



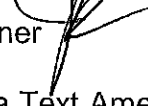
**CITY OF HOLLYWOOD, FLORIDA
INTER-OFFICE MEMORANDUM
PLANNING & DEVELOPMENT SERVICES**

DATE: February 28, 2011 **FILE:** 11-T-02

TO: Planning and Zoning Board/Local Planning Agency

VIA: Jaye M. Epstein, AICP, Director 

VIA: Andria Wingett, Planning Manager 

FROM: Julie Walls Krolak, Principal Planner 

SUBJECT: The City of Hollywood requests a Text Amendment to Article 5 of the Zoning and Land Development Regulations relating to the Development Review Process to provide for the combination of Board duties and membership of the Planning and Zoning Board and Development Review Board, and further amending various Articles to reflect said changes.

REQUEST:

Text Amendment to the Zoning and Land Development Regulations to enhance the Development Review Process by combining Board duties and membership.

RECOMMENDATION:

Staff recommends the Planning and Zoning Board, acting as the Local Planning Agency, forward this petition (11-T-02) to the City Commission with a recommendation of approval.

HISTORY

As the Board may remember, in 2008 the City Manager tasked staff with finding ways to streamline the development review process. This request was an effort to respond to the rebounding economy in anticipation of development within the City. First, staff addressed the initial stages of the process, including more efficient submittal requirements in Chapter 162 of the Code of Ordinances for Technical Advisory Committee (TAC) review. Accordingly, staff completed amendments addressing later stages of Site Plan Review, including each of the Planning Boards' (Development Review, Planning and Zoning and Historic Preservation) roles in the process and membership, expirations, submittal requirements, etc. As a result of these improvements, cycle times were reduced from approximately 6 months to a potential 3 months.

Due to continued changes in the development climate, the City Manager recently requested staff explore additional ways to improve the process; particularly regarding the number of Planning Boards a project must visit to receive all necessary approvals.

BACKGROUND

While the number of applications has declined over the last several years, the Code still assigns various duties to each Board. For instance, a typical Site Plan is considered by the Development Review Board (DRB). This would also include Design, Special Exceptions or any Variances associated with the project.

As such, whether an agenda has one item or 10, the Board must still convene to address the request. For some projects, such as Planned Developments or those requiring Land Use/Rezoning, they must also visit the Planning & Zoning Board (P&Z) and the City Commission (2 readings). If there is a historical component, the Historic Preservation Board (HPB) would also convene for a joint meeting. This results in potentially necessitating 3 Boards plus City Commission *for the same project*.

REQUEST

In an effort to further streamline the Development Review process, this amendment proposes combining P&Z and DRB to create one Planning and Development Board (PDB). HPB will remain unchanged. Further, the appropriate Chapters in the Code of Ordinances, including Chapter 162 relating to Site Plan procedure, will be amended to reflect the new Board. (These changes will be considered by the City Commission concurrently with this item.)

The following is an outline of proposed updates:

Board Membership

When looking at the current membership of P&Z and DRB, many of the categories overlap. PDB Board membership will comprise of a combination of the existing positions. Currently, P&Z includes nine members and two alternates. DRB is comprised of seven members and two alternates. (See Attachment B, Article 5.3 & 5.4)

The proposed PDB make-up will maintain a balance of expertise for the wide range of items to be considered by the Board. The PDB will include nine members, with the following membership:

Design Category (Four members from any of the categories listed below)

1. Architecture: Registered architect in the State of Florida.
2. Landscape Architect or Environmental Expert: If Landscape Architect, he/she must be registered in the State of Florida. If an Environmental Expert, he/she must be recognized by the City Commission as having knowledge and expertise in environmental or "green" initiatives.
3. Land/Urban Planner: Must have either a Bachelor's Degree or Master's Degree or Master's Degree in City Planning or an American Institute of Certified Planners (AICP) Certification.
4. Developer who is recognized by the City Commission for the development of quality projects.

5. Engineer or General Contractor: If an Engineer, he/she must be registered with the State of Florida. If a General Contractor, he/she must be licensed with the State of Florida.

Professional Category (Three members from any of the categories listed below)

1. Business Owner: An owner of a business located within the City of Hollywood, Florida.
2. A person who has a significant background in financial matters.
3. Attorney with education or experience in land use issues and who is a member of the Florida Bar.

Citizen Category (Two members)

1. Any lay citizen who is interested in improving the quality of life in the City of Hollywood.

There have been few, if any, instances where Alternates were needed for quorum for a P&Z meeting. Since the PDB will have the same number of members (9), staff is recommending this category not be included for the new Board.

Additionally, terms will be three years and staggered. This is similar to the current structure of P&Z and HPB (existing DRB appointments are not staggered).

Board Responsibilities

The PDB will consider all items under the current purview of the P&Z and DRB. This would consist of Variances, Design, Site Plans, Special Exceptions, Establishment of Building Moratoriums, Rezoning, Land Use Amendments, and Text Amendments. In this capacity, the PDB will also function as the City's Local Planning Agency (LPA), as P&Z currently does when considering items. All existing applicable criteria, length of approval, notifications, etc will be maintained for these items.

Joint Board Meetings

In cases where a historic component is included within the project, a joint meeting will still be held. As such, for projects with Design/Site Plan/Historic components, the joint meeting will include 5 PDB members and 4 HPB members. For projects regarding designation of new Historic Sites/Districts, a joint meeting of 5 HPB members and 4 PDB members will convene. These numbers are the same as the Code currently requires; changes are only to reflect a change in the Board name to PDB.

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN

The proposed text amendment is consistent with the following policy of the City-Wide Master Plan:

Policy CW.44: Foster economic development through creative land use, zoning and development regulations, City services and City policies.

The proposed text amendment will improve the development process by restructuring Board duties and membership, and clarifying procedures as previously described. This will allow for a reduction in cycles time, thereby further enhancing the development review process within the city.

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, *“The overriding goal of the Land Use Element is to provide a framework for rational decision-making regarding the uses and re-use of land in a mature community....”* The proposed text amendment will help maintain these goals by simplifying the existing development review process, thereby allowing for a more rational decision-making process. More importantly, this amendment should encourage better quality development by reducing the length of time to approve development plans while giving staff the appropriate mechanism to analyze development proposals.

FINDING: Consistent

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

ANALYSIS: On December 2, 2009 the development review process was streamlined. Since then, staff has re-evaluated these changes. The current amendment further streamlines and clarifies these procedures by combining Board duties and membership; thereby reducing cycle time and allowing for a more efficient use of staff time.

FINDING: Consistent

RECOMMENDATION

Staff finds the proposed text amendment consistent with the Criteria set forth by the Zoning and Land Development Regulations as well as the City-Wide Master Plan. Staff recommends the Planning and Zoning Board, acting as the Local Planning Agency, forward this item to the City Commission with a recommendation of *approval*.

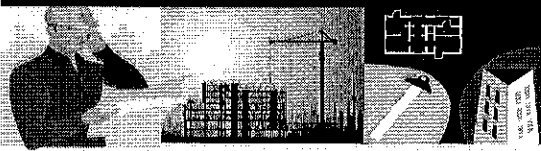
ATTACHMENTS

ATTACHMENT A: Application

ATTACHMENT B: Existing Zoning and Land Development Regulations, Article 5

ATTACHMENT A
Application

OFFICE OF PLANNING



File No. (to be filled by the Office of Planning):

11-T-02

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: 02/07/2011

Location Address: City-Wide

Lot(s): N/A Block(s): N/A Subdivision: N/A

Folio Number(s): N/A

Zoning Classification: N/A Land Use Classification: N/A

Existing Property Use: N/A Sq Ft/Number of Units: N/A

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): N/A

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

Explanation of Request: Amendment to ZLDR to combine the Planning & Zoning Board and the Development Review Board.

Number of units/rooms: N/A Sq Ft: N/A

Value of Improvement: N/A Estimated Date of Completion: N/A

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

Name of Current Property Owner: City of Hollywood

Address of Property Owner: 2600 Hollywood Boulevard

Telephone: 954-921-3471 Fax: 954-921-3347 Email Address: JKrolak@hollywoodfl.org

Name of Consultant/Representative/Tenant (circle one): N/A

Address: N/A Telephone: N/A

Fax: N/A Email Address: N/A

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

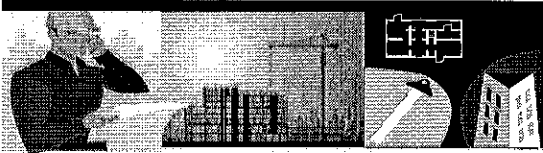
If Yes, Attach Copy of the Contract.

List Anyone Else Who Should Receive Notice of the Hearing: N/A

Address:

Email Address:

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: _____ *[Handwritten Signature]* Date: 2/7/11

PRINT NAME: _____ 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
Existing Zoning and Land Development Regulations,
Article 5

ARTICLE 5: DEVELOPMENT REVIEW PROCESS

§ 5.1. General Provisions.

- A. No permit shall be issued by any department, agency or official of the city for the use of any premises or the operation of any business, enterprise, occupation, trade, profession or activity which would constitute a violation of the Zoning and Land Development Code.
- B. Any change of the use of a building and/or property must be to a use which is permissible within the applicable zoning district and future land use plan.
(Ord. O-2001-15, passed 5-16-2001)

§ 5.2. Procedures for the Establishment of a Building Moratorium.

