


ATTACHMENT


**Planning and Development Board Staff Report
and Backup (April 10, 2014)**

**CITY OF HOLLYWOOD, FLORIDA
MEMORANDUM
DEPARTMENT OF PLANNING**

DATE: April 10, 2014 **FILE:** 14-FZV-22

TO: Planning and Zoning Board

VIA: Jaye M. Epstein, AICP, Director 

FROM: Andria Wingett, Assistant Director 

SUBJECT: The Legal Plan, Inc. requests allocation of Residential to Commercial Flex, rezoning from Low Density Multiple Family (RM-9) to Light Intensity Office (O-1) and Variance(s) in order to maintain existing site elements including buffers and walls at 2535 N. 40 Avenue.

REQUEST

Allocation of Residential to Commercial Flex, rezoning from Low Density Multiple Family (RM-9) to Light Intensity Office (O-1) and Variance to waive the required six foot high concrete wall (east) to maintain the existing wood fence.

RECOMMENDATION

Forward a recommendation of approval to the City Commission for:

Flex: From Residential to Commercial (General Business)

Rezoning: From Low Density Multiple Family (RM-9) to Light Intensity Office (O-1)

Final approval of:

Variance: With the conditions:

- A landscape plan, meeting current Code, is reviewed and approved by the City's Landscape Architect and all material is installed and inspected prior to establishing any commercial/office use; and
- Should the wood fence be replaced it shall be with an opaque six foot vinyl fence (PVC);

REQUEST

Located just north of Sheridan Street on Pine Avenue (North 40th Avenue), the property is on the outskirts of the Emerald Hills neighborhood. An unoccupied commercial building currently occupies the site, which is a legal non-conforming use of the property due to the residential land use and zoning. The applicant would like to utilize the existing 2,900 square foot building as a law office; however, to do so Residential to Commercial Flexibility, accompanied by a zoning change, is necessary. Additionally, a variance is being sought to allow the existing buffer (eastern wood fence), where adjacent to residential, to remain.

The requested application of Residential to Commercial Flexibility and rezoning to Light Intensity Office (O-1) zoning are consistent with the surrounding built neighborhood, which has several residential and non-residential uses, such as offices, a place of worship and various multi-family developments.

There is a sizeable Office land use district across Sheridan Street, which accommodates several office buildings and incidentally has a zoning designation of O-1. Not to mention, the abutting property to the south had a similar land use and zoning issue. Subsequently, in 2006 Residential to Commercial Flexibility was applied and that property was also rezoned. Shortly after, the existing U.S. Century Bank building was constructed.

As determined by the Zoning and Land Development Regulations, the Planning and Development Board makes a recommendation to the City Commission for the application of Residential to Commercial Flexibility and Rezoning. The Board will make a final determination on the accompanying variance.

Application of Residential to Commercial Flexibility Rule

The application of this Flexibility Rule will change the land use designation for this property from Low Medium Residential to General Business. The General Business land use category permits uses such as the proposed office provided no more than 5% of the area designated for residential use within a flexibility zone may be used for office and/or retail sales of merchandise or services.

This rule states no more than 5% of an area designated for Residential use within a flexibility zone on the City's Land Use Map may be used for commercial uses such as office and/or retail sales. The subject parcel is within Flex Zone 82 and currently 47.03 acres are available for application of Residential to Commercial flexibility within this zone. Therefore, application of the 5% Flexibility Rule for this 0.36 acre site will not exceed the available acreage.

Rezoning

A zoning designation of O-1 would be most appropriate for this site due to its proximity to the residential neighborhood. In fact, O-1 zoning is the most restrictive non-residential zoning classification available. Utilizing this zoning classification rather than a more intense one such as Low Intensity Commercial (C-1) will further ensure compatibility of allowable uses and design with the surrounding neighborhood.

Some of the O-1 District Purposes are to create standards for professional office uses located near residential neighborhoods to be compatible with the residential character of the adjacent areas and to insure rehabilitation work and new construction occurs in a manner that maintains the residential character of adjacent neighborhoods. (See Attachment "D", Light Intensity Office District (O-1) Zoning and Land Development Code Regulations)

Variance

Regardless of zoning designation, whenever office or commercial development abuts residential a six foot high concrete wall and tree screen is required. As such, the existing buffer/wall condition is legal non-conforming. Applying this regulation—six foot high concrete wall and tree screen—, to this property, requires construction of a new concrete wall on the east, as the north has an existing concrete wall (south is abutting O-1 zoning and west is the front, where a wall not required). However landscape is minimal, as such staff is recommending the landscape be brought up to current code, including buffers.

Similar to other rezonings, when there are existing site improvements, some physical improvements become legal-nonconforming upon a rezoning. These improvements may include setbacks, pervious/impervious, buffering, etc. This is a very common occurrence. As previously mentioned, in this particular case, the applicant is requesting to legitimize the existing wood fence, by seeking a variance to maintain it where adjacent to residential on the east as a six wall currently exists on the north.

SITE INFORMATION:

Owner/Representative:	The Legal Plan, Inc./Keith Poliakoff
Address/Location:	2535 N. 40 Avenue
Net Size of Property:	0.36 net acres
Existing Future Land Use:	Medium residential (6-10 units/acre)
Proposed Future Land Use:	General Business

Existing Zoning: Low Density Multifamily (RM-9)
Proposed Zoning: Light Intensity Office (O-1)
Existing Use of Land: Office building

ADJACENT ZONING

North: Low Density Multiple Family (RM-9)
South: Low Intensity Office (O-1)
East: Low Density Multiple Family (RM-9)
West: Low Density Multiple Family (RM-9)

ADJACENT LAND USE:

North: Medium Residential (6-10 units/acre)
South: General Business via flex
East: Medium Residential (6-10 units/acre)
West: Medium Residential (6-10 units/acre)

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN

The subject property is located in Sub-Area 7, which is geographically defined by 56th Avenue to the west, I-95 to the east, Sheridan Street to the south and SR 84 and Broward County Unincorporated areas to the north. This area includes the residential neighborhoods of Emerald Hills, Oakridge and the industrial/office area of Port 95 Commerce Park.

The proposed land use change is consistent with the City-Wide Master Plan, based upon the following Guiding Principles and Policies.

Guiding Principle: *Promote the highest and best use of land in each sector of the City without compromising the goals of the surrounding community.*

Policy CW.15: *Place a priority on protecting, preserving and enhancing residential neighborhoods.*

Policy CW.80: *Identify and evaluate vacant buildings and encourage adaptive reuse where the building is worth saving. In cases where the building is not worth saving demolition and land assembly is encouraged.*

The proposed project will increase economic opportunities for the City by providing for an opportunity for office development by reusing an existing vacant building. The requested flexibility is appropriate at this site and is compatible with the surrounding residential neighborhoods. If approved, the site is anticipated to remain in its current form and be used as a law office.

CONSISTENCY WITH COMPREHENSIVE PLAN

Land Use Element

Policy 6.7: *Review and amend the Zoning and Development Regulations as needed to implement standards for different intensities of land use and residential densities as stated in the Future Land Use Categories of the Land Use Element.*

Policy 7.33: *Proposed plan amendments shall be evaluated according to the following guidelines as to whether the proposed action would:*

- 4) *Conform with future land uses as shown on the Future Land Use Map of the Land Use Element...*

Application of this Flexibility Rule will bring the subject property into conformance. The proposed law office will be in-tune with the existing bank abutting the property (offices directly across Sheridan Street),

while providing appropriate transition between Sheridan Street to the south and the residential area to the north.

