

ORDINANCE NO. _____

(24-L-58b)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE CITY'S ADOPTED COMPREHENSIVE PLAN BY AMENDING THE LAND USE ELEMENT TO CREATE THE COMMERCIAL RECREATION ("CREC") LAND USE CATEGORY.

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 create a, Commercial Recreation land use category as more specifically described in the attached Exhibit "A"; and

WHEREAS, the Broward County Land Use Plan ("Broward Next") includes a Commercial Recreation land use category that is available for municipalities to incorporate into their comprehensive plans; and

WHEREAS, the proposed text amendment brings the City's Comprehensive Plan more into alignment with Broward Next; 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 10, 2024 to review the proposed comprehensive plan amendment and 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 has conducted two duly advertised public hearings on the proposed plan amendment to the Comprehensive Plan's 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 comments, if any, from the state land planning agency; and

WHEREAS, the City Commission, after due consideration of all matters, finds that the proposed amendment is consistent with the City of Hollywood's Comprehensive Plan, Broward Next, the State of Florida Plan, the South Florida Regional Planning Council Regional Policy Plan, and complies with the requirements of the Community Planning 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 amendment is in the best interest of the health, safety, and welfare 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 into this Ordinance.

Section 2: That the Land Use Element of the City'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'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's Comprehensive Plan Future Land Use Element shall be amended to reflect the proposed Land Use Element changes.

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.

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE CITY'S ADOPTED COMPREHENSIVE PLAN BY AMENDING THE LAND USE ELEMENT TO CREATE THE COMMERCIAL RECREATION ("CREC") LAND USE CATEGORY. (24-L-58b)

ADVERTISED on _____, 2024.

PASSED on first reading this _____ day of _____, 2024.

PASSED AND ADOPTED on second reading this _____ day of _____, 2024.

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 Commercial Recreation

Commercial Recreation areas are designated on the Future Land Use Plan Map to accommodate major public and private commercial recreation facilities which offer recreational opportunities to the residents and tourists. Although some of these facilities operate as an adjunct to or an integral part of other types of development, most of these facilities were conceived as profit-making enterprises. Commercial recreation ventures in the city can be divided into two categories; golf courses and commercial recreation associated with structures and/or indoor facilities.

The permitted uses in areas designated commercial recreation are as follows:

1. Active and passive recreation uses, such as nature centers and trails, picnic areas, playgrounds and athletic fields.
2. Hotels, motels and similar lodging ancillary to the primary commercial recreation use.
3. Outdoor and indoor recreation facilities, such as active recreation complexes, marinas, stadiums, jai-alai frontons, bowling alleys, golf courses, and dog and horse racing facilities.
4. Recreational vehicle sites at a maximum density of ten (10) sites per gross acre if permanent location of recreational vehicles on the site is permitted by the local land development regulations, or twenty (20) sites per gross acre if such location is prohibited by the local land development regulations; subject to the allocation by the local government of available flexibility or redevelopment units.
5. Accessory facilities, including outdoor and indoor recreation facilities, that are determined by the local government to be an integral part of and supportive to the primary recreation facility (excluding residential uses).

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Intensity Standards for Non-residential Land Uses

Per Section 163.3177(6)(a) of Florida Statutes, local governments are required to define in their comprehensive plan standards for the intensity of use of nonresidential land uses.

The City of Hollywood has relied on its zoning and land development regulations to control intensity of nonresidential uses, through limitations on height, lot coverage, number of permitted square feet, landscape and parking requirements. The ~~Florida Department of Community Affairs (DCA)~~ State Land Planning Agency requires local governments to include intensity standards for nonresidential uses in the future land use element.

With the exception of land designated Regional Activity Center (RAC) all non residential uses must provide intensity standards. Lands with the RAC designation are not required to provide intensity standards because under the Broward County Land Use Plan lands with the land use designation have intensity standards given in terms of maximum square

footage.

As Broward County had already set a precedent in allowing “flexibility” of allocating residential densities, as long as the overall density of a flex zone was not exceeded, the logical extension for the City of Hollywood is to apply intensity standards to City sub -areas instead of parcels. The logical sub-areas are as determined in the Citywide Master Plan. (See details map LU-1). This system envisions the evaluation of each proposed land use amendment to determine whether approving the proposed amendment would cause the overall average of the FAR for the particular nonresidential land use or uses for that sub area to be exceeded. If not, the amendment could be deemed compatible from the perspective of intensity. The maximum FAR for nonresidential land uses in each sub area, with certain exceptions explained below, is provided in the following table.

Land Use Category	Floor Area Ratio
Office	3.0
General Business	3.0
Employment Center	3.0
Industrial	3.0
Utilities	3.0
Transportation	3.0
Community Facilities	3.0
Open Space and Recreation	3.0
<u>Commercial Recreation</u>	<u>3.0</u>
Conservation	0.25
Electrical Generating Facilities	3.0
Land Use Category	Floor Area Ratio
Transit Oriented Corridor	2.0
Transit Oriented District	2.0

TABLE IX
FUTURE LAND USE DESIGNATIONS

Land Use	Acres	% of Total Area
Low Residential	4,744.24	24.85%
Low Medium Residential	907.6	4.83%
Medium Residential	988.61	5.18%
Medium High Residential	354.80	1.86%
High Residential	150.19	0.79%
Community Facility	546.11	2.86%
Industrial	567.62	3.06%
General Business	1,065.92	5.58%
Rights of Way	3,227.80	16.90%

Office	80.49	0.42%
Transportation	1,504.63	7.88%
Utilities	71.18	0.37%
Regional Activity Center (RAC)	1,125.07	5.89%
Parks and Open Space <u>Open Space and Recreation</u>	2,395.86	12.55%
Transit Oriented Development	32.6	0.01%
Conservation Area	1,332.42	6.98%
<u>Commercial Recreational</u>	<u>0</u>	<u>0%</u>
Total	19,095.15	100%

Source: City of Hollywood, Calvin, Giordano and Associates

Key: new language is underlined and deleted language is ~~stricken~~.