- A. Whenever it shall appear that it is in the public interest to make a comprehensive determination as to whether existing zoning districts and regulations applying to a portion of the area of the city are appropriate, and it further appears that the said existing zoning districts and regulations may be detrimental to the said area, using the criteria set forth herein, should they continue to remain applicable and building permits are issued predicated thereon, the City Commission, upon recommendation of the City Manager or his/her designee, shall request at a public meeting that the Planning and Zoning Board consider a building moratorium for the delineated area in question.
- B. At its meeting, the Planning and Zoning Board shall consider the propriety of a building moratorium and shall recommend either approval or denial of the building moratorium to the City Commission. The Planning and Zoning Board's determination shall be predicated upon the reasonable necessity for a detailed comprehensive analysis of the area in question and the probability of detriment to the character of the area by the continued application of the existing zoning districts and regulations, taking into account the following criteria:
 - 1. The existence of overcrowded and deficient schools;
 - 2. Insufficient parks, open space and recreational facilities;
 - 3. Congested streets and thoroughfares;
 - 4. Limited availability and deficiency of public transportation facilities;
 - 5. Polluted air and/or water supplies;
 - 6. Inadequate wastewater collection and/or treatment;

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7. Excessive noise levels;
 8. Improper land use distribution;
 9. Inadequate or marginal utility services; or
 10. Any other factor which has a deleterious effect on the quality of life of the residents of the area.
- C. Upon receiving the Planning and Zoning Board's recommendation, the City Commission shall determine whether a building moratorium is reasonably necessary based upon the criteria set forth in B above and the Board's recommendation. Should the City Commission determine that a building moratorium is reasonably necessary, it shall pass and adopt an ordinance to that effect. The ordinance shall establish the time frame for the building moratorium and direct that no permits be issued within the affected area(s). The ordinance shall also set forth a fixed time within which the City Manager or the Director of the Department of Planning and Development Services shall report back to the City Commission with his/her recommendations relating to the appropriate zoning districts and regulations for the affected areas. The said time limitation shall be a reasonable one, predicated upon the time needed for a comprehensive analysis of the area(s).
- D. Should the City Manager or the Director of the Department of Planning and Development Services be unable to report back to the City Commission within the time prescribed by its moratorium ordinance, upon timely request by the City Manager or the Director of the Office of Planning and after public hearing on the need therefore, the City Commission may, by ordinance, reasonably extend the time limitation.
- E. Upon notification by the City Manager or the Director of the Department of Planning and Development Services that he/she is prepared to submit his/her recommendations relating to the affected area, a public hearing will be held by the City Commission at the earliest practicable time, after reasonable notice by publication in a newspaper of general circulation in the city. After the public hearing, the City Commission shall make its determination as to whether the zoning districts and regulations shall remain the same or shall be considered for rezoning. Should the City Commission determine that the zoning districts and regulations shall remain the same, it shall immediately pass an ordinance terminating the building moratorium. Should the City Commission determine that the applicable zoning districts and regulations should be changed, or new districts or regulations should be created, it shall pass an ordinance initiating the actions required elsewhere within this code for such changes. In such a circumstance, notwithstanding the provisions of Section 5.4.1 of the Zoning and Land Development Regulations, zoning in progress shall begin at the time of passage of the resolution.
- F. Upon the completion of the consideration of all zoning district changes relating to the affected area, the City Commission shall pass an ordinance terminating the building moratorium.
- G. Notwithstanding the passage and adoption of any building moratorium ordinance, the City Manager may in his/her discretion, authorize the issuance of building permits for nondeleterious items including, but not limited to, fences, repairs, utilities, maintenance and like matters.

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- H. During the existence of any building moratorium, no applications for Variances, Special Exceptions or Zoning district changes, within the affected area, shall be acted upon by any city agency, except as provided by the City Commission in its moratorium ordinance.
- I. If a building permit has been issued for any proposed building, structure, or other improvement in an area of the city that is subsequently placed under a moratorium pursuant to the terms of this article, and no actual construction or substantial land development has been initiated prior to the initial establishment of the said moratorium by the City Commission, said permit shall be revoked unless the said building permit comes within the terms of G. above. In the event of revocation, any permit fees paid to the city shall be refunded in full.

(Ord. O-2001-15, passed 5-16-2001; Am. Ord. O-2009-39, passed 12-2-2009)

§ 5.3. Development Review Board.

- A. Membership. The Development Review Board shall consist of seven members and two alternate members. The City Attorney or his/her designee shall act as the Board's legal counsel and shall provide legal advice as the Board may require. The City Manager may appoint an attorney to represent the Office of Planning at the Board meetings and at other related meetings. The City Commission shall appoint the Development Review Board members in accordance with the procedures set forth in Chapter 37 of the Code of Ordinances.

- 1. The Development Review Board shall be comprised of the following:

- (1) Architect;
- (2) Attorney;
- (3) Engineer or General Contractor;
- (4) Land/Urban Planner;
- (5) Business Owner;
- (6) Citizen-at-large;
- (7) Landscape Architect or Environmental Expert; or
- (8) Alternates (from any of the above categories).

Each of the voting members must meet the qualifications set forth in § 5.3.B. below.

- 2. Alternate members. In case of the absence or disqualification of any regular member of the Board, the Chairperson of the Board shall designate an alternate member of the Board to serve on the Board during the period of such absence or disqualification. In case of a vacancy in the membership of the Board, the Chairman of the Board at each meeting shall designate an alternate

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member of the Board to serve on the Board for that meeting. The Chairperson shall decide the designation of an alternate member by lots for each meeting. In cases where alternates are designated to serve, alternates shall have all of the same powers as regular members. When an alternate member is designated to be on the Board, the alternate member shall continue on the Board for all petitions presented at such meetings, including those petitions which may be continued to a later date and time.

B. Qualifications. The qualifications for membership shall be as follows:

1. Architect - Must be a registered architect in the State of Florida and a member of the American Institute of Architects (local chapter).
2. Attorney - Must have educational and/or legal experience in land use matters and be a member of the Florida Bar.
3. Engineer or General Contractor - If an Engineer, he/she must be registered with the State of Florida. If a General Contractor, he/she must be licensed with the State of Florida.
4. Land/Urban Planner - Must have either Bachelor's Degree or a Master's Degree in City Planning or an American Institute of Certified Planners (AICP) Certification.
5. Business Owner - An owner of a business located within the City of Hollywood, Florida.
6. Citizen-at-large - Any person who either falls within one of the categories listed above or is a citizen of the City of Hollywood and is interested in improving the quality of life within the city.
7. Landscape Architect or Environmental Expert - If a Landscape Architect, he/she must be registered in the State of Florida. If an Environmental Expert, he/she must be recognized by the City Commission as having knowledge and expertise in environmental/"green" initiatives.
8. Alternates - Any person who falls within one of the categories listed above.

C. Meeting procedures of the Development Review Board.

1. A quorum of the Development Review Board shall consist of four members.
2. The Board shall adopt written rules of procedure and shall keep minutes of its proceedings, showing its action(s) on each and every case that is considered. A copy of the minutes shall be filed in the Department of Planning and Development Services and be open to public inspection.
3. At the last meeting of the Board each calendar year, the Board shall fix a time and date for the next year's regular meetings. Every June, the Board shall elect from its membership a member to serve as Chairperson, a member to serve as Vice-Chairperson and a member to serve as Secretary. Special Meetings may be called by the Chairperson or if the Chairperson is unavailable, the Vice-Chairperson of the Board, provided that 48 hours written notice is given to all members of the Board.

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4. Absenteeism/removal of Board members. The Development Review Board members shall comply with the procedures set forth in Chapter 37 of the Code of Ordinances and are subject to the removal process set forth therein.
 5. All meetings of the Board shall be open to the public.
 6. Public notice.
 - a. Notice of any meeting of the Board shall be posted on the Sunshine Board.
 - b. Notification of property owners. Notifications of Variance and Special Exception, Design and Site Plan petitions shall be mailed to property owners lying wholly and partly within 300 feet of the property of the petitioner and to all owners of land subject to the petition at least ten days prior to the date of the scheduled meeting. The addresses for the property owners shall be obtained from the Broward County Property Appraisal's records. At least ten days prior to the scheduled meeting, the subject property shall be posted by the applicant with a suitable notice of the requested Variance, Special Exception, Design and Site Plan including the date, location and time of the hearing on such matter.
 - c. Notification of owners of properties located on US 441/SR 7 corridor. For any variance application submitted by the Florida Department of Transportation to address nonconformities that may result from a FDOT US 441/SR 7 corridor improvement project, the city shall send by certified mail, return receipt requested, notice of such request to the property owner of record at least 30 days prior to the Development Review Board hearing.
 7. All interested parties shall have the right to appear at any of the Board's meetings, personally or by an attorney, and have the right to object to or support any matter before the Board for consideration or any interested party may object or support in writing, provided the same is filed on or before the time of such meeting.
- D. Duties. The duties of the Development Review Board shall be as follows:
1. Following review by the Technical Advisory Committee, the Board shall hold a public hearing to either approve, approve with conditions, or deny a site plan in accordance with the site plan regulations set forth in Chapter 162 of the Code of Ordinances as well as all other matters associated with the approval of site plans for new development.
 2. To consider petitions for all existing developments/projects that require Site Plan and/or Design approval and petitions for new development outside of Historic District(s) and Historic Sites, relating to Variances and Special Exceptions pursuant to the guidelines and procedures set forth in this Article.

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3. To consider distance waivers for establishments which sell alcoholic beverages in accordance with § 113.03 of the Code of Ordinances.
4. To consider any matter set forth in Article 11, "Adult Entertainment" of the Zoning and Land Development Regulations.
5. To hear matters relating to Design and to grant or deny the Design request pursuant to the Design procedures set forth herein.
6. To hear appeals of administrative decisions made by the Director of the Office of Planning as they relate to the above referenced matters.
7. To consider a variance petition submitted by the Florida Department of Transportation as part of a cure plan for nonconformities which may result from a US 441/SR 7 corridor improvement project.
8. To hear matters relating to nonconforming structures and uses, as Special Exception petitions, as set forth in Section 3.12 of the Zoning and Land Development Regulations.

E. Petitions for Variances and Special Exceptions.

1. Filing of petition. Petitions to the Development Review Board may be filed by any person substantially aggrieved by the literal enforcement of the requirements of the Zoning and Land Development Regulations. Further, petitions may be filed by any person to obtain a Special Exception for those uses listed as Special Exceptions in the Zoning and Land Development Regulations. Such petition(s) shall be filed on forms provided by the Department of Planning and Development Services, signed by the owner(s) of the subject property and submitted to the Director of the Department of Planning and Development Services or his/her designee. No petition shall be accepted unless the actual legal and beneficial ownership of the subject property is indicated on the petition. Upon receipt of a completed petition, the petition shall be scheduled before the Board as a public hearing and the public shall be given notice according to the notification procedures set forth herein. For acquisition parcels within a Florida Department of Transportation US 441/SR 7 corridor improvement project, petitions for Variances may be filed by an authorized representative of the FDOT.
 - a. In the event that site plan review is required pursuant to Chapter 162 of the Code of Ordinances, such site plan review shall be completed prior to any petition for a variance or special exception.
 - b. Further petitions after withdrawal or denial of initial petitions.
 - (1) Except as set forth in division E.1.b.(2) and E.1.b.(3) below, when any petition for a variance or special exception is withdrawn after the initial public hearing by the

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petitioner or is denied by the Board (and upheld by the City Commission if the Board's decision of denial is appealed), no other identical petition for a variance or special exception on the same property shall be considered within one year from the date of such withdrawal or denial (or upholding of the Board's denial by the City Commission, if the Board's decision of denial is appealed).