FINDING: Consistent.

Coastal Element

The subject property is not located within the Coastal area; therefore the Coastal Element does not apply.

FINDING: Consistent.

Utilities Element

Objective 2: *To ensure through coordination with the South Florida Water Management District (SFWMD), The Broward County Water Resources Management Division (WRMD), and the Broward County Environmental Quality Control Board (EQCB) in the development review process to ensure that the new development is required to provide adequate drainage measure to service itself and to neutralize any deficiencies which would be created by such new development.*

Objective 4: *To continue to address the protection of the functions of natural groundwater recharge and natural drainage features.*

The existing building and associated site improvements will continue to be maintained in their current condition; as such the drainage will not be altered.

FINDING: Consistent.

APPLICABLE CRITERIA

Analysis of Criteria and Findings for Rezoning as stated in the City of Hollywood's Zoning and Land Development Regulations, Article 5.

CRITERIA 1: That the petition for a change of zoning district will not result in spot zoning or contract zoning.

ANALYSIS: One of the purposes of the O-1 Zoning District is for the "...placement of low intensity professional office uses which are located near residential neighborhoods and which are designed in such a manner to be compatible with the residential character of the adjacent areas." Additionally, as stated by the applicant, "The O-1 district allows the property to be utilized for its constructed purpose without intensifying its future use. This district would not be considered spot zoning or contract zoning since the parcel to the direct south is similarly zoned O-1, and was recently developed for U.S. Century Bank. As such, the development pattern is consistent with the proposed use and the requested rezoning would not give privileges not generally extended to property similarly situated in the area.

FINDING: Consistent

CRITERIA 2: The proposed change is consistent with and in furtherance of the Goals, Objectives and Policies of the Comprehensive Plan.

ANALYSIS: The applicant states the rezoning will be in furtherance of the Comprehensive Plan, as it "promotes a distribution of land uses that will enhance and improve the residential, business, resort, and natural communities while allowing land owners to maximize the use of their property...and the seeks to protect this administrative office." If approved, the rezoning will allow a light office between the busy arterial Sheridan Street corridor and the residential neighborhood to the

north; instead of encouraging residential at a closer proximity this commercial corridor.

FINDING: Consistent

CRITERIA 3: 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.

ANALYSIS: Undoubtedly conditions have changes along in this area. Sheridan Street has become a major corridor within the City of Hollywood, which in some areas lacks traditional transitional areas between uses. The applicant states "Since the property is now adjacent to a brand new U.S. Century Bank, conditions have changed that even more readily warrant the rezoning to the O-1 district. The proposed change will enable the property to conform with its actual use and the development pattern of the abutting property."

FINDING: Consistent

CRITERIA 4: The proposed change will not adversely influence living conditions in the neighborhood.

ANALYSIS: This property has existed, with the current improvements for approximately 30 years without negatively impacting the surrounding area. Additionally, commercial use of the property, such as a law office, will serve to buffer some of the adjacent residential properties from Sheridan Street. As mentioned by the Applicant, "...the property will add substantial improvements, including landscaping, which will further help to buffer this low intensity use. As a result, the proposed change will not adversely impact the neighborhood."

FINDING: Consistent

CRITERIA 5: That the proposed change is compatible with the development(s) within the same district/neighborhood.

ANALYSIS: Many of the properties in this neighborhood are comprised of residential or office zoning. Office zoning (O-1) is one of the least intense commercial zoning districts available. The property immediately to the south was similarly rezoned to office (and applied flex) in 2006. As such the proposed change is compatible with the development in the neighborhood.

FINDING: Consistent

Analysis of Criteria and Findings for Variances as stated in the City of Hollywood's Zoning and Land Development Regulations, Article 5.

VARIANCE: **To waive the required six foot high concrete wall (east) to maintain the existing wood fence.**

CRITERIA 1: 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.

ANALYSIS: Buffer requirements are established throughout the City to provide a physical barrier between zoning districts that permit different intensities of uses. Performance Standards (4.3J) for many of the commercial zoning districts

including O-1 require, "All office or commercial development adjacent to residentially zoned properties on the sides and rear shall be separated from the residential property by an opaque 6 ft. high concrete wall and tree screen."

The property is adjacent to residential on the north, east and west; based on the configuration of the property a six foot concrete wall is only required on the north and east only. The applicant mentions, "The property, as constructed, maintains a six foot high masonry wall which buffers the residential properties on the north... and an opaque, six foot high, wooden fence, which completely buffers the residential neighborhood to the east...To avoid these potential issues, the property owner is seeking the instant variance to ensure that the property can remain, as it currently exists without disrupting the neighboring community."

Considering the type, scale, and intensity of the existing development, the stability and appearance of the neighborhood should not be affected by this variance request. However, to further insure this, the applicant has offered, "where it is able, to bring the landscaping, including the landscape buffer, into compliance with the City's current standards," as such **staff recommends a landscape plan is reviewed and approved by the City's Landscape Architect and all material is installed and inspected prior to establishing any commercial/office use and should the wood fence be replaced it shall be with an opaque six foot vinyl fence (PVC).**

FINDING: Consistent with the imposition of Staff's recommendation.

CRITERIA 2: That the requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community.

ANALYSIS: The applicant mentions, "The existing walls and opaque fence are fully compatible with the surrounding land uses and over the past 33 years have proven not to be detrimental to the community. The opaque wooden fence has been fully incorporated into the residential community's buffer on the east side and blends with its mature landscaping." The proposed development is consistent with the existing development within the area. Therefore, the proposed variance should not be detrimental to the neighborhood.

FINDING: Consistent.

CRITERIA 3: 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.

ANALYSIS: The goal of the Land Use Element in the Comprehensive Plan is to *promote a distribution of land uses to enhance and improve the residential, business, resort and natural communities while allowing land owners to maximize the use of their property*. The City's Land Use Element has been specifically created to incorporate office uses, and it lists administrative offices as one of the forested permitted categories. The proposed variance seeks to maintain a condition that has been in place for approximately 22 years and it is fully consistent with the City's Comprehensive Plan.

FINDING: Consistent.

CRITERIA 4: That the need for requested Variance is not economically based or self-imposed.

ANALYSIS: The need for the Variance is not economically based or self-imposed. The requested variance as stated by the Applicants, “seeks to maintain the status quo... It is not economically driven or self-imposed. The applicant simply wishes to maintain the property as it was originally constructed, which is harmonious with the surrounding community.”

FINDING: Consistent.

CRITERIA 5: That the Variance is necessary to comply with State or Federal Law and is the minimum Variance necessary to comply with the applicable law.

FINDING: Not applicable.

