

ORDINANCE NO. _____

(14-F-99)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING THE APPLICATION OF THE 20% FLEXIBILITY RULE (INDUSTRIAL TO COMMERCIAL) TO APPROXIMATELY 1.14 ACRES LOCATED AT 2800 NORTH 28TH TERRACE, PURSUANT TO THE CITY OF HOLLYWOOD'S COMPREHENSIVE PLAN AND POLICY 13.01.10 OF THE BROWARD COUNTY LAND USE PLAN; AND AMENDING THE CITY'S LAND USE MAP TO REFLECT THE CHANGE IN LAND USE DESIGNATION.

WHEREAS, the City of Hollywood's Comprehensive Plan and Zoning and Land Development Regulations provide that an application for use of the 20% Flexibility Rule may be filed; and

WHEREAS, an application (14-F-99) was filed with the Department of Planning requesting the application of the 20% Flexibility Rule to the property located at 2800 North 28th Terrace (Denny's), 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 Industrial to Commercial; and

WHEREAS, the subject parcel is located within an Industrial Zoning District, contains approximately 1.14 net acres, has a current City Land Use Plan Designation of Industrial and a County Land Use Plan Designation of Industrial; and

WHEREAS, the subject parcel has a current zoning designation of IM-1 (Low Intensity Industrial and Manufacturing) with IM-1 to the north, south and west, and I-95 to the east; and

WHEREAS, the subject parcel is adjacent to the following land uses: Industrial to the north, south and west, and Transit Oriented Development to the east; 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 20% Flexibility Rule (Industrial to Commercial) to permit the redesignation of approximately 1.14 net acres of the property on an industrial designated parcel within Flexibility Zone 83 to be used for a commercial use to compliance with Policy 13.01.10; and

WHEREAS, there is currently 23.5 acres available in Flexibility Zone 83 and if the request for the application of the 20% of the Flexibility Rule is approved, there would be 22.36 acres still remaining in Flexibility Zone 83; and

WHEREAS, the application of the 20% Flexibility Rule to this subject property will not exceed the available acreage for application of the Industrial to Commercial Flex Rule; and

WHEREAS, the Planning Manager and the Associate Planner, following analysis of the application and its associated documents, have determined that the application of the 20% industrial to commercial flexibility rule from Flexibility Zone 83 is consistent with the City of Hollywood's Comprehensive Plan, and has therefore recommended that it be approved; and

WHEREAS, on May 14, 2015, the Planning and Development Board, acting as the local planning agency, met and reviewed the above noted request for the application of the 20% 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 20% Flexibility Rule (Industrial 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 interests 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 20% Flexibility Rule (Industrial 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 1.14 net acres of flexibility acreage to property located at 2800 North 28th Terrace, as more specifically described in Exhibit "A," attached hereto and incorporated herein by reference whereby the land use designation will be from Industrial to Commercial.

Section 2: 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 herewith are hereby repealed to the extent of such conflict.

Section 3: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

ORDINANCE 2800 NORTH 28TH TERRACE (FLEXIBILITY RULE DENNY'S).

Section 4: That the City of Hollywood's Land Use Map is hereby amended to incorporate the above described change in land use designation for the subject parcel.

Section 5: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2015.

PASSED on first reading this _____ day of _____, 2015.

PASSED AND ADOPTED on second reading this _____ day of _____, 2015.

PETER BOBER, 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.

JEFFREY P. SHEFFEL, CITY ATTORNEY