- (2) The Board may, for good cause and to avoid undue hardship, by resolution, allow a withdrawal after the initial public hearing without prejudice to the right to reapply within one year for the same relief. A new application fee will be required upon reapplication.
 - (3) The denial or withdrawal of any Florida Department of Transportation US 441/SR 7 corridor improvement project variance petition shall not prevent a property owner of record from applying for similar relief.
- c. Further petition after approval of initial petitions. Nothing contained herein shall prevent additional petitions after the approval of an initial petition.
2. Application fee.
- a. Amount. There shall be an application fee for each petition for a variance or special exception. The amount of the application fee shall be set by resolution of the City Commission as that amount required to reimburse the city for all expenses associated with the petition plus the costs incurred by the city in public notice and property owner notification as required under the Zoning and Land Development Regulations.
 - b. Time of payment. The application fee shall be paid at the time the application is filed and is a condition of the Development Review Board holding the required public hearing.
3. Procedure. The Board shall hear the petition for a variance or special exception pursuant to the city's quasi-judicial procedures.

F. Variances.

1. Variances. Except as set forth in division F.2. below, no Variance shall be granted by the Development Review Board unless the Board finds that the petitioner has shown that criteria a. through d. have been met or criteria e. is established, then the Variance shall be granted.
 - a. That the requested Variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the city;
 - b. That the requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community;
 - c. That the requested Variance is consistent with and in furtherance of the Goals, Objectives and Policies of the adopted Comprehensive Plan, as amended from time to time, the applicable Neighborhood Plan and all other similar plans adopted by the city; and

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- d. That the need for the requested Variance is not economically based or self-imposed.
 - e. That the Variance is necessary to comply with state or federal law and is the minimum Variance necessary to comply with the applicable law.
2. Sign variances. No sign variance to the provisions of Article 8 "Sign Regulations" shall be granted by the Development Review Board unless the Board finds that the petitioner has shown that all of the following criteria have been met:
- a. The variance is not contrary to the public interest;
 - b. The variance is required due to special conditions; and
 - c. A literal enforcement of the provisions of Article 8 may result in unnecessary hardship.
3. Decision of the Board. In considering a Variance request pursuant to divisions F.1. and F.2. above, the Board may grant the Variance, grant the Variance with appropriate conditions, stipulations and safeguards or limitations deemed necessary to protect adjacent properties and the public interest, or deny the Variance.
- a. If the Board grants the variance, the Board shall adopt a resolution setting forth the variance granted along with any conditions, stipulations, safeguards, or limitations prescribed by the Board. A copy of the applicable resolution shall be mailed to the petitioner, and a copy shall be delivered to the City Clerk to be recorded in the Public Records of Broward County, Florida, and to any enforcing official involved. Such resolution granting the variance shall be authorization for any approval, permit or license incidental to any use of land or buildings as set forth in the resolution. If the Board denies the variance, the Board shall adopt a resolution setting forth the reasons for denial. A copy of any resolution adopted by the Board regarding a petition to cure a nonconformity that may result from a Florida Department of Transportation US 441/SR 7 corridor improvement project shall be sent by certified mail, return receipt requested, to the owner of record of the property to which the resolution applies.
 - b. Time limit. When either the Board has granted a Variance, the Director of the Department of Planning and Development Services has granted an administrative variance or the City Commission has granted a Variance based upon an appeal in accordance with the regulations set forth in this Article, such grant shall become null and void unless the appropriate principal building, or other permit or license is applied for within 24 months of the date of such decision by the Board, the Director of the Department of Planning and Development Services or, if applicable, the City Commission. However, an extension of up to 24 months may be granted in the same manner as the initial request upon a showing that there has not been a significant change in the circumstances influencing the original approval. Any such application for extension must be filed prior to the expiration of the initial 24 month period. If an extension has been granted, and the applicant has not applied for the appropriate building or other permit or license, or the extension request has been denied, then the applicant's Variance shall become null and void and the applicant will be required to re-apply for any and all approvals necessary.

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G. Special Exceptions.

1. **General Provisions.** A Special Exception is a use that is not generally appropriate in a district, but would be appropriate if it is consistent with the review criteria set forth herein. Such use may be permissible in a zoning district as a special exception if specifically provided in the Zoning and Land Development Regulations. However, such uses are not deemed to be appropriate within a zoning district without demonstration by the applicant that the Special Exception use complies with this subsection.
2. **Review of petitions for Special Exceptions.** All petitions for Special Exceptions, except for those within a Historic Overlay District or Historic Site which are reviewed by the Historic Preservation Board or those relating to non-conforming uses and structures shall be reviewed by the Development Review Board. The Development Review Board shall review petitions for Special Exceptions relating to nonconforming uses and structures based upon the criteria set forth in Section 3.12 of the Zoning and Land Development Regulations. All other petitions for Special Exceptions considered by the Board shall be based upon the following criteria:
 - a. The proposed use must be consistent with the principles of the City's Comprehensive Plan;
 - b. The proposed use must be compatible with the existing land use pattern and designated future uses and with the existing natural environment and other real properties within the vicinity;
 - c. That there will be 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 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 1 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;
 - 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.
3. **Decision of the Board.** In considering a petition for a Special Exception, the Board shall grant the Special Exception if all of the criteria set forth in 2. above are met, shall grant the Special

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Exception with appropriate conditions when the Board determines such conditions (including without limitation, covenants running with the land) are necessary to further the purpose of the zoning district or compatibility with other property within the vicinity, or shall deny the Special Exception.

- a. If the Board grants the Special Exception, the Board shall adopt a resolution setting forth the Special Exception granted along with any conditions prescribed by the Board. A copy of such resolution shall be mailed to the petitioner, and copy shall be recorded in the Public Records of Broward County, Florida, and to any enforcing official involved. Such resolution, in addition to the execution and recordation of any required covenant, shall be authorization for any approval, permit or license incidental to any use of land or buildings as set forth in the resolution. If the Board denies the Special Exception, the Board shall adopt a resolution setting forth, with specificity, the reasons for denial.
 - b. Time limit. The same time limits set forth in § 5.3.F.3.b. above, apply to Special Exceptions.
- H. Procedure for revocation of a variance or special exception. In the event that property is not used in conformance with the applicable regulations or provisions of an approved variance or special exception, such variance or special exception is subject to revocation. Revocation of a variance or special exception shall be effected as follows:
1. Upon finding that a property is not being used in conformance with the applicable regulations or provisions of the variance or special exception, the Office of Planning Director shall notify the occupant of the property and the property owner of such nonconformance. Upon receiving such notice, the applicant and property owner shall have 30 days in which to comply with the applicable regulations or provisions of the variance or special exception;
 2. If after 30 days, the applicant fails to comply with the applicable regulations or provisions of the variance or special exception, the Office of Planning Director shall request that the Board schedule a public hearing for purposes of determining whether the variance or special exception should be revoked;
 3. Upon receiving a request for a public hearing, the Board shall set such hearing date and hold a public hearing to consider the revocation of the variance or special exception. The Office of Planning Director shall provide written notice to the occupant of the property and to the property owner of the scheduled public hearing. The applicant will have the opportunity to appear and be heard by the Board at the public hearing.
- I. Design Procedures.
1. Board jurisdiction. The Development Review Board shall be responsible for the following:
 - a. To review all applications where minimum design standards apply;

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- b. To prepare and recommend adoption of design elements consistent with to the City-Wide Master Plan;
 - c. To promote the use of Crime Prevention through Environmental Design Guidelines and Strategies in order to reduce crime and fear of crime, as approved by the City Commission; and
 - d. To hear and decide appeals of administrative design decisions by the Director of Planning and Development Services.
2. Director of the Department of Planning and Development Services' authority. The Director of the Department of Planning and Development Services, after consulting with the respective Executive Director of the CRA if the application is within a CRA District, shall have the authority to approve, approve with conditions or deny an application for Design for the following applications:
- a. Rehabilitation of existing facades;
 - b. Residential Developments of four units or less (except in Historic Districts or Sites);
 - c. Communication towers;
 - d. Landscape projects including decks and patios that contain less than 10,000 sq. ft.;
 - e. Construction, repair, or rehabilitation of new or existing walls, fences, at-grade parking lots, signs, including change of copy, canopies, and awnings;
 - f. Installation of any mechanical or plumbing equipment that is visible from the public right-of-way. This review is limited to methods of screening the equipment from public view; and
 - g. Any other construction, which in the discretion of the Office of Planning Director, is similar in size and impact as the work listed above, except in Historic Districts or Sites.
3. Joint meeting of the Development Review Board and Historic Preservation Board. For projects in local Historic Districts or Historic Sites, which are not located in single family districts, that require Site Plan approval and a Certificate of Appropriateness for Design, there shall be a joint meeting of the Development Review Board and the Historic Preservation Board. The membership of the joint board shall consist of five (5) Development Review Board members and four (4) Historic Preservation Board members. A quorum of the combined Development Review Board and Historic Preservation Board shall be five persons regardless of the Board on which they serve.
4. Applicability and exemptions.
- a. Applicability. All building permits for new construction, alterations, or additions to existing buildings, including fences, parking lots, walls and signs, whether new or change of copy,

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shall be subject to review under the Design Procedures except as provided herein. No building permit shall be issued without the written approval of the Development Review Board or staff, as provided for in these regulations. The Historic Preservation Board, or staff, shall review the applicable building permits under the Design Procedures for projects that are within single family districts that are locally designated historic districts or historically designated sites.

- b. Exemptions. Exemptions to these regulations include all of the following provided no new construction or additions to existing buildings are required:
 - (1) All permits for plumbing, heating, air conditioning, elevators, fire alarms and extinguishing equipment, and all other mechanical and electrical equipment when such work is entirely within the interior of the building; however, the Office of Planning Director may approve such building permit applications for minor work on the exterior of buildings;
 - (2) Any permit necessary for the compliance with a lawful order of the Chief Building Official, City Engineer or Fire Marshall related to the immediate public health or safety; and
 - (3) All permits for demolition, interior alterations and repairs not affecting a building listed as a Historic Structure in the City's Historic Property Database or which is designated as an Historic Site.
5. Applications and application fees.
- a. Application for Design. The applicant shall obtain a Development Review Application from the Department of Planning and Development Services, which shall be responsible for the overall coordination and administration of the Development Review Process. When the application is complete, the Department of Planning and Development Services shall place the matter on the agenda for the next available Development Review Board meeting and prepare a recommendation to the Board or forward the application to the Director of the Department of Planning and Development Services. An application for consideration of Design shall be accompanied by the applicable application fee as established by resolution of the City Commission.
 - b. Application fee. The application fee for Design shall be set by resolution of the City Commission. The application fee is required in order to reimburse the city for all expenses associated with the application and review by staff.
 - c. Payment of fee. The application fee shall be paid at the time the application for consideration of Design is filed and is a condition precedent to having the application placed on a Board agenda.