ATTACHMENTS

Attachment A:	Application Package
Attachment B:	Land Use and Zoning Map
Attachment C:	Existing and Proposed Permitted Uses in Hollywood’s Comprehensive Plan
Attachment D:	Broward County Administrative Rules Article 2 and Flex Zone Map
Attachment E:	Existing and Proposed Zoning District Regulations

ATTACHMENT A

Application Package

PLANNING & DEVELOPMENT SERVICES



File No. (internal use only): _____

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):

- ☐ Technical Advisory Committee ☐ Historic Preservation Board
☒ City Commission ☒ Planning and Development Board

Date of Application: _____

Location Address: 2535 N. 40th Avenue, Hollywood, FL 33021-3005

Lot(s): Portion of 14-17 Block(s): Portion of 32 Subdivision: Hollywood Gardens

Folio Number(s): 5142 05 01 1570

Zoning Classification: RS-9 Land Use Classification: Low/Medium Residential

Existing Property Use: Mission Offices for a House of Worship Sq Ft/Number of Units: 15,834 sqf. land 2,878 sqf. building

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

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

- ☒ Economic Roundtable ☐ Technical Advisory Committee ☐ Historic Preservation Board
☐ City Commission ☐ Planning and Development

Explanation of Request: To allocate 15,834 sqf. of commercial flex from flex zone 82; to rezone the property to O-1 (light intensity office); and to seek a variance to maintain the existing buffer walls and opaque wood fence.

Number of units/rooms: _____ Sq Ft: 15,834 sqf. land 2,878 sqf. building

Value of Improvement: _____ Estimated Date of Completion: Summer 2014

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

Name of Current Property Owner: The Legal Plan, Inc.

Address of Property Owner: 10800 Biscayne, Blvd. Suite 800 Miami, FL 33161

Telephone: (305) 379-8438 Fax: (786) 621-8441 Email Address: bjs@preferredlegal.com

Name of Consultant/Representative/Tenant (circle one): Keith Poliakoff, Esq.

Address: 200 East Las Olas, Blvd. Suite 1000, Fort Lauderdale, FL 33301 Telephone: (954) 713-7644

Fax: (954) 208-8204 Email Address: kpoliakoff@arnstein.com

Date of Purchase: 1/9/14 Is there an option to purchase the Property? Yes () No ()

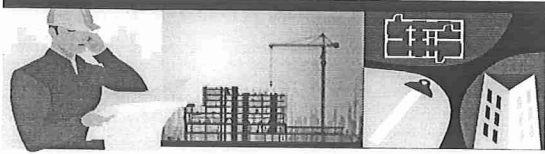
If Yes, Attach Copy of the Contract.

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

Address: _____

Email Address: _____

PLANNING & DEVELOPMENT SERVICES



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 and Development Services. The owner(s) will photograph the sign the day of posting and submit photographs to the Office of Planning and Development Services 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: _____ Date: 3/6/14

PRINT NAME: Jason Rudolph, President Date: 3/14

Signature of Consultant/Representative: _____ Date: 3/6/14

PRINT NAME: Keith Poliakoff, Esq. Date: 3/14

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) flex allocation, rezoning, & variance to my property, which is hereby made by me or I am hereby authorizing (name of the representative) Keith M. Poliakoff to be my legal representative before the PDB & Commission (Board and/or Committee) relative to all matters concerning this application.

Sworn to and subscribed before me

this 6 day of March 2014

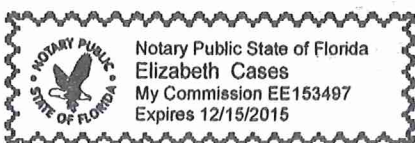
SIGNATURE OF CURRENT OWNER

Jason Rudolph, President

PRINT NAME

Notary Public State of Florida

My Commission Expires: 12/15/15 (Check One) ☒ Personally known to me; OR _____



Statement of Compliance
The Legal Plan, Inc.
2535 N. 40th Avenue, Hollywood Florida 33021

Relief Sought

The applicant is seeking to allow the existing 2,878 sqf. office building to be utilized for its law practice. As a result of numerous mapping errors, the property, which was originally built for a financial consulting firm, has been assigned a residential land use and zoning category. As a result, in order to utilize the property for their law firm, the property must be allocated commercial flex, it must be rezoned to commercial, and it must obtain a variance to ensure that its existing buffer, the majority which has been in place for nearly 33 years, can be maintained as constructed.

Historical Background

In 1981 Abraham & Axelrod, Inc. purchased the property to construct its financial consulting offices. In 1984 the property was sold to Assemblies of God General Council as its administrative offices to run its worldwide missions. At all times since 1981 the property was utilized solely for administrative offices, and its as-built survey on file with the City, labels the structure as a 1-story office building. At some point, however, between 1984 and the present date, the property was improperly re-categorized as residential on the City's maps, despite its continued commercial use.

Rezoning Criteria

(1) That the petition for a change of zoning will not result in spot zoning or contract zoning.

The application seeks to rezone the property to the O-1 Light Intensity Office District. This district is intended for the placement of low intensity professional office uses which are located near residential neighborhoods and which are designed in such a manner to be compatible with the residential character of adjacent areas. The O-1 district allows the property to be utilized for its constructed purpose without intensifying its future use. This district would not be considered spot zoning or contract zoning since the parcel to the direct South is similarly zoned O-1, and was recently developed for U.S. Century Bank. As such, the development pattern is consistent with the proposed rezoning.

(2) That the proposed change is consistent with, and in furtherance of the Goals, Objectives and Policies of the City's Comprehensive Plan.

The first Goal of the land use element is to promote a distribution of land uses that will enhance and improve the residential, business, resort, and natural communities while allowing land owners to maximize the use of their property. While the goal is to have a full distribution of land uses, only 1.09% of the City's total acreage is used for office. In fact, office only accounts for .42% of the City's total area on the City's future land use map. The City continues to promote the need for office uses, and it has incorporated such need in its residential land use element, which specifically lists administrative offices as one of the first permitted categories. The proposed rezoning seeks to protect this administrative office, which is consistent with its residential land use. As such, the proposed rezoning is consistent with the principles of the City's Comprehensive Plan.

(3) That conditions have substantially changed from the date of the present zoning district classification was placed on the property which make the passage of the proposed change necessary.

The subject property has always served as an administrative office. Unfortunately, as a result of a mapping error the property was labeled as residential. Since the property continues to be utilized for administrative offices, it is necessary to fix the error through the instant applications. Since the property is now adjacent to a brand new U.S. Century Bank, conditions have changed that even more readily warrant the rezoning to the O-1 district. The proposed change will enable the property to conform with its actual use and the development pattern of the abutting property.

(4) The proposed change will not adversely influence living conditions in the neighborhood.

The property has always been utilized as an office building with zero impact to the neighborhood. The property has a six foot high masonry wall, which buffers the residential properties on the north, a six foot high masonry wall adjacent to U.S. Century Bank on its South, and an opaque, six foot high, wooden fence, which completely buffers the residential neighborhood to the east. As a result of this

rezoning, the property will add substantial improvements, including landscaping, which will further help to buffer this low intensity use. As a result, the proposed change will not adversely impact the neighborhood.

(5) That the proposed change is compatible with the development(s) within the same district/neighborhood.

As stated in our response to question 1, the property has always been utilized as administrative offices, and the parcel directly to its south was just rezoned and developed for U.S. Century Bank. As such, the change is compatible with the development within the same district/neighborhood.

Variance Criteria

(1) 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.

