

ORDINANCE NO. O-2017-09

(15-JPZ-44)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ORDINANCE NO. O-76-25, THE HILLCREST PUD ORDINANCE, AS AMENDED BY RESOLUTION R-81-56, ORDINANCES O-81-80, O-84-54, O-87-39, O-93-75, O-99-09, O-2000-05, O-2002-34, O-2009-38, O-2013-11 AND O-2016-10, BY AMENDING EXHIBIT "A" OF O-2016-10 TO MODIFY THE CONDITIONS TO THE HILLCREST PUD-R MODIFIED SITE PLAN FOR PHASE 2 OF THE PREVIOUSLY APPROVED 645 RESIDENTIAL UNITS AND AMENITIES, INCLUDING BUT NOT LIMITED TO THE GOLF COURSE.

WHEREAS, the previously existing development has already established the character and nature of the Hillcrest PUD project; and

WHEREAS, on May 18, 2016, the City Commission adopted Ordinance No. O-2016-09, which approved a land use amendment to change the designations of the Hillcrest property from the land use designation of Open Space and Recreation (18 hole golf course) to Irregular Residential within a portion of the dash line area (11.5 units per acre) for a residential development, and said amendment is being processed through Broward County and the State planning agency to be considered for adoption by the City Commission at a later date; and

WHEREAS, on May 18, 2016, the City Commission adopted Ordinance No. O-2016-10, which amended the Hillcrest PUD-R by specifically amending Subsection (3)(B) to modify the final site plan to redistribute the previously approved 645 residential units and amenities, including but not limited to portions of the 9-hole and 18-hole golf courses and modify certain development standards within the residential portion of the project, and the approved Ordinance included conditions for both Phase 1 and Phase 2; and

WHEREAS, open space requirements, amenities for recreation, project utilities and other capital improvements required with respect to Phase 1 are under construction and in accordance with conditions of approval; and

WHEREAS, the Applicant has requested that the Phase 2 conditions set forth in Exhibit "A" of Ordinance No. O-2016-10 be amended to allow the issuance, prior to plat recordation, of building permits to facilitate certain site work for the project which includes but is not limited to earthwork, utilities, paving and drainage, and off-site improvements; and

WHEREAS, the Department of Development Services, Planning Division and staff, following review and analysis of the application and its associated documents,

have determined that the proposed amendment/modifications to the conditions set forth in Exhibit "A" of Ordinance No. O-2016-10 for Phase 2 of the Final Site Plan, are consistent with the Zoning and Land Development Regulations, are consistent with the City's Hollywood Comprehensive Plan and the City-Wide Master Plan, and have therefore forwarded a recommendation of approval of the amendments/ modifications to the conditions as more specifically set forth on Exhibit "A" attached hereto and incorporated by reference; and

WHEREAS, the City Commission has conducted duly advertised hearings on the proposed ordinance through the above referenced petition and has considered all comments received concerning the proposed amendment/modifications as required by state law and local ordinances and resolutions; and

WHEREAS, the City Commission finds that the request to amend/modify the conditions to the Hillcrest PUD-R modified Final Site Plan for Phase 2 (specifically subsection 3(B) of Ordinance No. O-2016-10), is consistent with the Zoning and Land Development Regulations, is consistent with the City of Hollywood's Comprehensive 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 Section 3(B) of Ordinance No. O-76-25 commonly known as the "Hillcrest PUD," as amended by Resolution R-81-56, Ordinance Nos. O-81-80, O-84-54, O-87-39, O-93-75, O-99-09, O-2000-5, O-2002-34, O-2009-38, O-2013-11, and O-2016-10 shall be further amended/modified only as to Phase 2 conditions established in O-2016-10 Exhibit "A" as more specifically set forth in the amended Exhibit "A" attached hereto and incorporated herein by reference, and the attached Exhibit "A" will replace and supersede the Exhibit "A" approved under Ordinance No. O-2016-10.

Section 2: That all other conditions and provisions of Ordinance No. O-76-25, as amended by Resolution R-81-56, Ordinance Nos. O-81-80, O-84-54, O-87-39, O-93-75, O-99-09, O-2000-05, O-2002-30, O-2009-38, and O-2016-10, not amended by this Ordinance shall remain in full force and effect.

Section 3: That the Developer shall remit all fees applicable to naming streets within the proposed development and an application shall be submitted to the City's naming committee for the naming of the streets within Phase II of the development.