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6. Design Criteria.

The Board and the Director of Planning and Development Services shall review plans based upon the criteria below. If the Board or the Director (as applicable) determines that an application is not consistent with the criteria, reasons shall be set forth in writing substantiating the finding.

- a. General Criteria. All plans/architectural drawings shall be reviewed based upon the evaluation of compatibility with the City's Design Guidelines, including the following elements:
 - (1) Architectural and Design components. Architecture refers to the architectural elements of exterior building surfaces. Architectural details should be commensurate with the building mass. The use of traditional materials for new architectural details is recommended. Design of the building(s) shall consider aesthetics and functionality, including the relationship of the pedestrian with the built environment.
 - (2) Compatability. The relationship between existing architectural styles and proposed construction, including how each building along the street relates to the whole and the pattern created with adjacent structures and the surrounding neighborhood. Buildings should contain architectural details that are characteristic of the surrounding neighborhood.
 - (3) Scale/Massing. Buildings shall be proportionate in scale, with a height which is consistent with the surrounding structures. Building mass shall reflect a simple composition of basic architectural details in relation to its length, width, height, lot coverage, and setting of the structure in context with adjacent buildings. Architectural details include, but are not limited to, banding, molding, and fenestration.
 - (4) Landscaping. Landscaped areas should contain a variety of native and other compatible plant types and forms, and be carefully integrated with existing buildings and paved areas. Existing mature trees and other significant plants on the site should be preserved.
- b. Design Guidelines Manual. The Development Review Board has adopted a Design Guidelines Manual which contains recommended approaches to design issues and which is incorporated herein. The Board shall only approve amendments to the Design Guidelines Manual after a public hearing has been held. Public notice requirements shall be by notice in a newspaper of general paid circulation in the city with the notice appearing at least ten days in advance of the public hearing.
- c. Neighborhood Specific Design Review Criteria. The Development Review Board is authorized to approve specific design review criteria for identified neighborhoods in the city and to apply the criteria in its review of plans for design approval. The Board shall only approve Neighborhood Specific Design Review Criteria after a public hearing has been held. Public notice requirements shall be by notice in a newspaper of general paid circulation in the city with the notice appearing at least ten days in advance of the public hearing. This process shall also apply to amendments.

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7. Decision of the Board.

- a. The Board shall approve, approve with conditions or deny applications. The Board may require such changes in said plans and specifications that in its judgment may be requisite and appropriate to the maintenance of a high standard of architecture, as established by the criteria contained in this section and as specified in the City's Comprehensive Plan and other specific plans adopted by the City and the Board.
- b. Upon a decision on an application by the Board, the Office of Planning shall send a letter along with the Board's resolution setting forth its decision to the applicant.
- c. Clarification hearing. Should a question arise as to compliance with the conditions as outlined by the Board, a clarification hearing before the Board may be called at the request of the Office of Planning. The issue at such hearing shall be limited to a clarification of the Board's decision.

8. Building permit application.

- a. No building permit, Certificate of Occupancy or Certificate of Completion, shall be issued unless all of the plans, including amendments, notes, revisions, and modifications, are consistent with all Board approved plans. Minor modifications to plans that have not been approved by the Board shall be permitted when approved by the Director of the Department of Planning and Development Services.
- b. The applicant shall have up to 24 months from the date of Design approval to apply for necessary building permits required to proceed with construction. If the applicant fails to apply for said building permit(s) within the time period, all staff and Board approvals shall be null and void and the applicant shall be required to re-initiate the review process for design. However, an extension for cause, not to exceed 24 months, may be granted by the Board. Any such application for extension must be filed prior to the expiration of the initial 24 month period. If an extension has been granted and the applicant has not applied for the appropriate building or other permit or license, or the extension has been denied, the applicant's Design shall become null and void and the applicant will be required to re-apply for any and all approvals necessary.
- c. An applicant may submit an application for a building permit simultaneously with an application for consideration of Design in order to expedite processing. However, no building permit shall be issued until the final Site Plan has been stamped and signed by the Director of the Department of Planning and Development Services or his/her designee in accordance with this section.

J. Appeal of Development Review Board decisions. Any appeal of a decision by the Development Review Board shall be made pursuant to § 5.8 of this Article.

(Ord. O-2001-15, passed 5-16-2001; Am. Ord. O-2003-38, passed 11-5-2003; Am. Ord. O-2004-16, passed 6-16-2004; Am. Ord. O-2006-37, passed 12-14-2006; Am. Ord. O-2008-11, passed 6-4-2008; Am. Ord. O-2008-23, passed 10-15-2008; Am. Ord. O-2009-39, passed 12-2-2009)

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§ 5.4. Planning and Zoning Board.

- A. **Membership.** The Planning and Zoning Board shall consist of nine members, two alternate members and a non-voting representative of the Broward County School Board. The nine voting members shall consist of four from a professional category subject to the qualifications set forth in § 5.4C. of this Article. The City Commission shall appoint the Planning and Zoning Board members in accordance with the procedures set forth in Chapter 37 of the Code of Ordinances. The School Board pursuant to F.S. § 163.3174 as amended from time to time, shall appoint a School District staff member to be its non-voting representative on the City's Planning and Zoning Board.
- B. **Alternate members.** In case of the absence or disqualification of any regular member of the Board, the Chairperson of the Board shall designate an alternate member of the Board to serve on the Board during the period of such absence or disqualification. In the case of a vacancy in the membership of the Board, the Chairperson of the Board at each meeting shall designate an alternate member of the Board to serve on the Board for that meeting. The Chairperson shall decide the designation of an alternate member by lots for each meeting. In cases where alternates are designated to serve for such limited periods, alternates shall have the same powers as regular members. When an alternate member is designated to be on the Board, the alternate member shall continue on the Board for all petitions presented at such meetings, including those petitions which may be continued to a later date and time.
- C. **Qualifications.** Qualifications for membership shall be as follows:

Professional category. Four members shall be selected from the below list:

1. **Architecture:** Registered architect in the State of Florida.
2. **Landscape Architect or Environmental Expert:** If a Landscape Architect, he/she must be registered in the State of Florida. If an Environmental Expert, he/she must be recognized by the City Commission as having knowledge and expertise in environmental or "green" initiatives.
3. **Land/Urban Planner:** Must have either a Bachelor's Degree or Master's Degree in City Planning or an American Institute of Certified Planners (AICP) Certification.
4. **Developer** who is recognized by the City Commission for the development of quality projects.
5. **Engineer or General Contractor:** If an Engineer, he/she must be registered with the State of Florida. If a General Contractor, he/she must be licensed with the State of Florida.
6. **Historic preservationist** who has earned a college degree in preservation, or is responsible for the revitalization or adaptive reuse of historic buildings or is recognized by the City Commission for contributions to historic preservation, education or planning.
7. **Business Owner:** An owner of a business located within the City of Hollywood, Florida.
8. **A person** who has a significant background in financial matters.
9. **Attorney** with education or experience in land use issues and who is a member of the Florida Bar.

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Citizen category. Five members shall be selected from the below list:

1. Any person who meets one of the professional categories.
2. Two members who are members of a Homeowners Association within the city.
3. Any lay citizen who is interested in improving the quality of life in the City of Hollywood.

Alternate category. Alternate members may be selected from any of the above categories.

D. Meeting procedures.

1. A quorum of the Planning and Zoning Board shall consist of five members.
2. The Board shall adopt written rules of procedure and shall keep minutes of its proceedings, showing its actions on each and every case that is considered. A copy of the minutes shall be filed in the Office of Planning and be open to public inspection.
3. At the last meeting of the Board each calendar year, the Board shall fix a time and date for the next year's regular monthly meetings. Every June, the Board shall elect from its membership a member to serve as Chairperson, a member to serve as Vice-Chairperson and a member to serve as Secretary. Special Meetings may be called by the Chairperson or if the Chairperson is unavailable, the Vice-Chairperson of the Board, provided that 48 hours written notice is given to all members of the Board.
4. Absenteeism/removal of Board members. The Planning and Zoning Board members shall comply with the procedures set forth in Chapter 37 of the Code of Ordinances and are subject to the removal process set forth therein.
5. All meetings of the Board shall be open to the public.
6. Public notice.
 - a. Notice of the Board's scheduled public hearing shall be in accordance with Chapter 166 and/or Chapter 163, Florida Statutes, as amended from time to time.
 - b. Notification of property owners.
 - (1) On all changes of zoning classification initiated by private entities or owners of private property, notice of said petition and hearing shall be mailed to all owners of properties subject to said petition and to all owners of properties lying wholly or partly within 300 feet of the parcel(s) subject to said petition, at least ten days prior to the date of the public hearing by the Board. The addresses for the property owners shall be obtained from the Broward County Property Appraiser's records. Such notice shall contain the date, time and place of the hearing, and description of the subject property location,

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the existing zoning classification and the proposed zoning classification. The petitioner may post the subject property with a suitable notice of the requested change and hearings on such change, which shall include the date, time and location of the hearings.

- (2) On all changes of zoning classification initiated by the City of Hollywood, notification requirements shall be as provided by § 166.041, Florida Statutes, as may be amended from time to time. However, city initiated site specific changes of zoning classification relating to a specific, individual, identified project shall also comply with the notification requirements indicated in division D.6.b.(1) above.
7. All interested parties shall have the right to appear at any of the Board's meetings, personally or by an authorized representative, and have the right to object to or support any matter before the Board for consideration. In the event that any interested party is unable to appear before the Board, a written document may be submitted by the party prior to the scheduled meeting which sets forth the party's objections to or support of the matter being considered by the Board.
- E. Duties. The duties of the Planning and Zoning Board shall be as follows:
1. The Board shall hear, give consideration to and make recommendations to the City Commission on the following matters, in accordance with the applicable City Zoning and Land Development Regulations, Florida Growth Management Act and other applicable state laws:
 - a. Text amendments to the Zoning and Land Development regulations;
 - b. Petitions for change of zoning district;
 - c. The comprehensive planning program including the preparation of the comprehensive plan, its elements or portions thereof for the city in accordance with state law requirements as amended from time to time;
 - d. Coordination of the comprehensive plan, its elements or portions thereof with the comprehensive plans of other appropriate local governments and the state;
 - e. The monitoring of the effectiveness and status of the comprehensive plan adopted by the City Commission; and
 - f. Changes in the comprehensive plan as may be required from time to time.
 2. Pursuant to F.S. § 163.3174, as amended from time to time, the Planning and Zoning Board is hereby designated and established as the local planning agency for the incorporated territory of the city.