The applicant is seeking a variance from the Unified Land Development Code's performance standards, which requires sites 0.5 acres or less, to construct an opaque non-wood wall/fence six feet in height adjacent to a residential zoning district, and potentially a variance from Section 155.12 of the City's Code of Ordinances, which slightly contradicts the performance standards language by requiring an eight foot wall or fence in certain instances. The property, as constructed, maintains a six foot high masonry wall which buffers the residential properties on the north, a six foot high masonry wall adjacent to U.S. Century Bank on its south, and an opaque, six foot high, wooden fence, which completely buffers the residential neighborhood to the east. Based upon the need to rezone the property back to its actual use, the property will essentially become non-conforming. As a result, when the applicant comes forward with improvements, the City may require the existing walls and the opaque fence to come into conformity with the current standards. This may result in the need to replace the brand new six the six foot high masonry wall on the south to be replaced with an eight foot high wall, and it may result in the need to replace the six foot high opaque wooden fence, which was built along the east property line in 1981, to be replaced with an opaque non-wood wall/fence. To avoid these potential issues, the property owner is seeking the instant variance(s) to ensure that the property can remain, as it currently exists without disrupting the neighboring community. The applicant has offered, where it is able, to bring the landscaping, including the landscape buffer, into compliance with the City's current standards. The variance maintains the intent of the subject regulations since the existing walls and opaque fence maintain a

visual buffer between the properties. The existing walls and opaque fence are in good condition and have no impact on the stability and appearance of the City.

(2) That the requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community.

The existing walls and opaque fence are fully compatible with the surrounding land uses and over the past 33 years have proven not to be detrimental to the community. The opaque wooden fence has been fully incorporated into the residential community's buffer on the east side and blends with its mature landscaping. To remove it, and to add different material, will completely disrupt the vegetative environment that has been created. This will do nothing but upset the current residents and is nonsensical.

(3) 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.

As previously stated above, the first Goal of the land use element is to promote a distribution of land uses that will enhance and improve the residential, business, resort, and natural communities while allowing land owners to maximize the use of their property. The City's land use element has been specifically created to incorporate office uses, and it lists administrative offices as one of the first permitted categories. The proposed variance seeks to maintain a condition that has been in place for approximately 33 years and it is fully consistent with the City's Comprehensive Plan.

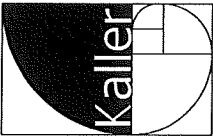
(4) That the need for the requested Variance is not economically based or self-imposed.

The proposed variance simply seeks to maintain the status quo. The applicant does not wish to create issues with its neighbors where no issues currently exist. The variance and the need to change the property's zoning is a direct result of improper mapping. It is not economically driven or self-imposed. The applicant simply wishes to maintain the property as it was originally constructed, which is harmonious with the surrounding community.

(5) That the Variance is necessary to comply with state or federal law and is the minimum Variance necessary to comply with the applicable law.

The variance is not necessary to comply with state or federal law. The variance, however, is the minimum necessary since it enables the applicant to leave in place what has worked well to buffer the property for nearly 33 years.

11539761.1



JOSEPH B. KALLER
&
ASSOCIATES P.A.
2517 Newwood Blvd., Orlando, Florida 32822
Tel: 407.351.1100
Fax: 407.351.1101
jpk@kaller.com

SEAL

JOSEPH B. KALLER
REGISTERED PROFESSIONAL ENGINEER
FLORIDA No. 12345

PROJECT TITLE
PROPOSED REZONING FOR
PREFERRED LEGAL PLANS OFFICES
2535 NORTH 40TH AVENUE
HOLLYWOOD, FLORIDA 33021

SHEET TITLE
SITE PLAN

REVISION	DATE	DESCRIPTION
No.		

1. This drawing is to be used for the purpose of obtaining a permit from the City of Orlando. It is not to be used for any other purpose without the written consent of the Engineer.

PROJECT NO.: 1402
DATE: FEBRUARY 19, 2014
DRAWN BY: JOK
CHECKED BY: JOK

SHEET

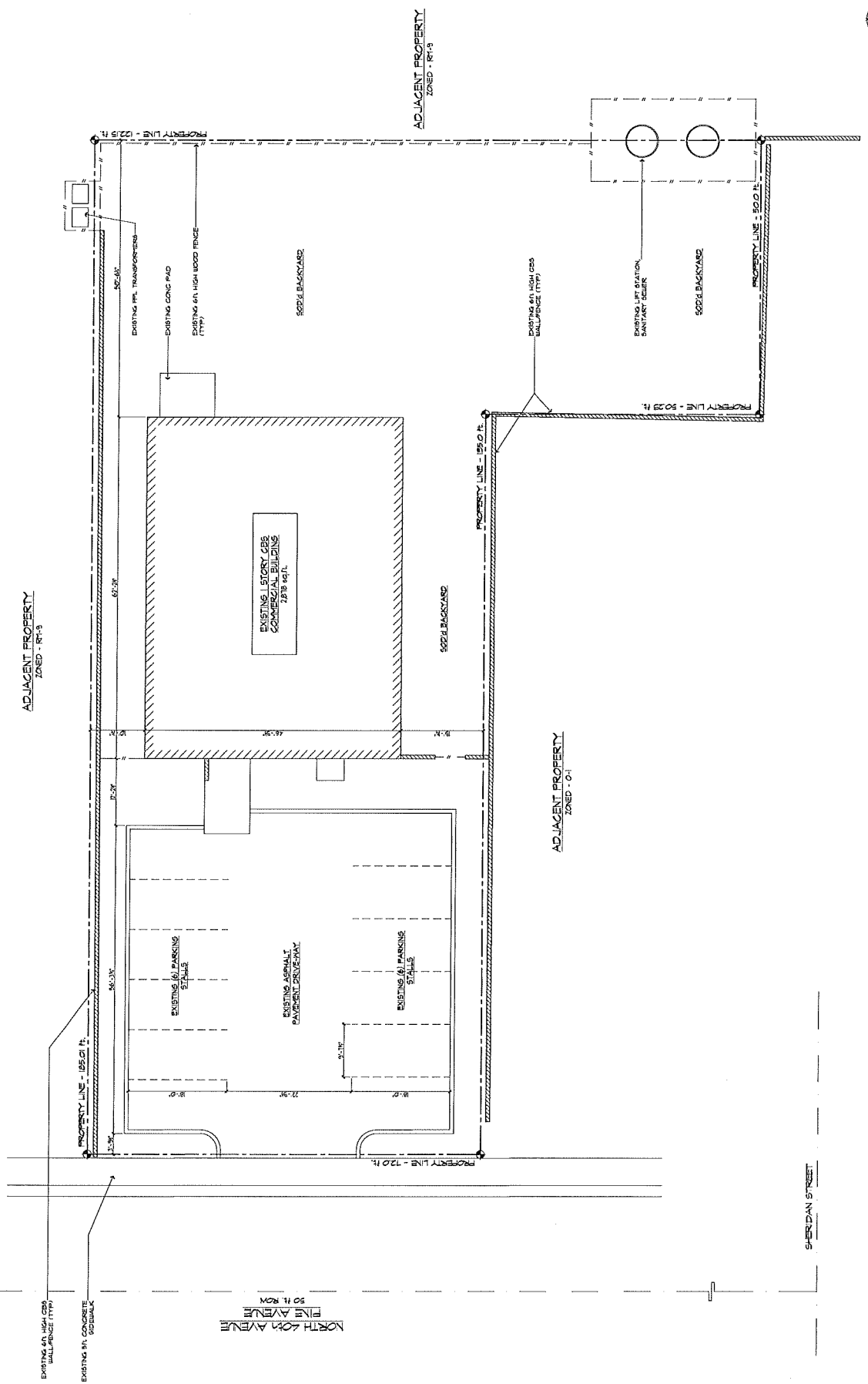
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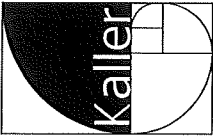
1 OF 1



