
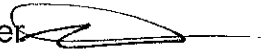


**CITY OF HOLLYWOOD, FLORIDA
INTER-OFFICE MEMORANDUM
PLANNING & DEVELOPMENT SERVICES**

DATE: October 25, 2010 **FILE:** 10-T-65

TO: Planning and Zoning Board/Local Planning Agency

VIA: Andria Wingett, Planning Manager 

FROM: Darby P. Delsalle, AICP, Principal Planner 

SUBJECT: The City of Hollywood requests a text amendment to repeal portions of Article 4, Section 4.23 entitled "Fences and walls" and Article 9, Section 9.5 entitled "Intersection sight distance restrictions," of the Zoning and Land Development Regulations.

EXPLANATION:

On May 19, 2010 the City Commission directed the Department of Community Development and Code Compliance to prepare an ordinance amending certain sections of the Zoning and Land Development Regulations pertaining to hedge and fence heights. Those portions are to be removed from the Zoning and Land Development Regulations and reinserted into the Code of Ordinances. Please find attached the Department of Community Development and Code Compliance's explanation and recommendation for the proposed action as well as Planning's review of the criteria.

ATTACHMENTS

ATTACHMENT A: Application Package
ATTACHMENT B: Analysis of Criteria and Findings for Text Amendments
ATTACHMENT C: Current Zoning and Land Development Regulations


ATTACHMENT A
APPLICATION PACKAGE

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**CITY OF HOLLYWOOD, FLORIDA
COMMUNITY DEVELOPMENT AND CODE COMPLIANCE
INTER-OFFICE MEMORANDUM**

DATE: September 24, 2010 **FILE:** CD&CC-10-155

TO: Planning and Zoning Board

VIA:  Victoria Johnson, Director
Department of Community Development and Code Compliance

FROM: Clay Milan, Director 
Code Compliance Division

SUBJECT: Text Amendment for Zoning and Land Development Regulations

ISSUE:

A text amendment is necessary to facilitate revision of regulations related to hedges and bushes.

EXPLANATION:

At the direction of the City Commission, staff will propose revising regulations pertaining to height restrictions related to hedges and bushes. The Zoning and Land Development Regulations restricts the height of hedges, but only those located within corner setback areas. The Code of Ordinances restricts the height of bushes and hedges located within front, side and rear setback areas. Therefore, a conflict exists between the two sets of regulations regarding height restrictions related to hedges and bushes that are not located within corner setback areas. Resolving the conflicting regulations related to height and enacting additional regulations to mitigate potential safety hazards posed by hedges in some locations is necessary. Facilitating the changes being recommended requires amending text contained in the Zoning and Land Development Regulations.

Obviously, bushes or hedges situated in locations other than within corner setback areas could impede sight distances necessary for the safety of drivers and pedestrians. Restricting the height of bushes, and hedges located within the area adjacent to the travel lane of a public street and adjacent to driveways accessing either private or public property, an area hereinafter referred to as the

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"cross visibility area", could mitigate the potential for bushes or hedges located in these areas to impede necessary sight distances.

Following an informational presentation on the subject, the City Commission directed staff to draft a revision of applicable regulations. After having studied the matter, staff will be recommending restricting the height of hedges and bushes located in the cross visibility area. Additionally, staff will recommend consolidating regulations governing the height of fences, walls, bushes, and hedges into the Code of Ordinances. The changes to the Zoning and Land Development Regulations necessary to effectuate this process include the following:

- Repealing text containing supplemental setback regulations for allowable encroachments in front, side and rear yards in residential zones contained in Article 4.23.
- Repealing text in Article 9.5 containing minimum landscape requirements for all projects other than single family homes and those not exempted by Article 9.2.C.1(1&2).

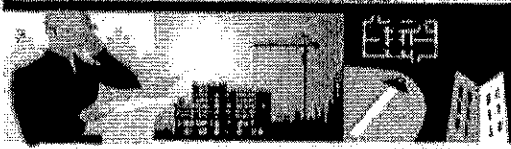
New regulations governing bushes and hedges are being drafted for incorporation into the Code of Ordinances. The end-product will eliminate existing regulatory conflicts and will enable height restrictions related to fences, walls, hedges, and bushes to be enacted and consolidated into the Code of Ordinances, thereby fulfilling the wishes of the City Commission. Following the Planning and Zoning Board's decision, staff is prepared to place a draft ordinance on the City Commission meeting agenda in November 2010.

RECOMMENDATION:

Adopt staff's recommendation to repeal/amend text of the Zoning and Land Development Regulations necessary to facilitate updating the Code of Ordinances pertaining to height restrictions related to hedges and bushes.