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3. The Board shall have the authority to hear appeals from administrative decisions and interpretations of the Zoning and Land Development Regulations by the Director of Planning and Development Services.
 4. It shall be the continuing duty of the Planning and Zoning Board to be currently informed and knowledgeable of the conditions and developments of the City, and to make studies and recommendations relating to city planning and zoning matters, either initiated by the Board, the City Manager, or the City Commission.
 5. The Board shall have the authority to consider the allocation of Reserve Units or Flexibility Units. Petitions relating to Reserve Units and Flexibility Units shall be reviewed by the Board.
- F. Text amendments of the Zoning and Land Development Regulations.
1. Filing of petition. A petition for an amendment to the text of the City's Zoning and Land Development Regulations shall be submitted to the Office of Planning on a form provided by the Division. A petition may be filed by any of the following:
 - a. City Commission;
 - b. Planning and Zoning Board; or
 - c. City Manager or his/her designee.

Upon receipt of a completed petition, the petition shall be scheduled before the Board as a public hearing and the public shall be given notice according to the notification procedures set forth in this section. The Secretary of the Board may request written commentary relating to said petition by the responsible enforcing official and request the attendance of such official or his/her qualified representative at such hearing.
 2. Application fee.
 - a. Amount. There shall be an application fee paid for each petition for a text amendment. The amount of the application fee for filing a petition shall be set by resolution of the City Commission as that amount required to reimburse the city for all expenses associated with the petition plus the costs incurred by the city in public notice and property owner notification as required under the Zoning and Land Development Regulations.
 - b. Time of payment. The application fee shall be paid at the time the application is submitted.

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3. Recommendation of the Board. In reviewing a petition for a text amendment to the Zoning and Land Development Regulations, the Board shall only recommend approval of the petition if it is consistent with the following criteria:
 - a. 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;
 - b. That conditions have substantially changed from the date the present zoning regulations were established.

After review of the petition, at the scheduled public hearing, the Board shall make a recommendation to the City Commission either to approve the petition if it meets the above criteria or, if such criteria are not met, to deny the petition.

4. Review and decision by the City Commission.
 - a. Upon receipt of the proposed text amendment with the Board's recommendation, the City Clerk shall set a date for a public hearing on an agenda of the City Commission, in accordance with the notice requirements set forth in F.S. Ch. 166.
 - b. In reviewing a petition for a request to make a text amendment to the City's Zoning and Land Development Regulations, the City Commission may:
 - (1) Approve, deny or modify a petition for change of text; or
 - (2) At any time, resubmit such petition to the Board for its recommendations on changes to the petition proposed by staff or the City Commission after the initial Board recommendation, but such resubmission is purely optional and discretionary on the part of the City Commission.

G. Petition for change of zoning district (rezoning).

1. Filing of petition. Petitions for change of zoning district (rezoning) shall be submitted to the Office of Planning on forms provided by the Office. Such petitions may be filed by the following:
 - a. Property owners. The owner or owners of any parcel of land in the city may file a petition for change of zoning district. No petition shall be accepted without the actual legal and beneficial ownership of the subject property indicated on the petition, and any petitions acted on without such information shall be null and void.

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- b. City. The City Commission, the City Manager, and the Planning and Zoning Board, may file a petition for change of zoning district with respect to any land within the city.
2. Application fee. There shall be an application fee for each petition for a change of zoning district. The amount of the application fee shall be set by resolution of the City Commission. Before any such petition is processed by the city, except those initiated by the city and except those initiated for property theretofore unzoned by the city, the application fee shall be paid and said fee is not refundable after the petition has been advertised by the city.
3. Procedures. In reviewing a request for a change of zoning district, the Board shall consider the following criteria:
 - a. That the petition for a change of zoning district will not result in spot zoning or contract zoning;
 - b. That the proposed change is consistent with, and in furtherance of the Goals, Objectives and Policies of the City's Comprehensive Plan;
 - c. That conditions have substantially changed from the date the present zoning district classification was placed on the property which make the passage of the proposed change necessary;
 - d. The proposed change will not adversely influence living conditions in the neighborhood; and
 - e. That the proposed change is compatible with the development(s) within the same district/neighborhood.
4. Recommendation of the Board. After review of the petition, at the scheduled public hearing, the Board shall make a recommendation to the City Commission to:
 - a. Approve the petition as it meets the criteria set forth above;
 - b. Rezone the subject property to a zoning district less restrictive than the current zoning district but more restrictive than the petitioned for zoning district; or
 - c. Deny the petition.
5. Further petitions after withdrawal or denial of initial petitions.
 - a. Except as set forth in division G.6.b. below, when any petition for change of zoning district is withdrawn after the initial public hearing by the petitioner or is denied by the City Commission, no other identical petition for change of zoning district on the same property shall be considered within one year from the date of such withdrawal or denial.

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- b. The Board may, for good cause and to avoid undue hardship, by resolution, allow a withdrawal after the initial public hearing without prejudice to the right to reapply within one year for the same relief.
 6. Review and decision by the City Commission.
 - a. Upon receipt of the proposed rezoning with the Board's recommendation, the City Clerk shall set a date for a public hearing on the agenda of the City Commission, in accordance with the notice requirements set forth in F.S. Ch. 166, if applicable.
 - b. After completion of the hearing on a petition for change of zoning district, the City Commission may approve the petition as follows:
 - (1) The City Commission must find that the petition for a change of zoning meets the criteria set forth above.
 - (2) The City Commission may approve a change of zoning to a district more restrictive than the petitioned for change and/or the district recommended by the Planning and Zoning Board without resubmission of such proposed change to the Board or readvertisement of the initial public hearing before the City Commission.
 - (3) The City Commission may approve a change of zoning to a district less restrictive than the petitioned for change and/or the district recommended by the Planning and Zoning Board, provided the City Commission, after such determination, reschedules the initial public hearing on the petition and the applicable public notification requirements are followed. Such notifications shall include a statement that the City Commission has expressed its intention to approve the specified zoning district. The City Commission, in its discretion, may resubmit the proposed change to the Planning and Zoning Board for its recommendation.
- H. Appeal from administrative decisions. The Planning and Zoning Board shall hear, decide and rule upon appeals filed by any party in interest aggrieved by an order, decision or interpretation by the pertinent officials of the city, in the enforcement of the terms and provisions of any of the Zoning and Land Development Regulations, as amended from time to time. Any appeal of an administrative decision shall be made pursuant to § 5.8 of this Article.
- I. Zoning in progress. During the period of time that a petition for either a text amendment to the Zoning and Land Development Regulations or change of zoning district is under consideration, no permit(s) of any kind shall be issued if such permit would result in the nonconforming or unlawful use of the subject property should the petition for change be finally enacted by the City Commission, subject to the following conditions:
 1. The period of time of such freeze on permits shall begin on the earlier of (i) the date of notification of the property owner by certified mail of the initial public hearing before the Planning and Zoning Board, of (ii) the initial publication date of the initial public hearing before the Planning and Zoning Board. The freeze on permits shall continue for a maximum period of

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six months, provided, however, that such six month period may be extended for up to an additional six months by resolution of the City Commission where the scope and magnitude of the petition requires additional time for study and deliberation.

2. Where a postponement or other delay of a petition is requested by the owner of the subject property, such period of delay shall not be counted against the zoning in progress period.

(Ord. O-2001-15, passed 5-16-2001; Am. Ord. O-2003-38, passed 11-5-2003; Am. Ord. O-2004-16, passed 6-16-04; Am. Ord. O-2006-37, passed 12-14-06; Am. Ord. O-2009-39, passed 12-2-09)

§ 5.5. Administrative Variance.

- A. A variance of no more than 10% of the minimum site area, minimum plot width, minimum setback, maximum coverage, and maximum floor area requirements applicable to a parcel may be approved by the Office of Planning Director without review by the appropriate Board, provided that:

1. The applicant files an application for administrative variance with the Office of Planning.
2. The Director finds, following review, that a specific development plan illustrating the request for such proposal is consistent with already existing development patterns within the surrounding area and with the standards listed in the Zoning and Land Development Regulations.
3. All owners of property within 300 feet of the parcel upon which a variance is requested are notified of the application and their right to protest such request in writing within ten calendar days of the mailing of such notice. The protest letter shall state the reasons and justification for the protest.
4. Any protest received in response to such notice within ten calendar days of the date of mailing shall prohibit any administrative approval pursuant to this section. Receipt of a written protest in response to the notice within the time limit shall allow the applicant to file an application, together with the required fee, for a regulatory variance and be placed on the next available Board agenda. Notice is required to be provided only to the person(s) who protested the administrative variance.

- B. Appeal from an administrative decision of the Office of Planning Director. Any appeal of an administrative decision by the Office of Planning Director relating to administrative variances shall be made pursuant to § 5.8 of this Article.

(Ord. O-2001-15, passed 5-16-2001)

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§ 5.6. Historic Preservation Board and Historic District Regulations.

- A. Purpose and intent. The purpose and intent of these regulations is to:
1. Preserve and conserve properties of historical, architectural and archeological merit in the city which is a public policy of the City of Hollywood and is in the interest of the city's future prosperity;
 2. Protect and encourage the revitalization of historic sites and districts which have special historic, architectural or archeological value to the public;
 3. Protect such Historic Sites and Districts to combat urban blight, promote tourism, foster civic pride, and maintain physical evidence of the city's heritage;
 4. Encourage and promote restoration, preservation, rehabilitation and reuse of Historic Sites and Districts by providing technical assistance, investment incentives, and facilitating the development review process; and
 5. Promote excellence in urban design by assuring the compatibility of restored, rehabilitated or replaced structures within designated Historic Districts.
- B. Scope and exemptions.
1. Scope. Unless expressly exempted herein, no building permit(s) shall be issued for new construction, demolition, alteration, rehabilitation, signage or any other physical modification of a Historic Site, or Historic District, or Historic Multiple Property Resource Listing District without the prior issuance of a Certificate of Appropriateness or Certificate to Dig by the Historic Preservation Board in accordance with the procedures specified in this section. For purposes of this section, alteration shall be defined as any material change in the external features of any Historic Site or improvement within a Historic District, and/or to the interior of any such site or improvement but only if the interior features have been designated pursuant to this section.
 2. Exemptions. The following permits are exempt from the regulations of this section:
 - a. All permits for plumbing, heating, air conditioning, elevators, fire alarms and extinguishing equipment, and all other mechanical and electrical equipment not involving exterior facade changes or construction visible from the public right-of-way or a designated interior; and
 - b. Any permit which is necessary for both compliance with a lawful order of the Chief Building Official, Special Master, Unsafe Structures Board, or Fire Marshal, and for immediate public health or safety.
- C. Historic Preservation Board. There is hereby created a Hollywood Historic Preservation Board for the purposes of carrying out the provisions of this section.