SCALE: 1/8" = 1'-0"

01 SITE PLAN





JOSEPH B. KALLER
&
ASSOCIATES P.A.
ARCHITECTS
2475 N. W. 10th Avenue, Suite 1000
Fort Lauderdale, FL 33311
Phone: 954.575.1100
Fax: 954.575.1101
www.kaller.com

SEAL

JOSEPH B. KALLER
REGISTERED ARCHITECT
NO. 12452

PROPOSED REZONING FOR
PREFERRED LEGAL PLANS OFFICES
2535 NORTH 40TH AVENUE
HOLLYWOOD, FLORIDA 33021

SHEET TITLE
FLOOR PLAN

REVISIONS	
NO.	DATE DESCRIPTION

PROJECT NO.: 14021
DATE: FEBRUARY 16, 2014
DRAWN BY: JOSE
CHECKED BY: JOE

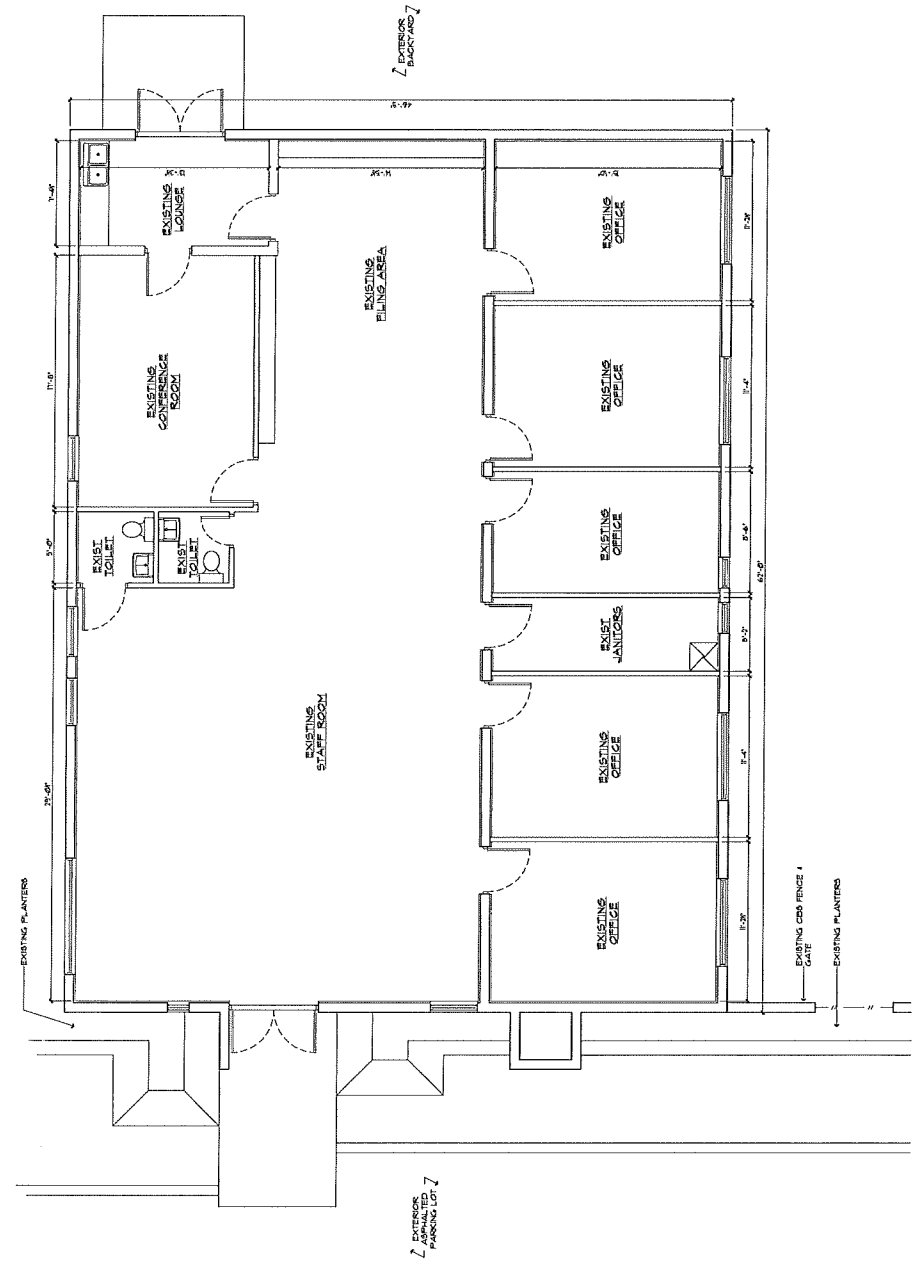
SHEET

A-02

1 OF 1



SCALE: 1/4" = 1'-0"



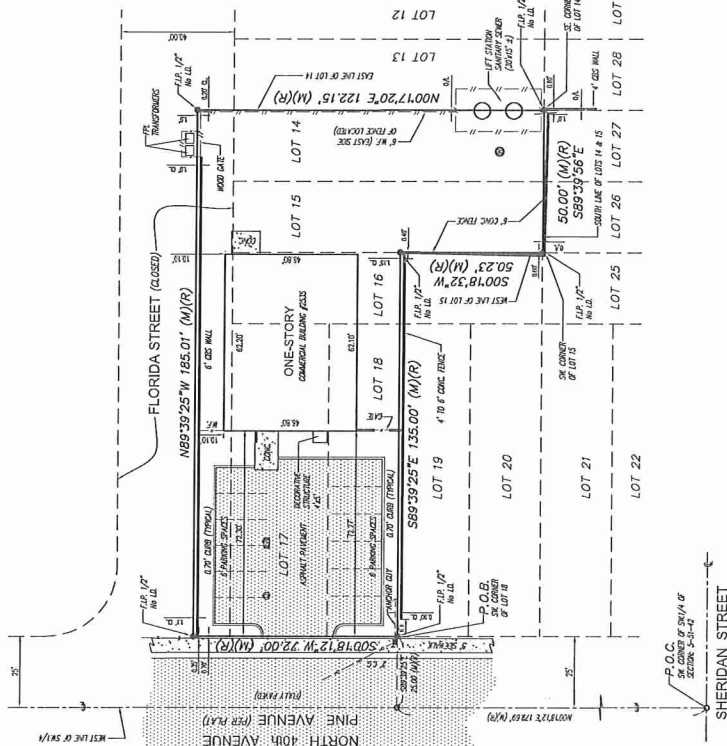
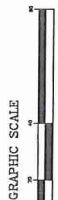
01 FLOOR PLAN

The Legal Plan, Inc.