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


ORDINANCE HILLCREST PUD-R AMENDMENT TO CONDITIONS PREVIOUSLY APPROVED IN ORDINANCE NO. O-2016-10.

Section 5: That this ordinance shall be in full force and affect upon its passage and adoption.

Advertised June 15, 2017.

PASSED on first reading this 21 day of June, 2017.

PASSED AND ADOPTED on second reading this 3 day of July, 2017.



JOSH LEVY, MAYOR

ATTEST:


PATRICIA A. CERNY, MMC, CITY CLERK

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



ALAN FALLIK, ACTING CITY ATTORNEY

EXHIBIT "A"
CONDITIONS TO HILLCREST PUD-R MODIFIED SITE PLAN (2016/2017)

The developer shall execute the attached Hold Harmless Agreement (Attachment 1 to Exhibit "A") prior to the issuance of any permits. The Applicant shall comply with conditions for each Phase as set below with the exception of the improvements outlined in the Hold Harmless Agreement.

A. Conditions within Phase 1:

1. Prior to the issuance of any Building Permit's, the following items shall be submitted to the City:
 - a) The Applicant shall provide the Declaration of Restrictive Covenants, in a form acceptable to the City Attorney's Office and recorded in the Public Records of Broward County; and
 - b) Provide documentation relating to the abandonment or relocation of easements as required to implement the Modified Final Site Plan; and
 - c) Provide documentation relating to the finalization of access with Tobin properties at Hillcrest roundabout; and
 - d) Park Impact shall be satisfied; and
 - e) Provide a copy of the homeowners/condominium association documents which will include a restriction prohibiting any conversion of the garages, and prohibiting asphalt shingles on any roof; and
 - f) Final design of all public improvements including any additional requirements required by the Plats or Land Use Plan Amendment shall be completed; and
 - g) Full road width restoration required on all streets impacted within rights-of-way required, as well as provide a restoration plan; and
 - h) Applicant shall provide copies of all outside agency permits that must be obtained, including but not limited to FDOT and Broward County.
2. Prior to the issuance of the 60th Certificate of Occupancy for a principal building:
 - a) Provide a school access and parking easement and a shared parking agreement, in a form acceptable to the City Attorney's Office. However, a temporary shared parking agreement, acceptable to the City, must be obtained prior to eliminating access to and use of parking spaces on the

existing school property together with spaces provided for under the existing shared parking agreement associated with the clubhouse property, and shall be in effect until such time that the Certificate of Occupancy for the clubhouse amenity is obtained; and

- b) Provide a right-of-way license and maintenance agreement for neighborhood signage and right-of-way enhancements; and
 - c) Provide an access and parking easement, in a form acceptable to the City Attorney's Office, for access to development's access and Hillcrest Drive roundabout for Building 21; and
 - d) All amenities (i.e. Clubhouse, tennis courts, pools, etc.) shall be completed; and
 - e) Bus shelter easements and the installation of solar lighted shelter units at all bus stops to be completed or in the alternative, the Developer shall remit to the City a cash payment equivalent for the construction of the solar lighted bus shelter units by the City.
3. Reclaimed Water Reuse Agreement for the use of re-use water for irrigation purpose needs to be executed by the property owner who will own the project after the first Certificate of Occupancy.
4. Should Broward County and/or the State approve certain material changes not addressed by the City in the O-2016-09 (PO-2015-33) (LUPA Amendment), which may affect aspects of this Final Site Plan the City is free to reopen the Site Plan (O-2016-10) (PO-2016-03) to address the changes made by the County within 60 days action. Further, if Broward County approves certain material changes not addressed by the City in the Plat Resolution (R-2016-139), which may affect aspects of this Final Site Plan the City is free to reopen the Site Plan (O-2016-10) (PO-2016-03) to address the changes made by the County within 60 days action.

B. Conditions within Phase 2:

1. No development permit shall be issued for a principal building, within the Phase 2 (18-hole golf course), until the Land Use Plan Amendment (PC 16-1) is approved by Broward County, all conditions of Ordinance O-2016-09 (PO-2015-33) have been satisfied, and the Hillcrest Country Club South Plat has been recorded. Site work building permits may be issued prior to plat recordation, and site work includes but is not be limited to earthwork, utilities, paving and drainage and off site improvements. The developer shall execute the attached Hold Harmless Agreement (Attachment 1 to Exhibit "A") prior to the issuance of site work building permits.

