element) and Policy 13.01.10 of the Broward County Land Use Plan allows for the application of the 5% Flexibility Rule (Residential to Commercial) to permit the redesignation of approximately one net acre of the property on a residential designated parcel within Flexibility Zone 88 to be used for a commercial use to comply with Policy 13.01.10; and

WHEREAS, there are currently 111.9 acres available in Flexibility Zone 88 and if the request for the application of the 5% of the Flexibility Rule is approved, there would be 110.9 acres still remaining in Flexibility Zone 88; and

WHEREAS, the application of the 5% Flexibility Rule to this subject property will not exceed the available acreage for application of the Residential to Commercial Flex Rule; and

WHEREAS, the Planning Manager and the Principal Planner, following analysis of the application and its associated documents, have determined that the application of the 5% residential to commercial flexibility rule from Flexibility Zone 88 is consistent with the City's Comprehensive Plan, and have therefore recommended that it be approved; and

WHEREAS, on February 9, 2021, the Planning and Development Board, acting as the local planning agency, met and reviewed the request for the application of the 5% Flexibility Rule, and have forwarded a recommendation of approval to the City Commission; and

WHEREAS, the City Commission finds that the request for application of the 5% Flexibility Rule (Residential to Commercial) is consistent with the Zoning and Land Development Regulations, is consistent with the City of Hollywood Comprehensive Plan, and is in the best interest of the citizens of the City.

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 5% Flexibility Rule (Residential to Commercial) pursuant to the City of Hollywood's Comprehensive Plan and Policy 13.01.10 of the Broward County Land Use Plan is hereby applied to approximately one net acre of flexibility acreage to property located at 831 N. Highland Drive (3500 Building), as more specifically described in the attached Exhibit "A," whereby the land use designation will change from Residential to Commercial for the portion zoned O-1 (Light Intensity Office District) only.

Section 3: That all sections or parts of sections of the Zoning and Land Development Code, Code of Ordinances, and all ordinances or parts thereof and all resolutions or parts thereof in conflict are repealed to the extent of such conflict.

Section 4: That 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.

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Section 5: That the City of Hollywood's Land Use Map is amended to incorporate the above change in land use designation for the subject parcel.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised \_\_\_\_\_, 2021.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
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.

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DOUGLAS R. GONZALES  
CITY ATTORNEY