Prepared for:

CHECKED BY: JLC.
DRAWN BY: ELF.
FIELD DATE: 01/10/2014
DATE: 01/10/2014
SCALE: 1" = 20'
JOB No. 13-2319
Sketch No. 3054

SHEET: 1 OF 1



GENERAL SUPERVISOR'S NOTES:

[illegible]

SYMBOLS

[illegible]

This is in conformity with the above named firm and or persons that the "SKETCH OF BOUNDARY SURVEY" of the herein described property is true and correct, to the best of my knowledge and belief as legally described under my direction, also there are no visible encroachments other than those shown. Owner or his representative furnished the legal description contained herein. Other recorded instruments may affect this property. This surveyor has not examined the abstract of title. Locations of utilities on or adjacent to the property were not secured unless specifically requested by the owner. Further certify that this map or plat meets the Minimum Technical Standards required, as set forth by the Board of Professional Surveyors and Mappers, pursuant to Chapter 472.027 Florida Statutes, as set forth in Chapter 2A-17, Florida Administrative Code, under Sections 3A-17.051 and 3A-17.052 and also is a "BOUNDARY SURVEY" as defined in Section 3A-17.020.

Jorge I. Carrera

Professional Surveyor & Mapper, # 6487

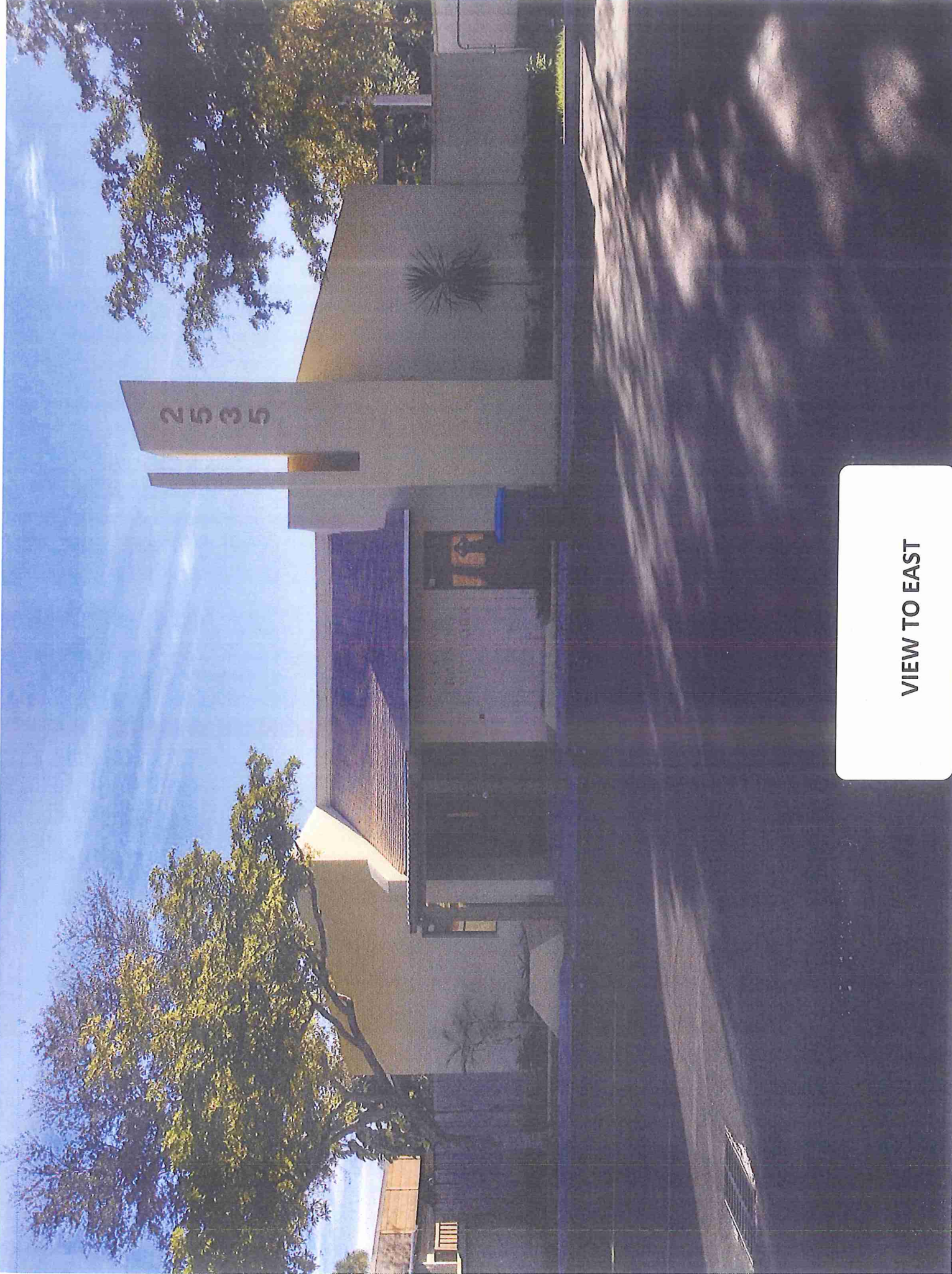
State of Florida

It is also known to have previously infected *S. aureus* and *M. luteus* in laboratory studies.