2. Prior to the issuance of any Building Permit's, the following items shall be submitted to the City:
 - a) Park Impact Fee shall be satisfied; and
 - b) Provide a copy of the homeowners/condominium association documents which will include a restriction prohibiting any conversion of the garages, and prohibiting asphalt shingles on any roof; and
 - c) Bus shelter easements and the installation of solar lighted shelter units at all bus stops to be completed or in the alternative, the Developer shall remit to the City a cash payment equivalent for the construction of the solar lighted bus shelter units by the City; and
 - d) Final design of all public improvements including any additional requirements required by the Plats or Land Use Plan Amendment shall be completed; and
 - e) The City maintains an existing forcemain through an existing utility easement connecting sanitary sewer for the property at the SE corner of the 18 hole Golf Course to a manhole on Hillcrest Drive. Approval of the modified Final Site Plan is contingent upon the existing forcemain being relocated as indicated on the Final Site Plan that obtained sign-off. The referenced easement needs to be vacated and a new easement provided for the relocate forcemain as shown on the modified Final Site Plan. The survey also shows a 6' FPL Utility easement, which appears to be for the lift station W-17. The electrical service for the existing lift station needs to be provided from another source provided and installed by this project, and the easement needs to be vacated. A new easement acceptable to FPL will need to be provided for new electrical service. All coordination with FPL will need to be done by the developer; and
 - f) The proposed project calls for two existing FDOT drainage retention ponds, within existing FDOT drainage easements, to be relocated. New easements acceptable to FDOT will need to be provided for the relocated ponds.
3. Reclaimed Water Reuse Agreement for the use of re-use water for irrigation purpose needs to be executed by the property owner who will own the project after the first Certificate of Occupancy.
4. Should Broward County and/or the State approve certain material changes not addressed by the City in the O-2016-09 (PO-2015-33) (LUPA Amendment), which may affect aspects of this Final Site Plan the City is free to reopen the Site Plan (O-2016-10)(PO-2016-03) to address the changes made by the County within 60 days action. Further, if Broward County approve certain material changes not addressed by the City in the Plat Resolution (R-2016-139), which may affect aspects of this Final Site Plan the City is free to reopen the Site Plan (PO-2016-03) to address the changes made by the County within 60 days action.

HOLD HARMLESS AGREEMENT

THIS HOLD HARMLESS AGREEMENT ("Agreement") is entered into this _____ day of _____, 2017 by Hillcrest Country Club Limited Partnership / Pulte Home Corporation., a Florida corporation (hereinafter referred to as "Developer"), in favor of the CITY OF HOLLYWOOD, FLORIDA (hereinafter referred to as "City").

WITNESSETH:

WHEREAS, Developer, pursuant to Ordinance No. _____, as more specifically set forth in Exhibit "A" of said Ordinance, is required to hold the City harmless against any claims arising from accidents/incidents as a result of acquiring, prior to plat recordation, Site Work building permits for Phase 2 which shall be issued for site work that includes but is not limited to earthwork, utilities, paving and drainage and off-site improvements site work for Phase2 (18-Hole Golf Course) and

WHEREAS, Developer does hereby present this Hold Harmless Agreement unto the City as a condition to the issuance of Site Work permits and with the understanding that this Agreement will not be recorded until such time as Developer applies for the issuance of a Certificate of Occupancy or Completion.

NOW, THEREFORE, in consideration of the mutual agreements and covenants contained herein and for other good and valuable consideration, it is mutually agreed as follows:

1. **Incorporation of Recitals.** The parties acknowledge that they have read and understand the above recitals, that they are true and correct, and they are hereby incorporated herein to this Agreement.

2. **Indemnification.** Developer agrees to release, discharge, indemnify, defend and hold harmless City, its employees, agents, officers, and representatives, from and against any and all claims and actions of whatever kind or nature, arising out of or resulting from the approval of Ordinance No. _____, and the issuance of any and all Site Work permits issued for site work that includes but is not limited to earthwork, utilities, paving and drainage and of-site improvements site work for Phase2 (18-Hole Golf Course). Such obligation to indemnify and hold harmless shall continue notwithstanding any negligence or comparative negligence on the part of the City relating to such loss, injury or damage and shall include all costs, expenses and liabilities incurred by the City in connection with any such claim, suit, action, or cause of action, including the investigation thereof and the defense of any action or proceeding brought thereon and any order, judgment or decree which may be entered in any such action or proceeding or as a result thereof. These provisions shall survive the expiration or earlier termination of the use of the lot. Nothing herein shall be construed to affect in any way the City's rights, privileges, and immunities as set forth in Section 768.28, Florida Statutes.