C: City Attorney
City Manager
Director, Planning and Development Services

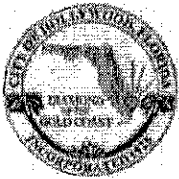
OFFICE OF PLANNING



File No. (to be filled by the Office of Planning): 10-T-65

2600 Hollywood Boulevard Room 315
Hollywood, FL 33022

GENERAL APPLICATION



Tel: (954) 921-3471
Fax: (954) 921-3347

This application must be completed in full and submitted with all documents to be placed on a Board or Committee's agenda.

The applicant is responsible for obtaining the appropriate checklist for each type of application.

Applicant(s) or their authorized legal agent must be present at all Board or Committee meetings.

At least one set of the submitted plans for each application must be signed and sealed (i.e. Architect or Engineer).

Documents and forms can be accessed on the City's website at http://www.hollywoodfl.org/comm_planning/appforms.htm



APPLICATION TYPE (CHECK ONE):

- Development Review Board
- Planning and Zoning Board
- City Commission
- Historic Preservation Board
- Technical Advisory Committee

Date of Application: September 20, 2010

Location Address: NA

Lot(s): _____ Block(s): _____ Subdivision: _____

Folio Number(s): _____

Zoning Classification: _____ Land Use Classification: _____

Existing Property Use: _____ Sq Ft/Number of Units: _____

Is the request the result of a violation notice? () Yes (✓) No If yes, attach a copy of violation.

Has this property been presented to the City before? If yes, check all that apply and provide File Number(s) and Resolution(s): _____

- Economic Roundtable
- Planning and Zoning Board
- Technical Advisory Committee
- Historic Preservation Board
- Development Review Board
- City Commission

Explanation of Request: Request by staff to amend/repeal text of Zoning and Land Development Regulations relating to height restrictions for hedges.

Number of units/rooms: _____ Sq Ft: _____

Value of Improvement: _____ Estimated Date of Completion: _____

Will Project be Phased? () Yes () No If Phased, Estimated Completion of Each Phase _____

Name of Current Property Owner: City of Hollywood

Address of Property Owner: 2600 Hollywood Blvd.

Telephone: 954-921-3471 Fax: 954-921-3347 Email Address: _____

Name of Consultant/Representative/Tenant (circle one): _____

Address: _____ Telephone: _____

Fax: _____ Email Address: _____

Date of Purchase: _____ Is there an option to purchase the Property? Yes () No ()

If Yes, Attach Copy of the Contract.

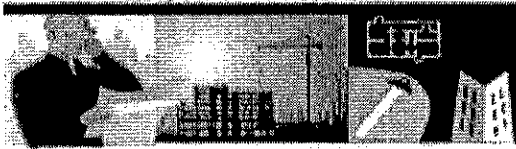
List Anyone Else Who Should Receive Notice of the Hearing: _____

Address: _____

Email Address: _____

OFFICE OF PLANNING

OFFICE OF PLANNING



2600 Hollywood Boulevard Room 315
Hollywood, FL 33022

GENERAL APPLICATION

CERTIFICATION OF COMPLIANCE WITH APPLICABLE REGULATIONS

The applicant/owner(s) signature certifies that he/she has been made aware of the criteria, regulations and guidelines applicable to the request. This information can be obtained in Room 315 of City Hall or on our website at www.hollywoodfl.org. The owner(s) further certifies that when required by applicable law, including but not limited to the City's Zoning and Land Development Regulations, they will post the site with a sign provided by the Office of Planning. The owner(s) will photograph the sign the day of posting and submit photographs to the Office of Planning as required by applicable law. Failure to post the sign will result in violation of State and Municipal Notification Requirements and Laws.

(I)(We) certify that (I) (we) understand and will comply with the provisions and regulations of the City's Zoning and Land Development Regulations, Design Guidelines, Design Guidelines for Historic Properties and City's Comprehensive Plan as they apply to this project. (I)(We) further certify that the above statements and drawings made on any paper or plans submitted herewith are true to the best of (my)(our) knowledge. (I)(We) understand that the application and attachments become part of the official public records of the City and are not returnable.

Signature of Current Owner: [Signature] Date: 9/30/10

PRINT NAME: Cameron D. Benson, City Manager Date: _____

Signature of Consultant/Representative: _____ Date: _____

PRINT NAME: _____ Date: _____

Signature of Tenant: _____ Date: _____

PRINT NAME: _____ Date: _____

CURRENT OWNER POWER OF ATTORNEY

I am the current owner of the described real property and that I am aware of the nature and effect the request for (project description) _____ to my property, which is hereby made by me or I am hereby authorizing (name of the representative) _____ to be my legal representative before the _____ (Board and/or Committee) relative to all matters concerning this application.