2535 N. 40TH AVENUE

2535

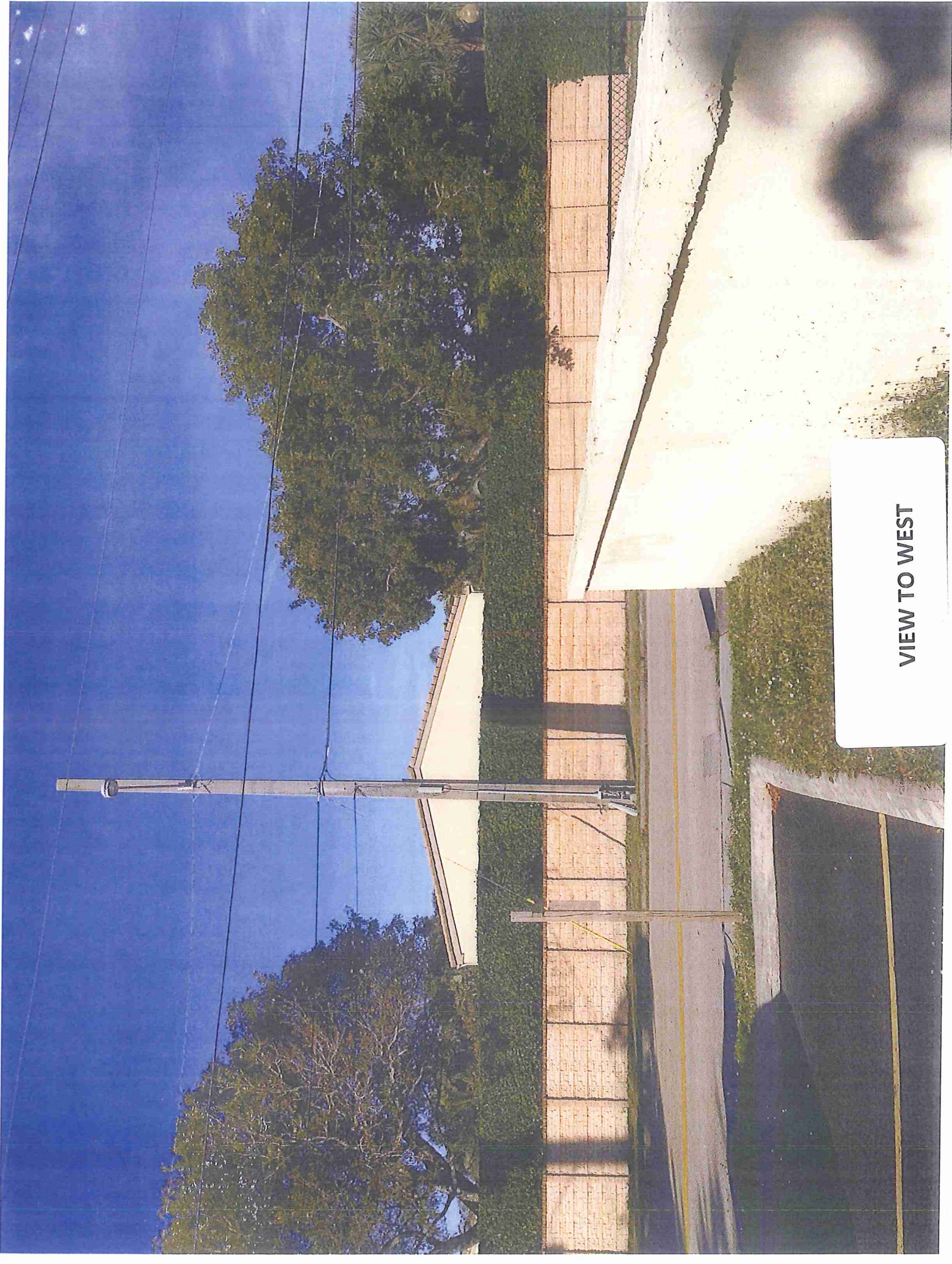
VIEW TO EAST



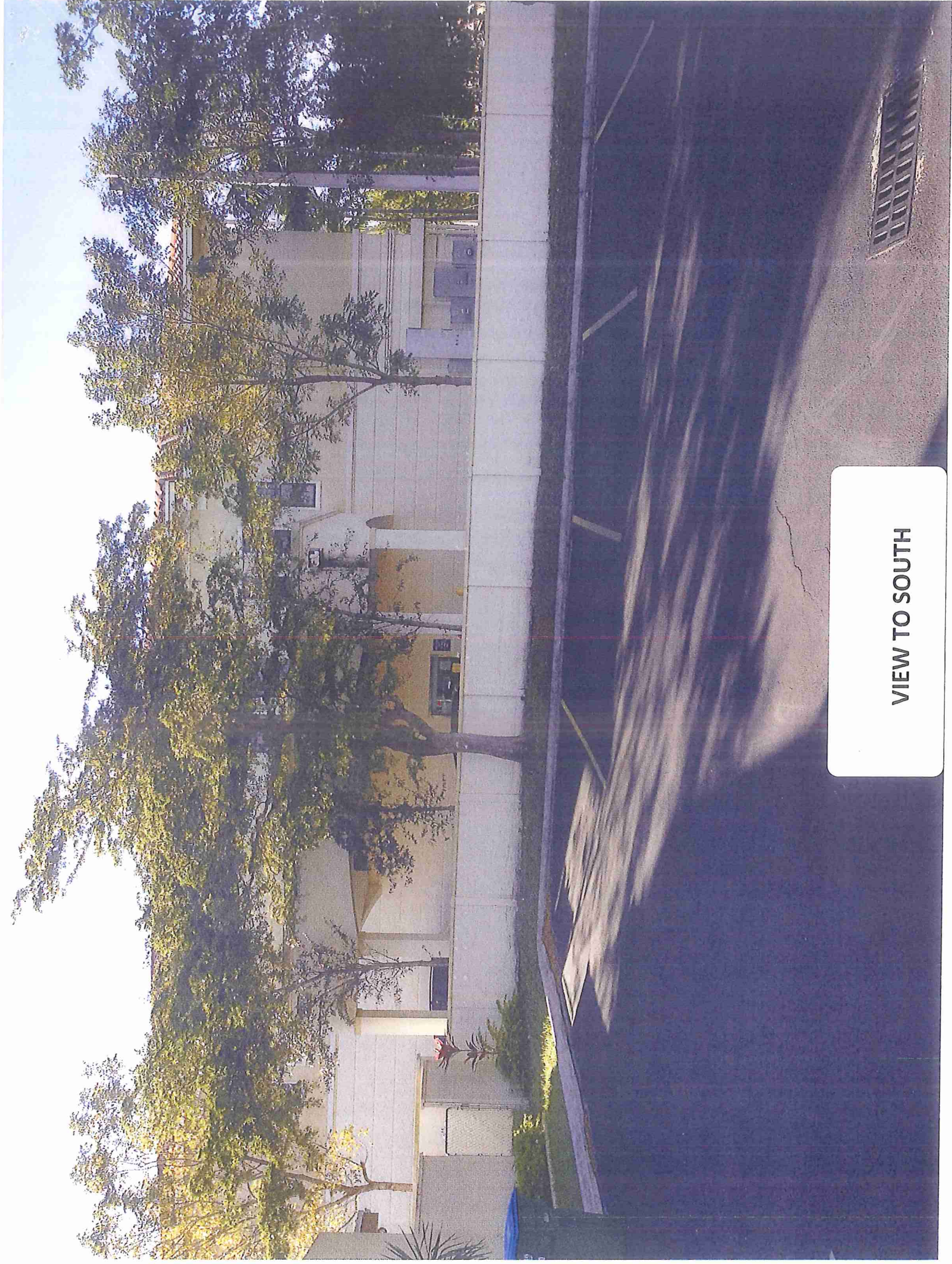
VIEW TO EAST



VIEW TO WEST



VIEW TO SOUTH





VIEW TO NORTH



Site Address	2535 N 40 AVENUE, HOLLYWOOD	ID #	5142 05 01 1570
Property Owner	THE LEGAL PLAN INC	Millage	0513
Mailing Address	2535 N 40 AVE HOLLYWOOD FL 33021-3005	Use	71
Abbreviated Legal Description	HOLLYWOOD GARDENS 6-21 B PORTION BLK 32 & THAT PT VACATED FLORIDA ST DESC AS COMM SW COR OF SW1/4 OF SEC 5,NLY ALG W/L OF SW1/4 179.69,ELY 25 TO SW COR OF LOT 18 OF SAID BLK BEING THE POB,CONT ELY ALG S/L OF SAID LOT 135 TO W/L OF LOT 15,SLY ALG W/L OF SAID LOT 15 FOR 50.23 TO SW COR OF LOT 15,ELY ALG S/L OF LOT 15 & 14 FOR 50 TO SE COR OF LOT 14,NLY 122.15,WLY 185.01 TO E R/W/L OF N 40 AVE,SLY 72 TO POB AKA PARCEL 1		

The just values displayed below were set in compliance with [Sec. 193.011](#), Fla. Stat., and include a reduction for costs of sale and other adjustments required by [Sec. 193.011\(8\)](#).