2. **Enforcement Costs.** In any proceeding brought to enforce or determine rights and/or obligations under this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees, court costs and other expenses incurred in connection therewith from the non-prevailing party in addition to any other relief to which the prevailing party may be entitled.

3. **Covenant Running with the Land.** This Agreement shall constitute a covenant running with the title to the Subject Property and respective lots and shall remain in full force and effect and be enforceable and binding in a court of law upon the Developer, and its successors, heirs, assigns, transferees and all parties claiming under them until such time as the same is modified or released by the City Manager or his designee, the Director of Planning.

4. **Entire Agreement.** This Agreement constitutes and represents the entire agreement between the parties respecting the subject matter herein and supersedes any prior understandings or agreements. This

Agreement shall be governed by Florida law, and the jurisdiction for any claims brought hereunder shall be in the courts of Broward County, Florida. The provisions of this instrument shall become effective upon the recordation of this Agreement in the Public Records of Broward County, Florida.

IN WITNESS WHEREOF, Developer has caused this Agreement to be duly executed on the day and year first above written.

Hillcrest Country Club Limited Partnership /
Pulte Home Corporation., a Florida corporation

By: _____

Name, President

Printed Name: _____

Printed Name: _____

LEGAL AD
CITY OF HOLLYWOOD

NOTICE IS HEREBY GIVEN in accordance with Section 166.041 Florida Statutes that the City Commission of the City of Hollywood, Florida, at a Regular City Commission Meeting, on Monday, July 3, 2017, in the City Commission Chambers, Room 219, General Joseph W. Watson Circle, Hollywood, Florida, proposes to consider on second and final reading the following proposed ordinance(s):

Proposed Ordinance - PO-2017-11 beginning at: 1:30 PM, or as soon thereafter as same can be heard:

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 119 OF THE CODE OF ORDINANCES ENTITLED "VACATION RENTAL LICENSE PROGRAM" TO REVISE THE DEFINITION OF A VACATION RENTAL; TO REQUIRE COMPLIANCE INSPECTIONS FOR VACATION RENTALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Proposed Ordinance - PO-2017-12 beginning at: 5:00 PM, or as soon thereafter as same can be heard:

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ORDINANCE NO. O-76-25, THE HILLCREST PUD ORDINANCE, AS AMENDED BY RESOLUTION R-81-56, ORDINANCES O-81-80, O-84-54, O-87-39, O-93-75, O-99-09, O-2000-05, O-2002-34, O-2009-38, O-2013-11 AND O-2016-10 BY AMENDING EXHIBIT "A" OF O-2016-10 TO MODIFY THE CONDITIONS TO THE HILLCREST PUD-R MODIFIED SITE PLAN FOR PHASE 2 OF THE PREVIOUSLY APPROVED 645 RESIDENTIAL UNITS AND AMENITIES, INCLUDING BUT NOT LIMITED TO THE GOLF COURSE. (15-JPZ-44a)

The proposed ordinance(s) may be inspected by the public in the Office of the City Clerk, Room 221, General Joseph W. Watson Circle, Hollywood, Florida, between the hours of 7:00 AM and 5:45 PM on any regular working day. Interested parties may appear at the aforesaid time and place and be heard with respect to the proposed ordinance(s).

NOTE: Any person who decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting will need a record of the proceedings, and it will be their responsibility to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Please call 954-921-3211 for any questions regarding the above matter.

Persons with disabilities who require reasonable accommodation to participate in City programs and/or services may call the Office of the City Manager five business days in advance at 954-921-3201 (voice). If an individual is hearing or speech impaired, please call 800-955-8771 (V-TDD).

Dated this 15th day of June, 2017.