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1. Membership. The Board shall be composed of seven members and two alternates. The City Commission shall appoint the Historic Preservation Board members in accordance with the procedures set forth in Chapter 37 of the Code of Ordinances. There shall be a member from each of the following categories:
 - a. An Architect with practical experience in the rehabilitation of Historic Structures;
 - b. An architectural historian with a minimum of a Bachelor's Degree in Architectural History or a related field and practical experience in the rehabilitation of historic structures, or a Land/Urban planner with a minimum of a Bachelor's Degree in City Planning and related field experience in the application of design guidelines for historic properties and details;
 - c. Engineer or General Contractor - If an Engineer, he/she must be registered with the State of Florida. If a General Contractor, he/she must be licensed with the State of Florida;
 - d. A professional selected within the following professions: Registered Architect in the State of Florida, Registered Landscape Architect in the State of Florida, Land/Urban Planner with either a Bachelor's Degree or Master's Degree in City Planning or an American Institute of Certified Planners (AICP) Certification, Historic Preservationist, or Registered Interior Designer;
 - e. A representative from the Hollywood Historical Society;
 - f. A person recognized by the City Commission as having considerable knowledge and experience in historic preservation issues;
 - g. A real estate broker or salesperson with experience in the sale, lease or management of historic properties; and
 - h. Two alternates who may be selected from any of the above categories.
2. Alternate members. In case of the absence or disqualification of any regular member of the Board, the Chairperson of the Board shall designate an alternate member of the Board to serve on the Board during the period of such absence or disqualification. In the case of a vacancy in the membership of the Board, the Chairperson of the Board at each meeting shall designate an alternate member of the Board to serve on the Board for that meeting. The Chairperson shall decide the designation of an alternate member by lots for each meeting. In cases where alternates are designated to serve for such limited periods, alternates shall have the same powers as regular members. When an alternate member is designated to be on the Board, the alternate member shall continue on the Board for all petitions presented at such meetings, including those petitions which may be continued to a later date and time.
3. Powers and duties. The Board shall:
 - a. Recommend, jointly with the Planning and Zoning Board, to the City Commission, the designation of Historic Sites, Historic Districts, Historic Multiple Property Resource Listing

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- Districts, sites having archaeological significance, and text amendments to these Zoning and Land Development Regulations which affect historic properties;
- b. Prepare and recommend for adoption specific guidelines for historic properties and districts to be used to evaluate the appropriateness and compatibility of proposed alteration or development within historic properties or sites;
 - c. Issue or deny Certificates of Appropriateness for projects in districts that are within locally designated sites or districts or projects that are listed on the National Register of Historic Places in accordance with procedures specified in this section;
 - d. Consider petitions relating to Variances for properties within historic districts and historic sites;
 - e. Facilitate the redevelopment of Historic Sites and Districts by directing the Office of Planning, and other city departments, to provide advisory and technical assistance to property owners and applicants for Certificates of Appropriateness;
 - f. Make and prescribe by-laws and application procedures that are reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this section. The Board shall prescribe forms for use by applicants when requesting actions under this section;
 - g. Be empowered to award historic markers or plaques upon the recommendation of the Director of the Department of Planning and Development Services and with the consent of the City Commission; and
 - h. Issue or deny Certificates to Dig for projects that impact or include archaeological sites.
 - i. Consider Special Exceptions related to properties within the Historic Overlay District or individual Historic Sites. The Board shall review such petitions in accordance with the criteria set forth in § 5.3.G.2a through g.
4. Meeting procedures of the Historic Preservation Board.
- a. A quorum of the Historic Preservation Board shall consist of four members.
 - b. (1) At the last meeting of the Board, each calendar year, the Board shall fix a time and date for the next year's regular monthly meetings.
 - (2) Every June, the Board shall elect from its membership a member to serve as Chairperson, a member to serve as Vice Chairperson and a member to serve as Secretary.
 - (3) Special meetings may be called by the Chairperson, or if the Chairperson is unavailable, the Vice Chairperson of the Board, provided that 48 hours written notice is given to all members of the Board.

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- c. Meetings. The Historic Preservation Board shall meet at the call of the Chairperson or the Office of Planning in order to carry out the provisions of this section. All meetings shall be open to the public and shall be conducted in accordance with rules and regulations adopted by the Board.
 - d. Absenteeism/removal of Board Members. Historic Preservation Board members shall comply with the procedures set forth in Chapter 37 of the Code of Ordinances and are subject to the removal process set forth in Chapter 37.
 - e. Public notice/Notification of property owners. Notifications of Certificate of Appropriateness, Variance and Special Exception petitions shall be mailed to property owners lying wholly or partly within 300 feet of the property of the petitioner and to all owners of land subject to the petition at least ten days prior to the date of the scheduled meeting. The addresses for the property owners shall be obtained from the Broward County Property Appraiser's records. At least ten days prior to the scheduled meeting, the subject property shall be posted by the applicant with notice, in a form approved by the city, of the required Certificate of Appropriateness, Variance or Special Exception including the date, location and time of the hearing on such matter. Such posting shall be done by the applicant.
- D. Historic Preservation Sites and Districts, including Multiple Property Resource Listing Overlay Districts.
- 1. Requests for designation of an individual Historic Site, District or Multiple Property Resource Listing Overlay District may be made to the Board by motion of the Board, by the City Manager, by resolution of the Planning and Zoning Board or the City Commission, by any property owner in respect to his/her own property, by a majority of property owners of record within a proposed district, by resolution of the Broward County Historical Commission, or by resolution of any organization whose purpose is to promote the preservation of historic properties.
 - a. Proposals for designation shall include a completed application form available from the Office of Planning.
 - b. Fees. A request initiated by any entity other than the City Commission, a City Board or City Official shall include an application fee established by resolution of the City Commission.
 - 2. Preliminary review. Upon receipt of a completed application and fee, if applicable, the Office of Planning shall prepare an evaluation and recommendation for consideration by the Board. After considering the Division's recommendation, a majority vote of the Board shall be necessary to direct the Division to prepare a designation report.
 - 3. Designation report. The designation report shall describe the historic, architectural and/or archeological significance of the property proposed for Historical Site or District designation, and recommend Evaluation Guidelines to be used by the Board to evaluate the appropriateness and

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compatibility of proposed developments affecting the designated site or district. The designation report shall be presented to the Board at a public hearing. The report shall include an analysis of the proposed designation based on the following criteria:

- a. Mandatory criteria. The designation of any site or district as an Historic Site or District requires compliance with the following criteria; integrity of location, design, setting, materials, workmanship, and association.
 - b. Review criteria. In addition to the mandatory criteria, the designation of any individual site or district as an Historic Site or District requires compliance with at least one of the following additional criteria:
 - (1) Association with events that have made a significant contribution to the broad patterns of our history;
 - (2) Association with the lives of persons significant in our past;
 - (3) Embodiment of distinctive characteristics of a type, period, or method of construction;
 - (4) Possession of high artistic values;
 - (5) Representation of the work of a master;
 - (6) Representation of a significant and distinguishable entity whose components may lack individual distinction; and
 - (7) Yield, or the likelihood of yielding information important in prehistory or history.
4. Joint meeting of the Historic Preservation Board and Planning and Zoning Board. A public hearing on a proposed historic preservation designation shall be by a joint meeting of the Historic Preservation Board and the Planning and Zoning Board. The membership of the joint board shall consist of five (5) Historic Preservation Board members and four (4) Planning and Zoning Board members. A quorum of the combined Historic Preservation Board and Planning and Zoning Board shall be five persons regardless of the Board on which they serve.

Public notice. The property owners of record within the proposed designation area shall be notified by mail of the public hearing at least ten days in advance of the hearing. The addresses for the property owners of record shall be obtained from the Broward County Property Appraiser's records. In lieu of the foregoing, for applications involving individual site designations, the site shall be posted, which includes a summary of the request, within ten days of the public hearing.

5. Historic designation in process-rule for demolition requests. If, following a recommendation for historic preservation designation by the Board at the public hearing, a permit is sought for demolition, affecting any property within a proposed designation area, that permit shall not be issued for a period of up to, but not more than, six months or until one of the following occurs:

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- a. The proposed Historic Preservation designation is approved by the City Commission and a Certificate of Appropriateness is awarded by the Board; or
 - b. The proposed designation is denied by the City Commission.
6. City Commission public hearing. Two hearings shall be held based on the recommendations of the joint Historic Preservation Board and Planning and Zoning Board.
7. Designation on the Official Zoning Map. All sites and districts designated as Local Historic Overlay Sites, Local Historic Overlay Districts or Multiple Property Resource Listing Overlay Districts shall be delineated on the City's Official Zoning Map as an Overlay. Such sites and districts include:
- a. Local Historic Preservation Overlay Districts:

<i>District</i>	<i>Name</i>	<i>Boundary</i>
HPOD-1	Historic Hollywood Business District	Buildings on Hollywood Blvd. from the west side of the intersection with Young Circle to the east side of Dixie Hwy. (N. 21st Avenue).
HPOD-2	Lakes: Harrison and Tyler Street Historic District	Buildings on Harrison and Tyler St. from the west side of N. 10th Avenue to the east side of N. 17th Avenue.
HPOD-3	Hollywood Beach Historic Overlay District	Properties on the north side of Sherman Street to the north side of Jefferson Street and east of Surf Road, including the Broadwalk and Hollywood Beach Hotel (generally located at 101 N. Ocean Drive).

- b. Historic Property Overlay Sites (HPOS's).

<i>Site</i>	<i>Name</i>	<i>Address</i>
HPOS-1	Young House	1055 Hollywood Blvd.
HPOS-2	Women's Club	501 N. 14th Avenue
HPOS-3		1345 Hollywood Blvd.
HPOS-4		840 Hollywood Blvd.
HPOS-5		902 Hollywood Blvd
HPOS-6		817 Tyler Street
HPOS-7	Hollywood Publishing Company/Old City Hall	219 North 21st Avenue
HPOS-8	Young Circle Park	Intersection of Hollywood Blvd. and Federal Highway
HPOS-9	Hutchinson Hotel	404 North 17th Avenue
HPOS-10	First Baptist Church of Hollywood	1701 Monroe Street

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<i>Site</i>	<i>Name</i>	<i>Address</i>
HPOS-11	Garfield Street Paddleball Courts	Bounded by Surf Rd. to the western fence of the Paddleball Courts and from Connecticut Street to Garfield Street
HPOS-12	Bryan House (4210 N. 58th Avenue)	4220 N. 58th Avenue
HPOS-13	Dunham's Grocery	2410 Taylor Street
HPOS-14	Coral Rock House	310 New York Street
HPOS-15	Southwinds Apartments	347,349,351 Madison Street
HPOS-16	Hollywood Beach Apartments	322 Monroe Street
HPOS-17		2461 Taylor Street
HPOS-18	United States Customs House	1700 Spangler Blvd.
HPOS-19	Weitzman House	1519 Harrison Street

c. Historic Multiple Property Resource Listing District (HMPROLD).

