

ATTACHMENT II
Previously Approved Ordinance

ORDINANCE NO. 0-2015-02

(14-F-92)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING A SPECIAL EXCEPTION FOR THE ALLOCATION OF 61 AFFORDABLE HOUSING UNITS WITHIN FLEXIBILITY ZONES 88, 91, 92 AND 104 TO ALLOW FOR A 95 UNIT AFFORDABLE SENIOR HOUSING DEVELOPMENT ("PARC VIEW APARTMENTS") LOCATED AT 970 N. 66TH TERRACE.

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

WHEREAS, an application (14-F-92) was filed with the Department of Planning requesting the allocation of 61 Affordable Housing Units within Flexibility Zones 88, 91, 92 and 104 to the property generally located at 970 N. 66th Terrace, Hollywood, Florida, as more specifically described in Exhibit "A"; and

WHEREAS, the subject parcel currently has an existing housing authority complex ("Apollo Terrace") which is assembled of five separate buildings both of one and two story heights consisting of 30 units and will be replaced with the new development known as Parc View that will accommodate a total of 95 units; and contains approximately 2.19 net acres/2.26 gross acres, has a current City Land Use Plan Designation of Medium Residential; and

WHEREAS, the subject parcel has a current zoning designation of RM-18 (Medium High Multi Family District) with the GU (Government Use) to the north, RM-18 (Multiple Family District) to the south and west; and RS-6 (Single Family District) to the east; and

WHEREAS, the applicant intends on replacing the existing senior housing facility by demolishing the existing buildings and constructing a new building to accommodate the new affordable senior housing development consisting of 95 units; and

WHEREAS, the application for the allocation of Affordable Housing Units may be processed as a Special Exception; and

WHEREAS, the allocation of 61 Affordable Housing Units from Flexibility Zones 88, 91, 92 and 104 to approximately 2.19 net acres of the property will leave a balance of 14 units in Flexibility Zone 88, 0 units in Flexibility Zone 91, 0 units in Flexibility Zone 92 and 0 units in Flexibility Zone 104; and

WHEREAS, the Director of Planning Staff, following analysis of the application and its associated documents, has determined that the application for a Special Exception to allocate 61 affordable housing units from Flexibility Zones 88, 91, 92 and 104 is consistent with the criteria set forth in Section 5.3.G.2. of the Zoning and Land Development Regulations, and has therefore recommended that it be approved with the following conditions: (1) the Applicant shall submit, within 120 days from the effective date of the Flexibility Application, a Site Plan for review and the Site Plan must be approved or denied within two (2) years from submittal; (2) the 61 units from Flexibility Zones 88, 91, 92 and 104 will remain valid for as long as the Site Plan for this project remains valid; and (3) Any units not used upon expiration of Site Plan; expiration of the Building Permit; prior to issuance of a Certificate of Occupancy (C/O) shall revert back to the specified Flexibility Zone for future allocation; and

WHEREAS, on December 11, 2014, the Planning and Zoning Board, acting as the local planning agency, met and reviewed the above noted request for a Special Exception to allocate 61 affordable housing units to the subject parcel, applied the criteria for granting the Special Exception as set forth in Section 5.3.G.2. of the City's Zoning and Land Development Regulations, and have forwarded a recommendation of approval with the aforementioned conditions to the City Commission; and

WHEREAS, the City Commission met and held an advertised public hearing to consider the request for a Special Exception for the allocation of 61 affordable housing units and the City Commission made the following findings pursuant to Section 5.3.G.2. of the Zoning and Land Development Regulations:

- a. That the proposed use (allocation of 61 affordable housing units) is consistent with the principles of the City's Comprehensive Plan;
- b. That the use is compatible with the existing land use pattern and designated future uses and with existing natural environment and other real properties within the vicinity;
- c. That there will be adequate provisions for safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use;
- d. That there are adequate setbacks, buffering, and general amenities in order to control any adverse effects of noise, light, dust and other potential nuisances;
- e. The proposed use, singularly or in combination with other Special Exceptions, must not be detrimental to the health, safety, or appearance of the neighborhood or other adjacent uses by reason of any one or more of the following: the number, area, location, height, orientation, intensity or relation to the neighborhood or other adjacent uses;

- f. The subject parcel must be adequate in shape and size to accommodate the proposed use; and
- g. The proposed use will be consistent with the definition of a Special Exception and will meet the standards and criteria of the zoning classification in which such use is proposed to be located, and all other requirements for such particular use set forth elsewhere in the zoning code, or otherwise adopted by the City Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That based upon its findings set forth above, it hereby approves a Special Exception for the allocation of 61 affordable housing units from Flexibility Zones 88, 91, 92 and 104 to approximately 2.19 net acres as more specifically set forth in Exhibit "A" with the following conditions:

- a) The Applicant shall submit, within 120 days from the effective date of the Flexibility Application, a Site Plan for review and the Site Plan must be approved or denied within two (2) years from submittal;
- b) The 61 units from Flexibility Zones 88, 91, 92 and 104 will remain valid for as long as the Site Plan for this project remains valid; and
- c) Any units not used upon expiration of Site Plan; expiration of the Building Permit or prior to the issuance of a Certificate of Occupancy (C/O) shall revert back to the specified Flexibility Zone for future allocation.

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.

14-F-92 ORDINANCE FOR HOLLYWOOD HOUSING AUTHORITY (PARC VIEW APARTMENTS)

Section 4: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised Jan, 2015.

PASSED on first reading this 7 day of Jan, 2015.

PASSED AND ADOPTED on second reading this 21 day of Jan, 2015.



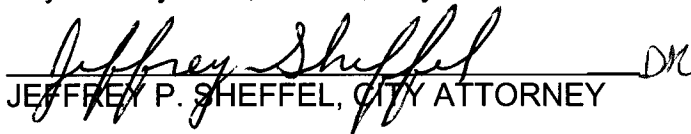
PETER BOBER, MAYOR

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

EXHIBIT A

Legal Description

A Portion of Tract "A" of "SUNBELT MANOR", according to the Plat thereof as recorded in Plat Book 113, Page 6, of the Public Records of Broward County, Florida, more particularly described as follows:

Beginning at the Northeast corner of said Tract "A"; thence along the East boundary of said Tract "A", also being the West right-of-way line of North 66th Terrace, on a plat bearing of South distance of 126.67 feet; thence South 89.51'32" West a distance of 326.64 feet; thence South 00.01'22" East a distance of 28.67 feet to a corner said Tract "A"; thence South 89.51'32" West along the boundary of said Tract "A" a distance of 348.00 feet; thence North 00.01'22" West along the West boundary of said Tract "A" a distance of 155.34 feet; thence North 89.51'32" East along the North boundary of said Tract "A" a distance of 674.99 feet to the Point of Beginning. Said lands containing 95,438 square feet (2.19 acres), more or less.