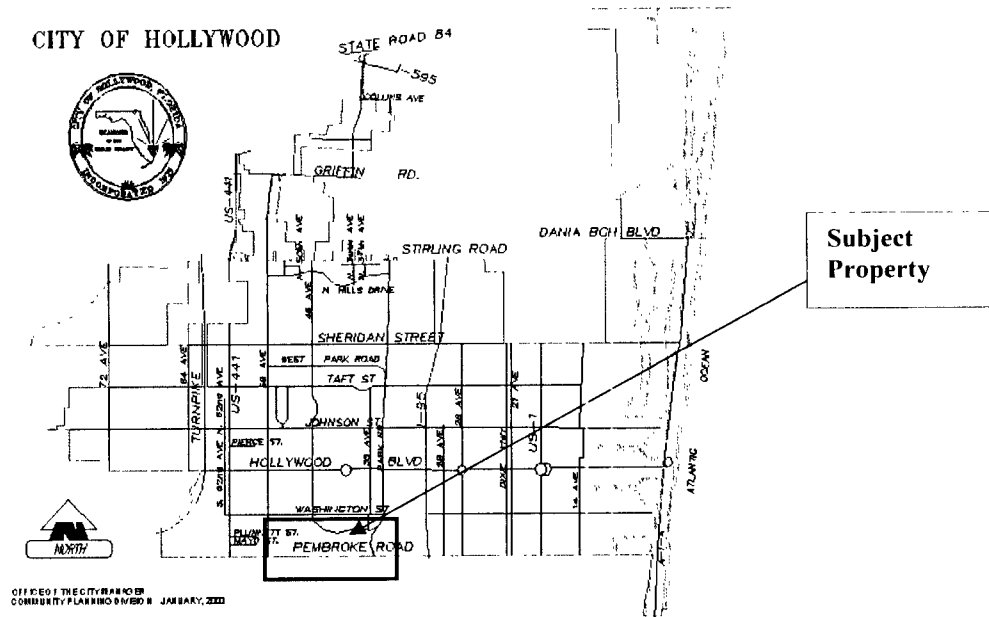
Patricia A. Cerny, MMC
City Clerk
Hollywood, FL

THE SUN SENTINEL/LEGAL AD
PUBLISH: Thursday, June 15, 2017
FURNISH PROOF OF PUBLICATION

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CITY OF HOLLYWOOD SECOND READING

The City of Hollywood City Commission will hold a public hearing on the proposed ordinance on **Monday, July 3, 2017 at 5:00 PM**, or as soon thereafter as same can be heard in the City Commission Chambers, Room 219, second floor of Hollywood City Hall, located at 2600 Hollywood Boulevard.



FILE NO: PO-2017-12 (15-JPZ-44a)
APPLICANT: Hillcrest Country Club, Limited Partnership
LOCATION: 4600 Hillcrest Drive
REQUEST:

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ORDINANCE NO. O-76-25, THE HILLCREST PUD ORDINANCE, AS AMENDED BY RESOLUTION R-81-56, ORDINANCES O-81-80, O-84-54, O-87-39, O-93-75, O-99-09, O-2000-05, O-2002-34, O-2009-38, O-2013-11 AND O-2016-10 BY AMENDING EXHIBIT "A" OF O-2016-10 TO MODIFY THE CONDITIONS TO THE HILLCREST PUD-R MODIFIED SITE PLAN FOR PHASE 2 OF THE PREVIOUSLY APPROVED 645 RESIDENTIAL UNITS AND AMENITIES, INCLUDING BUT NOT LIMITED TO THE GOLF COURSE.

A copy of the proposed application materials, and legal description for the above petitions are on file in the Department of Development Services, and is available for public review during normal business hours.

Comments of any interested party relative to this matter may be submitted in writing and/or presented in person at the meeting. Any person who decides to appeal any decision made by the board, agency or commission with respect to any matter considered at this meeting will need a record of the proceedings, and it will be their responsibility to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Please call (954) 921-3306 for any questions regarding the above matters.

Two or more members of any other city board, commission, or committee, who are not members of this board may attend this meeting and may, at that time, discuss matters on which foreseeable action may later be taken by their board, commission, or committee.

Persons with disabilities who require reasonable accommodation to participate in City programs and/or services may call the Office of the City Manager five business days in advance at (954) 921-3201. If an individual is hearing or speech impaired, please call (800) 955-8771 (V-TDD).