<i>Site</i>	<i>Name</i>	<i>Location</i>
HMPROLD - 1	Lakes Area Historic Multiple Resource Listing District	Properties south of Johnson St. west of the Intracoastal Waterway, north of Washington St. and east of S. 17th Avenue to Polk St. and then east of N. 14th Avenue to Johnson St.

8. Issuance of a Certificate of Appropriateness for projects in the Historic Districts and Sites shall be based on the Design Guidelines for Historic Properties and Districts adopted by the City Commission as amended from time to time.
 9. Historic Properties Database. Historic and Non-Historic Buildings in a locally designated historic district or site should all be listed in the city's database which may be revised from time to time. The database shall be maintained by the Department of Planning and Development Services.
- E. Certificate of Appropriateness for demolition, repair or new construction. A Certificate of Appropriateness issued under the authority of the Historic Preservation Board shall be required prior to the issuance of any permit for new construction, demolition, alteration, repair, signage or other physical modification or development affecting any property designated under the provisions of this section unless the permit applied for is exempted pursuant to § 5.6. B. 2. A Certificate to Dig shall be required prior to the initiation of any development involving the excavation or fill on a site or in a district designated as archaeologically significant pursuant to the provisions of this section. The procedure to obtain a Certificate to Dig, or to designate a site as archaeologically significant, shall be the same as indicated below for a Certificate of Appropriateness.

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1. Application.
 - a. An application for a Certificate of Appropriateness may be filed with the Board at the same time or in advance of the submission of an application for a building permit. The application must be approved by the Board prior to the issuance of a building permit.
 - b. All applications involving demolition, new building construction, additions to existing buildings, major renovation work or substantial alteration of a designated Historic Structure or Site shall be on a form provided by the Office of Planning and shall include such information as the Board may determine is needed to allow for complete evaluation of the proposed demolition, construction and other physical improvements, alterations or modifications including, but not limited to, the following:
 - (1) Written description of proposed action;
 - (2) Survey;
 - (3) Complete plot plan;
 - (4) Materials containing detailed data as to architectural elevations and plans showing proposed changes and existing conditions to be preserved;
 - (5) Preliminary plans showing new construction in cases of demolition;
 - (6) A financial feasibility study of the new project in cases of demolition and a feasibility study for an existing structure which addresses the possibility of substantially renovating or operating the existing Historic Structure. Consideration of parking needs and demands shall be addressed within the feasibility study, as well as alternative methods of providing parking. The study will also determine whether the retention of the building would deny the owner of all economically viable uses of the property.
 - (7) A request for a Certificate of Appropriateness for demolition shall include the following in addition to the above:
 - (a) The exact date and time demolition is to occur;
 - (b) A structural report on the building's condition, prepared by a licensed structural engineer, a survey, and detailed site plans and elevations

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showing the extent of the demolition. Photographs of all exterior elevations and architectural elevations shall also be included. The structural engineer shall also submit documentation demonstrating that liability insurance has been obtained in an amount which is equal to or exceeds the value of that portion of the building which will be retained;

- (c) An application for a partial demolition of the building shall include a determination from a licensed structural engineer that the structural integrity of the building, or portions thereof, will not be compromised by the demolition work. During the time demolition work is occurring, the owner shall have a licensed structural engineer on the property who shall insure that the work is proceeding in accordance with the approved building permit plans. It shall be the responsibility of the licensed structural engineer and property owner to ensure, during the time demolition work is occurring, that the structural integrity of that portion of the building which is to remain shall not be compromised;
- (d) The plans shall establish a "safe zone" so that no demolition work is permitted within a preset distance of that portion of the building to be preserved; and
- (e) In the event that the Building Official determines that the work is not proceeding according to the approved plans, or if he/she determines the demolition work will compromise that portion of the building which shall remain, then a stop work order shall be immediately issued.

2. Review procedure.

- a. All applications involving demolition, new building construction, additions to existing buildings, major renovation work or substantial alteration of a designated structure or site shall be placed on the agenda of the Historic Preservation Board for its review and consideration within 60 days after the date of receipt of a completed application accompanied by the required documentation.
- b. The Board shall approve, deny, approve with conditions or continue action on all applications for a Certificate of Appropriateness, except for a Certificate of Appropriateness for Demolition of Historic Structures, in which case the Board shall consider such requests pursuant to Section 5.6.F.4 herein. In any case, the Board shall act on an application within 60 days from the date of the receipt of a completed submission. Provided, however, that if specific revisions are requested by the Board, the Board may have an additional 30 days in which to render a decision. Upon the written approval of the applicant, or the applicant's oral consent stated at a Board hearing, and by motion of the Board, the review period may be extended beyond the maximum 90 days provided for herein.

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- c. A Certificate of Appropriateness for the Demolition of designated Historic Buildings, structures, improvements or Historic Sites, as listed in the Historic Properties Database, shall only be considered by the Board following a public hearing. Historic status shall be determined by the Board finding that the structure meets at least one of the review criteria for Historic Designation as set forth in Section 5.6.D.3.b. At least ten days prior to the public hearing date, a description of the request with the time and place of such hearing shall be posted on the property by the property owner, and notice shall be given by mail to the owners of record of land lying within 300 feet. The addresses for the property owners of record shall be obtained from the Broward County Property Appraiser's records. If the Historic Preservation Board determines the status of the property to be Non-Historic, no further action is required and a Certificate of Appropriateness for Demolition shall be issued.
- d. A building permit for the new construction must be issued prior to the issuance of a building permit for demolition.
- e. All applications for Certificates of Appropriateness involving exterior structural repairs and minor physical improvements or alterations (as may be more specifically defined by the Board in its By-Laws and Application Procedures) shall be reviewed by the Office of Planning Director or the Board. The Office of Planning Director shall approve, approve with conditions, or deny a Certificate of Appropriateness within 30 days from the date of receipt of a completed submission; the applicant may agree to an extension of this review time.
- f. In the case of a denial of an application by the Office of Planning Director, the applicant may request consideration of the completed application by the Historic Preservation Board which shall proceed to review the application in accordance with the procedures set forth in this subsection. The Board may concur, modify, or reverse the Office of Planning Director's decision.
- g. The approval of a Certificate of Appropriateness or a Certificate to Dig shall not excuse the applicant of responsibility to comply with all other zoning and building laws and regulations of the city, county and state, including the receipt of necessary zoning variances, site plan approvals, concurrency review and building permits.
- h. All work performed pursuant to the issuance of any Certificate of Appropriateness shall conform to the requirements of that certificate. The Chief Building Official is designated as the individual to assist the Board by making necessary inspections in connection with enforcement of this section and shall be empowered to issue a stop work order if performance is not in accordance with the issued certificate or this section. No work shall proceed as long as a stop work order continues in effect. Copies of inspection reports shall be furnished to the Historic Preservation Board and copies of any stop work orders both to the Historic Preservation Board and the applicant. The Chief Building Official shall be responsible for ensuring that any work not in accordance with an issued Certificate of Appropriateness shall be corrected to comply with the Certificate of Appropriateness prior to withdrawing the stop work order.

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- i. For the purpose of remedying emergency conditions determined to be dangerous to life, health or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction or other repairs to a building or site pursuant to an order of a government agency or a court of competent jurisdiction. The owner of a building damaged by fire or natural calamity shall be permitted to stabilize the building immediately without City Commission approval, and to rehabilitate at a later date under the procedures as set forth in this section.

F. Decisions on Certificates of Appropriateness.

1. Certificate of Appropriateness of Design. A decision on an application for a Certificate of Appropriateness, by either the Board or the Director of the Department of Planning and Development services, for the design of new building construction, additions to an existing building, major renovation work or substantial alteration shall be based upon evaluation of the compatibility with the following criteria: integrity of location, design, setting, materials, workmanship and association.
 - a. The Director of the Department of Planning and Development Services is authorized to approve Certificates of Appropriateness for Design for the projects set forth below:
 1. Additions (attached or detached) that contain not more than 25% of the floor area of the primary building but not to exceed 25,000 sq. ft.
 2. Landscape projects, decks and patios that contain less than 10,000 sq. ft. in the aggregate.
 3. Construction, repair, or rehabilitation of new or existing nonstructural walls, fences, at-grade parking lots, signs, including change of copy, canopies, and awnings.
 4. Installation of any mechanical or plumbing equipment that is visible from the public right-of-way. This review is limited to methods of screening the equipment from public view.
 5. Any other construction, which in the discretion of the Director of the Department of Planning and Development Services is similar in size and impact as the work listed above.
 6. The Board is authorized to consider all other projects for Certificates of Appropriateness for Design not delineated in 1.a.1 through 5 above.
2. Where particular site conditions and restraints or unusual circumstances applicable to a particular applicant's structure exist and strict enforcement of the provisions of this section would result in an undue economic hardship to the applicant, the Board has jurisdiction to vary or modify the provisions in this section, including adherence to the adopted Design Guidelines for Historic Properties and Districts.

