

ORDINANCE NO. _____

(12-D-17B)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AN AMENDMENT TO THE CURRENT COSTA HOLLYWOOD PLANNED DEVELOPMENT MASTER PLAN (ORIGINALLY APPROVED BY ORDINANCE O-2004-23, AND AMENDED BY ORDINANCES O-2006-38 AND O-2013-07); ALLOCATING THREE (3) ADDITIONAL BONUS HOTEL DENSITY CONDO-HOTEL ROOMS FROM THE "CENTRAL BEACH HOTEL ROOM POOL" FOR A TOTAL OF 143 BONUS HOTEL DENSITY CONDO-HOTEL ROOMS PURSUANT TO THE CITY'S COMPREHENSIVE PLAN; AND RELEASING THE DECLARATION OF RESTRICTIONS RECORDED IN OFFICIAL RECORDS BOOK 50902 AT PAGES 1569-173 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

WHEREAS, on March 6, 2013, the City Commission passed and adopted Ordinance O-2013-07 which approved the rezoning of the properties located at 319 Pierce Street, 330 Indiana Street, and 348 Indiana Street to PD (Planned Development), approved the amended Planned Development Master Plan (originally approved by Ordinance No. O-2004-23 and amended by Ordinance No. O-2006-38) now known as Costa Hollywood, and allocated up to 42 additional bonus hotel density condo-hotel rooms from the "Central Beach Hotel Room Pool"; and

WHEREAS, as part of the approvals, the Developer was required to record a Declaration of Restrictions (Exhibit "C") which set forth that not more than 304 condominium hotel rooms may be developed upon the subject property which constituted a covenant running with the land, unless and until amendments to the Development Approvals permitted more than 304 condo-hotel rooms approved by the City Commission; and

WHEREAS, on May 29, 2015, an application was filed with the Department of Planning by Liberty Grande, LLC. requesting the allocation of an additional three (3) condo-hotel rooms from the "Central Beach Hotel Room Pool;" and

WHEREAS, pursuant to the City's Land Use and Coastal Element of the Comprehensive Plan, hotels and motels located in the Central Beach area shall not exceed 50 hotel rooms per acre, provided however, the City Commission may approve up to an additional 50 rooms per acre (for a maximum of 100 rooms per acre) from the "Central Beach Hotel Room Pool"; and

WHEREAS, the “Central Beach Hotel Room Pool” currently consists of 735 bonus hotel room density condo-hotel rooms; and

WHEREAS, pursuant to Ordinances O-2004-23 and O-2006-38, the City Commission approved and allocated up to 98 bonus hotel room density condo-hotel rooms to the project; and

WHEREAS, pursuant to Ordinance O-2013-07, the City Commission approved the allocation of up to an additional 42 bonus hotel density condo-hotel rooms for a total of 140 bonus hotel density rooms with the following conditions:

- a. The applicant shall obtain a building permit for the principal structure within 24 months from the approval of the City Commission of the Ordinance becoming final. However, if the applicant fails to obtain a building permit within the requisite timeframe, then the 140 bonus hotel density rooms shall revert back to the “Central Beach Hotel Room Pool;” and
- b. If at the time the Certificate of Occupancy is issued by the City, the Developer has not used all of the 140 rooms allocated, the balance of those bonus hotel density rooms remaining shall revert back to the “Central Beach Hotel Room Pool.”

; and

WHEREAS, if the Applicant’s request for the allocation of three (3) additional bonus hotel density rooms is approved by the City Commission, the Costa Hollywood project will now consist of 143 bonus hotel density rooms and the “Central Beach Hotel Room Pool” will have 732 bonus hotel room density rooms remaining; and

WHEREAS, if the City Commission approves the allocation request, then a release of the Declaration of Restrictions recorded in Official Records Book 50902 at Pages 1569-1573 of the Public Records of Broward County, Florida will be required; and

WHEREAS, pursuant to Section 4.15 G.3. of the Zoning and Land Development Regulations, the proposed amendment to the current Costa Hollywood Planned Development Master Plan (as approved by Ordinance O-2013-07), for the allocation of an additional three (3) condo-hotel rooms from the “Central Beach Hotel Room Pool” constitutes a substantial alteration to the character of the development and requires review and approval by the City Commission; and

WHEREAS, the Assistant Planning Director and Planning Manager, following analysis of the proposed amendment to the Costa Hollywood Planned Development Master Plan ("Plan") and its associated documents, have determined that the proposed amendment to the Plan is consistent with the Zoning and Land Development Regulations, is consistent with the City of Hollywood's Comprehensive Plan, and have therefore recommended approval with the following conditions:

- a. That prior to the issuance of a Certificate of Occupancy the deed restriction required by Ordinance O-2013-07 specifying the restrictions of condo-hotel as defined in the City's Zoning and Land Development Regulations, including but not limited to the length of stay limitations of a maximum of 150 days; and any other required documents pertaining to the number of condo-hotel rooms shall be amended to reflect the increase in condo-hotel rooms and submitted in a form acceptable to the City Attorney and shall be recorded in the Public Records of Broward County, Florida;
- b. The applicant shall obtain a building permit for the principal structure within 24 months from the approval of the City Commission of the Ordinance becoming final. However, if the applicant fails to obtain a building permit within the requisite timeframe, then the 143 bonus hotel density rooms shall revert back to the "Central Beach Hotel Room Pool;" and
- c. If at the time the Certificate of Occupancy is issued by the City, the Developer has not used all of the 143 rooms allocated, the balance of those bonus hotel density rooms remaining shall revert back to the "Central Beach Hotel Room Pool."

; and

WHEREAS, the City Commission finds that the allocation of an additional three (3) bonus hotel density condo-hotel rooms (for a total of 143 bonus hotel density condo-hotel rooms) from the "Central Beach Hotel Room Pool" and approval of the amended Plan are consistent with the Zoning and Land Development Regulations, are 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 Ordinance No. O-2004-23, O-2006-38 and Ordinance O-2013-07 which approved the Costa Hollywood Master Development Plan and amendments thereto shall be further amended to allocate an additional three (3) bonus hotel density condo-hotel rooms from the "Central Beach Hotel Room Pool; as more specifically described in Exhibit "B" attached hereto and incorporated herein by reference with the following conditions:

- a. Prior to the issuance of a Certificate of Occupancy the deed restriction required by Ordinance O-2013-07 specifying the restrictions of condo-hotel as defined in the City's Zoning and Land Development Regulations, including but not limited to the length of stay limitations of a maximum of 150 days; and any other required documents pertaining to the number of condo-hotel rooms shall be amended to reflect the increase in condo hotel rooms and submitted in a form acceptable to the City Attorney and shall be recorded in the Public Records of Broward County, Florida;
- b. The applicant shall obtain a building permit for the principal structure within 24 months from the approval of the City Commission of the Ordinance becoming final. However, if the applicant fails to obtain a building permit within the requisite timeframe, then the 143 bonus hotel density rooms shall revert back to the "Central Beach Hotel Room Pool;" and
- c. If at the time the Certificate of Occupancy is issued by the City, the Developer has not used all of the 143 rooms allocated, the balance of those bonus hotel density rooms remaining shall revert back to the "Central Beach Hotel Room Pool."

Section 2: That all sections or parts of sections of the Zoning and Land Development Regulations, 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 AMENDING THE CURRENT COSTA HOLLYWOOD PLANNED DEVELOPMENT MASTER PLAN TO ALLOCATE THREE ADDITIONAL BONUS HOTEL DENSITY ROOMS.

Section 4: 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.

RENDERED 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