Sworn to and subscribed before me
this _____ day of _____

SIGNATURE OF CURRENT OWNER

Notary Public State of Florida

PRINT NAME

My Commission Expires: _____ (Check One) _____ Personally known to me; OR _____

ATTACHMENT B

**ANALYSIS OF CRITERIA
AND FINDINGS
FOR TEXT AMENDMENTS**

Analysis of Criteria and Findings for Text Amendments as stated in the City of Hollywood Zoning and Land Development Regulations section 5.4 (F)(3).

CRITERIA 1: The proposed change is consistent with and in furtherance of the goals, objectives and policies of the adopted Comprehensive Plan as amended from time to time.

ANALYSIS: According to the Comprehensive Plan, "*Policy 5.12: Simplify the Zoning and Land Development Regulation*" the proposed amendment simplifies the code by eliminating conflicts and consolidating its provisions.

FINDING: Consistent

CRITERIA 2: That conditions have substantially changed from the date the present zoning regulations were established.

ANALYSIS: Over the years, regulations were established in different areas of the city's codes to regulate the height of fences and hedges. Over time, changes occurred causing discrepancies between them. Further, those laws did not fully address site visibility areas as they pertain to driveways adjacent to travel lanes and sidewalks. The proposed changes consolidate the provision under one code, thus correcting the discrepancies. The proposal includes other safety concerns not previously addressed by the older provisions.

FINDING: Consistent

ATTACHMENT C

**CURRENT ZONING AND
LAND DEVELOPMENT REGULATIONS**



Schedule of District, Use and Setback Regulations

7. Fences and walls.
 - a. Residential zone.
 1. Front yard - 4 feet ht.
 2. Rear or side yards - 6 feet ht.
 3. Rear or interior side yards adjacent to non-residentially zoned property - 8 feet ht.
 4. All vertical posts, horizontal rails, or support systems of wood fences must face to the inside of the property.
 5. The exterior of wood fences or any portion of the exterior of wood fences that face away from the property must have a finished surface.
 6. When a wood fence is located in the front yard setback or each side of a wood fence is visible from a street, then the wood fence shall be finished on both sides.
 7. Any portion of a wood fence that abuts an existing fence or other construction barrier may be installed with vertical posts, horizontal rails, or support systems to the outside of the property upon proper determination by the Zoning Administrator that an obstruction exists and that access has been denied.
 - b. Non-residential zone. Front, rear or interior side yards - 8 feet ht.
 - c. Corner setback area.
 1. All zones: At a street corner, the maximum height allowed is 2 ft. measured 25 ft. along the intersection of property lines. At a street and alley intersection, the maximum height is 2 ft. measured 6 ft. along the intersecting property lines.
 2. A chain link or other similarly open fence may be constructed to a height of 4 feet within the corner setback area when it is determined by the Office of Planning Director or his designee that such height does not constitute a visual barrier.
 - d. Barbed wire or similar materials. Prohibited in all districts except in Industrial and Manufacturing. The height of the barbed wire is included in the maximum height allowed.
 - e. Ornamental fixtures or lamps (on walls, fences) are allowed in all districts subject to the following:

Hollywood — Zoning and Land Development Regulations

1. Permitted to be placed on walls or fences when they are adjacent to a public street, alley, golf course or waterway. The total height of the combined structure shall not exceed the required fence or wall height by more than 2 feet.
 2. Located with a minimum separation of 8 feet on center with a maximum width of 2 feet.
 - f. Height shall be measured from the grade of the property upon which the fence or wall is located, measured at a point one foot therefrom. In no case, however, when the adjacent property is lower in grade than the property upon which the fence or wall is located may the allowable height thereof, when measured from the grade of such adjacent property at the property line, exceed the above permitted height by more than three feet.
8. Hedges. No height limit except with regard to corner viability where regulations listed in § 6.21.B.7.c apply.
9. Lightpoles. In single family districts only; otherwise height limit as established in zoning district.
- a. Ten feet maximum height. Lightpoles shall be located 7 1/2 from any property line except that when such property line abuts a public right of way, or Waterway there shall be no required setback.
 - b. All light shall be contained on site or on any public right-of-way.
10. Marine structures. All districts - seaward side yard setbacks for boat slips, decks, wharves, dolphin poles, mooring piles, davits, or structures of any kind shall not be less than 7.5 feet. This requirement pertains to the enlargement of existing structures as well as to the construction of new structures. It is further provided that any boat, ship, or vessel of any kind shall not be docked or moored so that its projection extends into the required seaward side yard setback. Land side decks may extend to the deck associated with the marine Structure.
11. Mechanical equipment. Accessory to a permitted use, such as air conditioning, water pumps, and the like, provided that no such equipment encroaching into a required yard (not allowed in front yard) setback shall be located closer than 3 feet to any plot line and further provided that in no case shall the noise level of any operating mechanical equipment be in violation of the City Code.
12. Porte-Cochere. Shall be permitted to extend from an entrance door to the street line of any building except that Porte-Cocheres shall not be permitted in a Single Family or Townhome District. Where a sidewalk or curb exist, the Porte-Cochere may extend to within 18 inches of the sidewalk. The Porte-Cochere shall not exceed 30% of building core frontage in width or 16 feet in height or be screened or enclosed in any manner. It shall provide an unobstructed, clear space of not less than 9 ft. between the grade and the underside of the roof of the Porte-Cochere.