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3. An approved Certificate of Appropriateness for Design, together with any conditions or limitations imposed by the Board, shall be in written form and attached to the Site Plan and/or the schematics submitted as part of the permit applications. Copies of the Certificate shall be kept on file with the Department of Planning and Development Services and shall be transmitted to the Chief Building Official. The applicant shall receive a copy of the Certificate of Appropriateness. When a Certificate of Appropriateness for Design has been granted by either the Board, the Director of Planning and Development Services, or the City Commission based upon an appeal in accordance with the regulations set forth in this Article, such grant shall become null and void unless the appropriate building or other permit or license is applied for within 24 months of the date of such decision by the Board, the Director of the Department of Planning and Development Services, or, if applicable, the City Commission. However, an extension of up to 24 months may be granted in the same manner as the initial request, provided an application for such extension is filed prior to the expiration of the original approval, upon a showing that there has not been a significant change in the circumstances influencing the original approval. If an extension has been granted or other permit or license, or the extension has been denied, then the applicant's Certificate of Appropriateness for Design shall become null and void then the applicant will be required to re-apply for any and all approvals necessary.
4. Certificate of Appropriateness for Demolition.
 - a. Demolition of a historically designated building, structure, improvement or site may occur pursuant to an order of a government agency or a court of competent jurisdiction or, if granted, pursuant to an application by the owner for a Certificate of Appropriateness for the demolition of a designated historic building, structure, improvement or site.
 - b. Government agencies, having the authority to demolish unsafe structures, shall receive notice of historic designation of individual buildings, structures, improvements or sites, districts or archeological sites pursuant to this section. The Historic Preservation Board shall be deemed an interested party and shall be entitled to receive notice of any public hearings conducted by such government agency regarding demolition of historically designated structures or buildings. The Board may make recommendations and suggestions to the government agency and the owner(s) relative to the feasibility of and the public interest in preserving the historically designated structure or building.
 - c. A Certificate of Appropriateness for Demolition of designated Historic Buildings, structures, improvements or Historic Sites, as listed in the Historic Properties Database, shall only be considered by the Board following a public hearing. At least ten days notice prior to the public hearing date, a description of the petition request, with the time and place of such hearing, shall be posted on the property by the property owner and mail notice shall be given to all the owners of properties lying wholly or partly within 300 feet of the land subject to said petition. If the Board determines the status of the property is Non-Historic, no further action is required and a Certificate of Appropriateness for Demolition shall be issued. If the Board determines that the status of the property is Historic, a recommendation by the Board shall be forwarded to the City Commission. The Board's recommendation shall be based upon the evaluation criteria set forth in subsection e. below.

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- d. No permit for voluntary demolition of a historically designated building, structure, improvement or site shall be issued to the owner(s) thereof until an application for a Certificate of Appropriateness for Demolition has been submitted and approved pursuant to the procedures in this section. In determining its recommendation, the Historic Preservation Board shall be guided by the criteria set forth in subsection e. below.
- e. Evaluation criteria. The City Commission and the Board shall consider the following criteria in evaluating applications for a Certificate of Appropriateness for Demolition of buildings, structures, improvements or sites:
- (1) The building, structure, improvement, or site is designated on either a national, state, or local level as an historic preservation district or an architectural landmark or site.
 - (2) The building, structure, improvement, or site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.
 - (3) The building, structure, improvement, or site is one of the last remaining examples of its kind in the neighborhood, the county, or the region.
 - (4) The building, structure, improvement, or site contributes significantly to the historic character of a historically designated district.
 - (5) Retention of the building, structure, improvement, or site promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage.
 - (6) There are definite plans for reuse of the property if the proposed demolition is carried out, and those plans will adversely affect on the historic character of the Historic District.
 - (7) The Unsafe Structures Board has ordered the demolition of a structure or the feasibility study determines that the retention of the building would deny the owner of all economically viable uses of the property.
 - (8) The information listed in the Historic Properties Database (a listing of historic and non-historic properties) has been considered as a guideline in determining whether a Certification of Appropriateness for Demolition should be issued.
- f. City Commission decision for Certificates of Appropriateness for Demolition of a Historic Structure. After consideration of the Historic Preservation Board's recommendation, at a duly notice public hearing, the City Commission may grant, grant with conditions, continue, or deny an application for a Certificate of Appropriateness for Demolition of a Historic Structure, as provided in this section. The decision of the City Commission shall be based upon the criteria set forth in e. above. Should the City Commission grant a continuance for Demolition, the length of such continuance shall be determined and prescribed by the Commission based

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upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. The effective date of the stay shall be from the date of the Historic Preservation Board's public hearing.

- g. A building permit for the new construction must be issued prior to the issuance of a building permit for demolition.
 - h. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall only consider it if the parking garage is designed in a manner that is consistent with the Design Guidelines for Historic Properties and Districts, as amended from time to time, and/or the Design Review Manual for that particular district. If the district in which the property is located lists retail uses as an allowable use then the ground floor shall contain such uses. Historic buildings shall not be permitted to be demolished if the intended use is for an at-grade parking lot.
 - i. Withdrawals or denial of applications for a Certificate of Appropriateness for Demolitions. Upon the withdrawal of an application after the initial public hearing by the applicant or the application is denied by the City Commission, a new application cannot be filed within 12 months of the date of the withdrawal or denial unless the decision of the City Commission is made without prejudice. The Historic Preservation Board and/or City Commission may permit withdrawals without prejudice at the time the application for such Certificate of Appropriateness is considered by the Board and/or City Commission.
 - j. The Historic Preservation Board may require from the applicant a marker on the property which provides the historic background of the structure to be demolished.
 - k. Fees. The amount of the application fee shall be set by resolution of the City Commission as that amount required to reimburse the city for all expenses associated with public notices and other administrative costs in connection with processing applications for a Certificate of Appropriateness for Demolition.
- G. Historic Preservation Board and Development Review Board Joint Review of Projects. Historic Preservation Board and Development Review Board Joint Review of Projects shall only occur in accordance with Section 5.3I.3 of this Article.
- H. Maintenance of designated properties.
- 1. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure which does not involve a change of design, appearance or material, and which does not require a building permit, or Certificate of Appropriateness for Demolition.
 - 2. A building, structure, improvement or site that is the subject of an application for a Certificate of Appropriateness for Demolition shall not have its architectural features removed or destroyed prior to the Commission's decision. Owners of such property shall be required to maintain such properties in accordance with all applicable codes up to the time the Certificate of Appropriateness for Demolition is approved.

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3. The owner of a designated historic structure or any structure within a Historic District, if such structure is vacant and uninhabited, shall provide sufficient maintenance and upkeep of such structure to ensure its perpetuation and to prevent its deterioration.
- I. Fines and penalties. Upon a finding of the Special Master that the conditions or permits associated with the issuance of the Certificate of Appropriateness were violated, then the property owner shall be subject to one or a combination of the following:
 1. Exact reconstruction of the portion(s) of the building that was improperly demolished.
 2. Any fines and/or penalties relating to a finding by the Special Master that the Certificate of Appropriateness was violated, shall be in accordance with Chapter 36 of the Code of Ordinances and Chapter 162, Part I of the Florida Statutes, as amended from time to time.
 - J. Petitions for Variances. The Historic Preservation Board shall have the authority to consider petitions relating to Variances for properties within the Historic District and for those properties designated as Historic Sites.
 1. No Variance shall be authorized by the Historic Preservation Board unless the Board finds that the petitioner has shown that criteria a. through d. have been met or criteria e. is established, then the Variance shall be granted.
 - a. That the requested Variance maintains the basic intent and purpose of the subject regulations including the Historic District Regulations, Design Guidelines for Historic Properties and Districts and Resolutions, particularly as it affects the stability and appearance of the city;
 - b. That the requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community;
 - c. That the requested Variance is consistent with and in furtherance of the Goals, Objectives and Policies of the adopted Comprehensive Plan, as amended from time to time;
 - d. That the need for requested Variance is not economically based or self-imposed; and
 - e. That the Variance is necessary to comply with state or federal law and in the minimum Variance necessary to comply with the applicable law.
 2. Decision of the Board. In exercising the above-mentioned power, the Board may grant the Variance, grant the Variance with conditions, stipulations and safeguards deemed necessary to protect adjacent properties and the public interest, or deny the Variance.
 - a. If the Board grants the variance, the Board shall adopt a resolution setting forth the variance granted along with any conditions, stipulations, safeguards, or limitations prescribed by the Board. A copy of such resolution shall be mailed to the petitioner, and a copy shall be delivered to the City Clerk to be recorded in the Public Records of Broward County, Florida, and to any enforcing official involved. Such resolution shall be authorization for any approval,

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permit or license incidental to any use of land or buildings as set forth in the resolution. If the Board denies the variance, the Board shall adopt a resolution setting forth the reasons for denial.

- b. **Time limit.** When either the Board has granted a Variance, the Director of the Department of Planning and Development Services has granted an administrative Variance or the City Commission has granted a Variance based upon an appeal in accordance with the regulations set forth in this Article, such grant shall become null and void unless the appropriate building or other permit or license is applied for within 24 months of the date of such decision by the Board, the Director of the Department of Planning and Development Services or, if applicable, the City Commission. However, an extension of up to 24 months may be granted in the same manner as the initial request provided an application for such extension is filed prior to the expiration of the original approval, upon a showing that there has not been a significant change in the circumstances influencing the original approval. If an extension has been granted and the applicant has not applied for the appropriate building or other permit or license, or the extension has been denied, then the applicant's Variance shall become null and void and the applicant shall be required to re-apply for any and all approvals necessary.

3. **Appeal of the Board's decision relating to variances.** Any appeal of a decision by the Historic Preservation Board for matters relating to variance determinations within the historic districts, shall be made pursuant to § 5.8 of this Article.

(Ord. O-2001-15, passed 5-16-2001; Am. Ord. O-2004-16, passed 6-16-04; Am. Ord. O-2005-06, passed 5-18-05; Am. Ord. O-2005-07, passed 5-18-05; Am. Ord. O-2006-37, passed 12-14-06; Am. Ord. O-2007-23, passed 7-17-07; Am. Ord. O-2009-39, passed 12-2-09)

§ 5.7. City Commission Request for Review of a Board Decision (CRR).

- A. If an application for a development permit is approved or denied by a Board appointed by the City Commission, the City Commission may initiate a CRR to set a hearing to review the application if it is found that the project is in an area which, due to characteristics of the project and the surrounding area, requires additional review in order to ensure that development standards and criteria have been met and to ensure that the area surrounding the development is protected from the impacts of the development. The process for a CRR is initiated in one of the following ways: (1) if three or more City Commissioners request a review during City Commission comments at a City Commission meeting, which is within 15 days of the Board's action, then a de novo hearing shall be set in accordance with subsection 5.7B. below; or (2) if three or more City Commissioners file a request for review in writing with the City Clerk within 15 days of the Board's action, then a de novo hearing shall be set in accordance with subsection 5.7 B. below.
- B. A de novo hearing for a CRR shall be set no later than the next four City Commission meetings from either the City Commission meeting date where three Commissioners requested such review or no later than the next four City Commission meetings from the date that the City Clerk receives the third Commissioners request as set forth in subsection 5.7A above. Notice of the hearing shall be given to the

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applicant and to the public by posting a sign at the subject property at least ten days before the hearing in accordance with the requirements of the original request. Review by the City Commission shall be by a de novo hearing supplemented by the record below and the same standards and criteria applicable to the development permit shall be applied. At the conclusion of the hearing, the City Commission shall take action by either approving, approving with conditions or denying the application.

- C. The time frames for setting a hearing provided herein may be extended by written request of the applicant.
- D. Appeal from a final decision of the City Commission shall be to circuit court by filing a petition for writ of certiorari.

(Ord. O-2001-15, passed 5-16-2001; Am. Ord. O-2003-38, passed 11-5-2003)