

ORDINANCE NO. _____

(25-L-73)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION FOR 2.98 GROSS ACRES OF LAND LOCATED AT 1301 SOUTH OCEAN DRIVE, GENERALLY LOCATED ON THE NORTH SIDE OF BOUGAINVILLE TERRACE, ON THE SOUTH SIDE OF AZALEA TERRACE, ON THE EAST SIDE OF S. OCEAN DRIVE, AND WEST SIDE OF THE HOLLYWOOD BROADWALK, FROM THE LAND USE DESIGNATION COMMUNITY FACILITY (COMFAC) TO MEDIUM HIGH (25) RESIDENTIAL (MHRES); AMENDING THE CITY'S LAND USE MAP TO REFLECT THE CHANGES.

WHEREAS, the City, pursuant to the Community Planning Act and in accordance with all of its terms and provisions, has prepared and adopted a Comprehensive Plan that has been approved by the State of Florida Land Planning Agency and certified by the Broward County Planning Council; and

WHEREAS, the City's Zoning and Land Development Regulations provide that an application for a Land Use Plan Amendment ("LUPA") may be filed; and

WHEREAS, a valid application (23-L-19) ("Application") was jointly filed by the City, as property owner, and the City's Public-Private Partner, PRH 1301 S. Ocean Drive, LLC (collectively "Applicants") for a change of land use designation of 2.98 acres from Community Facility (COMFAC) to Medium High (25) Residential (MHRES) for the property located at 1301 S. Ocean Drive and abutting rights-of-way, generally located on the north side of Bougainville Terrace, south side of Azalea Terrace, east side of S. Ocean Drive, and west side of the Hollywood Broadwalk as more specifically described in Exhibit "A" ("Subject Property"); and

WHEREAS, the existing zoning for the Subject Property is Government Use (GU); and

WHEREAS, on May 9, 2023, Staff of the Department of Development Services, Planning and Urban Design Division, recommended that the Planning and Development Board, acting as the City's Local Planning Agency, recommend approval of the Application to the City Commission with the following conditions:

1. Prior to recertification of the City's Comprehensive Plan by the Broward County Planning Council, as a result of the proposed land use change, the Applicants shall:

- a. Record in the Public Records of Broward County, a Declaration of Restrictive Covenants providing for the preservation of certain City-owned property and rights-of-way outside the P3 project site for open space and recreational purposes. The Declaration of Restrictive Covenants will also address the preservation of natural resources, open space, and beach access.
2. During the Site Plan approval process the Applicants shall identify all required transportation network improvements resulting from proposed development of the subject property improvements as identified in the LUPA's traffic study; and

WHEREAS, on May 9, 2023, the Planning and Development Board, acting as the City's Local Planning Agency, recommended that the City Commission deny the Application; and

WHEREAS, since the Planning and Development Board recommended denial, the Applicants have revised the Application considering feedback received, and have updated and evaluated supporting technical documentation, including transportation, utilities, coastal management, concurrency, and environmental analyses, and the updated information demonstrates adequate capacity to accommodate the proposed amendment; and

WHEREAS, the City Commission has conducted duly advertised hearings on the future land use amendment proposed through the Application and has considered all comments received concerning the proposed amendment as required by state law and local ordinances; and

WHEREAS, the City Commission finds that the proposed amendment is consistent with the goals, policies, and objectives of the City's Comprehensive Plan, Article 1 of the Broward County Administrative Rules Document, and Broward County Land Use Plan.

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 land use designation of the Subject Property described in Exhibit "A" hereto, generally located on the north side of Bougainvillea Terrace, south side of Azalea Terrace, east side of S. Ocean Drive, and west side of the Hollywood Broadwalk, together with abutting rights-of-way, is changed from COMFAC to MHRES with the following conditions:

1. Prior to recertification of the City's Comprehensive Plan by the Broward County Planning Council, as a result of the proposed land use change, the Applicants shall:

- a. Record in the Public Records of Broward County a Declaration of Restrictive Covenants for the preservation of certain City-owned property for open space and recreational purposes in a form to be approved by the City Attorney. The Declaration of Restrictive Covenants shall address the preservation of natural resources, open space, and beach access.
2. During the Site Plan approval process the Applicants shall identify all required transportation network improvements resulting from proposed development of the subject property improvements as identified in the LUPA's traffic study.
3. Prior to Second Reading, the Applicants shall continue to coordinate with the Department of Public Utilities to confirm that projected wastewater flows can be accommodated. If system upgrades are required, the Applicants shall identify necessary improvements, such as pump, force main, or gravity system modifications, and secure approval of an improvement plan to the satisfaction of the Director of Public Utilities prior to Site Plan Approval.

Section 3: That the Official Land Use Map of the City of Hollywood is amended to incorporate the above listed change in land use designation.

Section 4: That all sections or parts of sections of the Comprehensive Plan, Zoning and Land Development Regulations, Code of Ordinances, and all ordinances and resolutions or parts thereof in conflict are repealed to the extent of such conflict.

Section 5: 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.

Section 6: That this Ordinance shall become effective 31 days after adoption unless timely challenged, in which case it shall become effective upon the State Land Planning Agency or the Administrative Commission, respectively, issuing a final order determining that the adopted amendment is in compliance with Chapter 163, Florida Statutes.

Section 7: That the City Manager or designee is hereby directed to seek recertification of the amendment by the Broward County Planning Council upon the effective date of this Ordinance.

Section 8: The City Commission authorizes Staff to pursue available remedies to obtain conformity with the Broward County Comprehensive Plan.

Section 9: That no development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment becomes effective.

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Advertised this _____ day of _____, 2025.

PASSED on first reading this _____ day of _____, 2025.

PASSED AND ADOPTED on second reading this _____ day of _____, 2026.

RENDERED this _____ day of _____, 2026.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM:

DAMARIS HENLON
CITY ATTORNEY