Hollywood — Zoning and Land Development Regulations

When abutting a public street or alley right-of-way, said barrier, if of nonliving material, shall be installed at a distance of not less than 5 feet from adjacent right-of-way lines, and the required shrubs shall be planted between the barrier and adjacent public alley or street right-of-way. Minimum sizes, required spacing and recommended species are set forth in the Landscaping Specifications Manual. All screening material installed must comply with § 9.5.M. (1. and 2.).

- H. Required sod or groundcover. All pervious areas shall be landscaped or covered with a living ground cover or sod. Recommended species and specifications are set forth in the Landscape Specifications Manual.
- I. Curbing. Landscaped areas, walls, structures and walks shall be protected from the encroachment or overhang of vehicles by a 6 inch continuous curbing; all parking stalls shall contain wheel stops. Specifications are set forth in the Landscape Specifications Manual.
- J. Irrigation. All landscaped areas shall receive 100% coverage by means of an automatic sprinkler system designed and constructed in accordance with the City of Hollywood Code of Ordinances, the South Florida Building Code, the Florida State Statutes, and the regulations of the South Florida Water Management District. Failure to maintain or disconnection of the irrigation system shall be a violation of these Regulations.
- K. Water conservation. Landscaping shall be designed to conserve water by utilizing the principles of "Xeriscaping," as provided by the regulations of the South Florida Water Management district:
 - 1. Existing native plant communities (landscaping and area surrounding plants) shall be preserved and enhanced on site;
 - 2. Plants shall be clumped according to their water demands;
 - 3. Irrigation systems shall be zoned according to the specific needs of the plants within the irrigation zones;
 - 4. A rain sensor delay shall be installed on all irrigation systems;
 - 5. The design of the landscape shall minimize the use of turf;
- L. Installation. All landscaping shall be installed in accordance with the Hollywood Landscape Specifications Manual.
- M. Intersection sight distance restrictions.
 - 1. When an access way intersects a public street or alley right-of-way, or another access way, or when the subject property abuts the intersection of two or more public rights-of-way, all landscaping within the triangular areas described in Landscape Specifications Manual, and hereinafter referred to as the "cross visibility area," shall provide unobstructed cross visibility at a level between 3 feet and 6 feet.



Vehicular Use Area Landscaping Regulations

2. Trees having over 6 feet of clear trunk with limbs and foliage trimmed in such a manner as not to extend into the cross visibility area shall be permitted in said areas, provided they in no way create a traffic hazard. No landscaping elements, except for required grass or ground cover, shall be located closer than 3 feet from the edge of any access way. Plant Material and ground covers which are listed in the Landscape Specifications Manual are not over 2 feet in overall height may be located in the swale areas.
(Ord. O-94-26, passed 7-6-94; Am. Ord. O-2004-05, passed 1-21-2004)

§ 9.6. Permits required.

Prior to commencement of construction, the following permits are required:

- A. Building permits as required by the South Florida Building Code;
 - B. A landscape installation permit; fees to be set by the City Commission;
 - C. Tree removal permits (as applicable).
- (Ord. O-94-26, passed 7-6-94)

§ 9.7. Required Inspections.

- A. Prior to completion of construction an inspection will be called into the Building Division for determining compliance with the approved Vehicular Use Area Plan.
 - B. Final approval shall not be granted for a permit until an inspection has been completed and the property is found to be in full compliance with the approved plan. When circumstances prevent the completion of the landscape installation prior to a final approval, the owner may post a cash bond equal to 150% of the total cost of the landscape installation, the amount to be determined by the Director of the Office of Planning. Provisions of the bond are stated in § 106.26 of the City's Code of Ordinances.
 - C. Failure to obtain approval of this inspection shall be considered a violation of these regulations.
- (Ord. O-94-26, passed 7-6-94; Am. Ord. O-2004-05, passed 1-21-2004)

§ 9.8. Maintenance requirements for all landscaped areas.

- A. The owner of any land subject to this article, shall be responsible for the maintenance of the landscaping so as to present a healthy, vigorous and neat appearance free from refuse and debris. All landscaped areas shall be sufficiently fertilized and irrigated to maintain the plant material in a healthy condition in accordance with the Landscape Specifications Manual.
- B. Property owners shall permit trees to attain their natural height, shape and size; all pruning shall be done in compliance with the American Standards Institute, Inc. ANCI-300 Standards for pruning, set forth in the Landscape Specifications Manual.