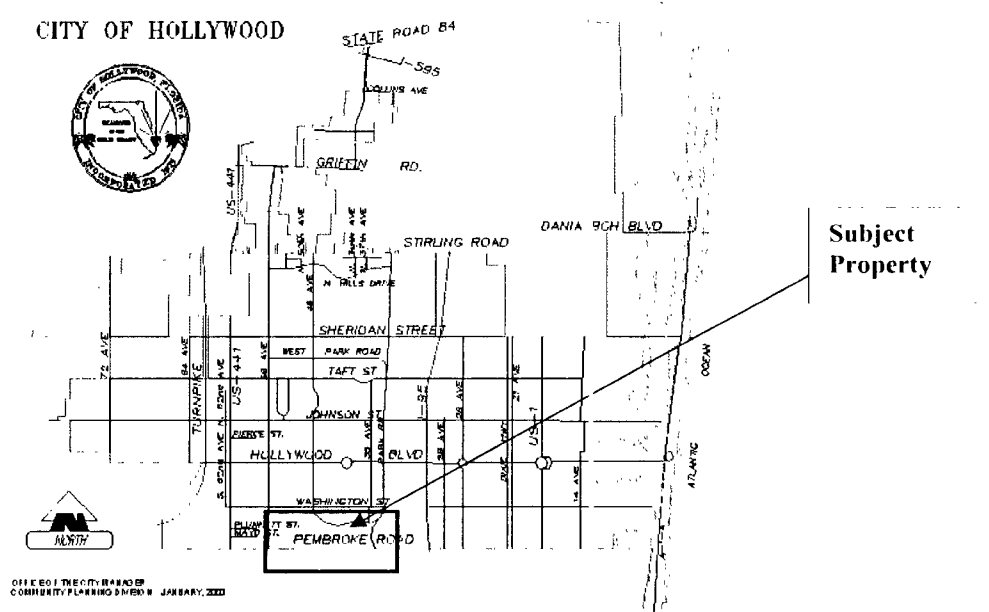
Dated this 15th day of June, 2017.

Patricia A. Cerny, MMC, City Clerk
Hollywood, FL

THE MIAMI HERALD-LOCAL SECTION - DISPLAY AD W/MAP, ¼ PAGE
PUBLISH: Thursday, June 15, 2017
FURNISH PROOF OF PUBLICATION

CITY OF HOLLYWOOD FIRST READING

The City of Hollywood City Commission will hold a public hearing on the proposed ordinance on **Wednesday, June 21, 2017 at 3:00 PM**, or as soon thereafter as same can be heard in the City Commission Chambers, Room 219, second floor of Hollywood City Hall, located at 2600 Hollywood Boulevard.



FILE NO: 15-JPZ-44a
APPLICANT: Hillcrest Country Club, Limited Partnership
LOCATION: 4600 Hillcrest Drive
REQUEST: AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ORDINANCE NO. O-76-25, THE HILLCREST PUD ORDINANCE, AS AMENDED BY RESOLUTION R-81-56, ORDINANCES O-81-80, O-84-54, O-87-39, O-93-75, O-09-09, O-2000-05, O-2002-34, O-2009-38, O-2013-11 AND O-2016-10 BY AMENDING EXHIBIT "A" OF O-2016-10 TO MODIFY THE CONDITIONS TO THE HILLCREST PUD-R MODIFIED SITE PLAN FOR PHASE 2 OF THE PREVIOUSLY APPROVED 645 RESIDENTIAL UNITS AND AMENITIES, INCLUDING BUT NOT LIMITED TO THE GOLF COURSE.

A copy of the proposed application materials, and legal description for the above petitions are on file in the Department of Development Services, and is available for public review during normal business hours.

Comments of any interested party relative to this matter may be submitted in writing and/or presented in person at the meeting. Any person who decides to appeal any decision made by the board, agency or commission with respect to any matter considered at this meeting will need a record of the proceedings, and it will be their responsibility to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Please call (954) 921-3471 for any questions regarding the above matters.

Two or more members of any other city board, commission, or committee, who are not members of this board may attend this meeting and may, at that time, discuss matters on which foreseeable action may later be taken by their board, commission, or committee.

Persons with disabilities who require reasonable accommodation to participate in City programs and/or services may call the Office of the City Manager five business days in advance at (954) 921-3201. If an individual is hearing or speech impaired, please call (800) 955-8771 (V-TDD).

Dated this 5th day of June, 2017.

Patricia A. Cerny, MMC, City Clerk
Hollywood, FL

THE MIAMI HERALD-LOCAL SECTION - DISPLAY AD W/MAP, ¼ PAGE
PUBLISH: Monday, June 5, 2017
FURNISH PROOF OF PUBLICATION