Property Assessment Values					
Click here to see 2013 Exemptions and Taxable Values to be reflected on the Nov. 1, 2013 tax bill.					
Year	Land	Building	Just / Market Value	Assessed / SOH Value	Tax
2014	\$126,670	\$227,470	\$354,140	\$354,140	
2013	\$126,670	\$227,470	\$354,140	\$354,140	\$82.00
2012	\$126,670	\$632,060	\$758,730	\$758,730	\$82.00
IMPORTANT: The 2014 values currently shown are "roll over" values from 2013. These numbers will change frequently online as we make various adjustments until they are finalized on June 1. Please check back here AFTER June 1, 2014, to see the actual proposed 2014 assessments and portability values.					

2014 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$354,140	\$354,140	\$354,140	\$354,140
Portability	0	0	0	0
Assessed/SOH	\$354,140	\$354,140	\$354,140	\$354,140
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type 30	\$354,140	\$354,140	\$354,140	\$354,140
Taxable	0	0	0	0

Sales History				Land Calculations		
Date	Type	Price	Book/Page or CIN	Price	Factor	Type
1/9/2014	WD-D	\$360,000	112114469	\$8.00	15,834	SF
12/1/1984	WD	\$280,000	12241 / 8			
7/1/1981	WD	\$140,500				
5/1/1980	WD	\$40,200				
Adj. Bldg. S.F. (See Sketch)						2878

Special Assessments							




ATTACHMENT B


Land Use and Zoning Map



**PLANNING AND
DEVELOPMENT SERVICES**

Legend

 Subject Property

 Streets

LAND USE

 LMRES

 MRES

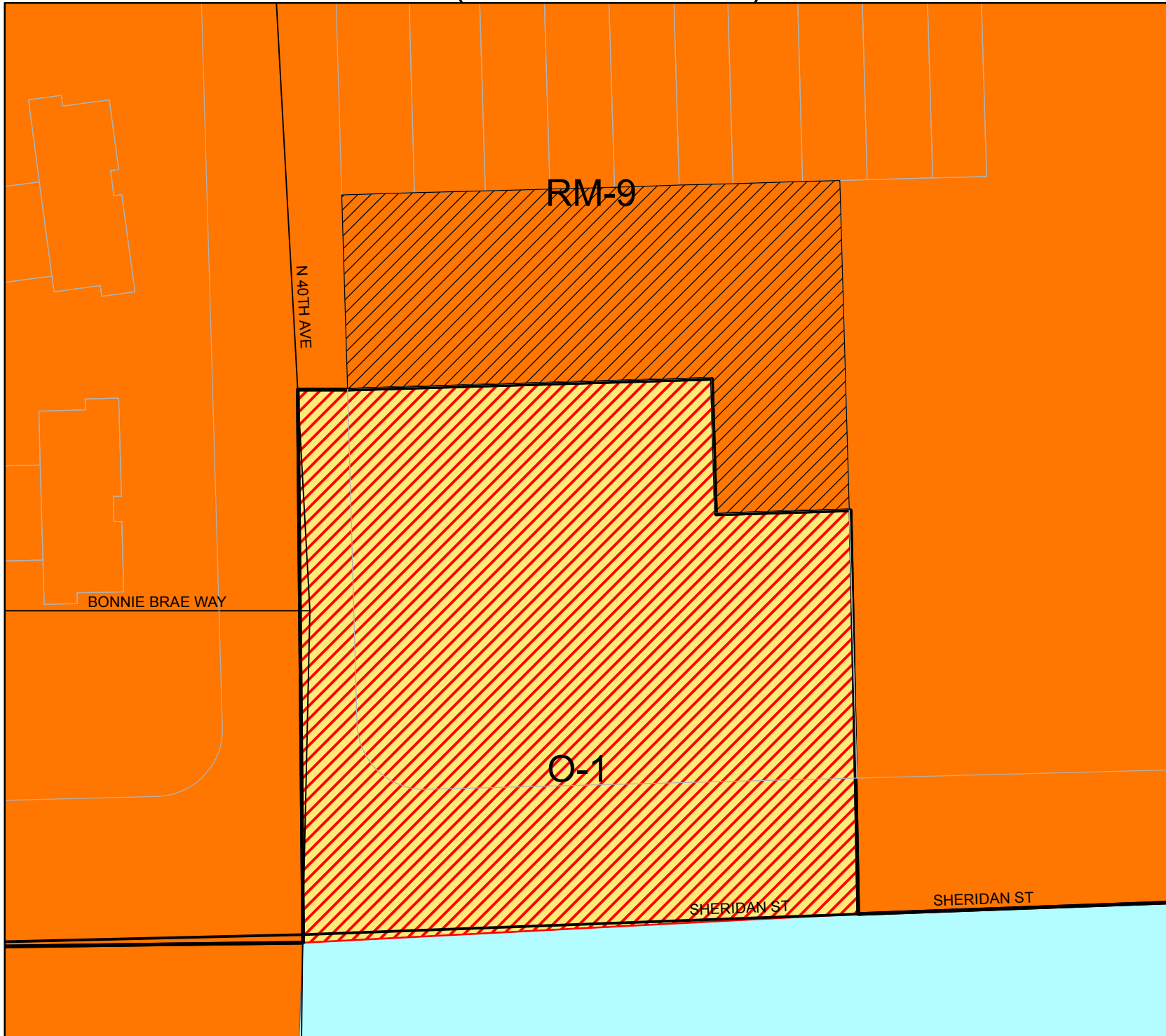
 OFF

 COMFLEX

ZONING

 O-1

 RM-9



ATTACHMENT C

Existing and Proposed Permitted Uses in Hollywood's Comprehensive Plan

Permitted Uses in Areas Designated Residential

The following uses are allowed within residential areas to the degree and extent permitted by the applicable zoning regulations.

1. Dwelling units and accessory uses and structures subject to density limitations as expressed by the Future Land Use Map, applicable ordinances, and the following sub-section, "Density."
2. Hotels, motels, and lodgings for transients including recreational vehicle parks subject to density limitations as expressed by the Future Land Use Map, applicable ordinances and the following subsection, "Density." (R.V. parks limited to areas shown at Low-Medium (10) density or higher).
3. Parking lots as specifically limited by Zoning and Land Development Regulations.
4. Parks, golf courses, and other outdoor recreational facilities, and recreational, civic, or cultural buildings ancillary to the primary outdoor recreational use of the site.
5. Community facilities designed to serve the residential area such as schools, day care centers, churches, clinics, nursing homes, rehabilitation centers, governmental administration, police and fire protection facilities, libraries and civic centers, hospitals, cemeteries.
6. Public utilities, including water and wastewater treatment plants, pumping stations, power plant substations and transmission facilities and solid waste disposal and transfer stations.
7. Streets and other transportation corridors.
8. Telecommunication facilities such as broadcasting towers, relay stations and cables.
9. Agriculture.
10. Offices, including banks and savings and loan institutions, medical offices and clinics, services and retail sales of merchandise, subject to the following limitations and provisions:
 - a) No contiguous area used for retail sales, services, offices, banks, clinics or mix of these uses may exceed ten acres. For the purpose of this provision, contiguous is defined as: attached; located within 500 ft.; or separated only by streets and highways, canals and rivers, or easements.
 - b) No more than a total of 5% of the area designated for residential use within a flexibility zone on the City's Land Use Map may be used for office and/or retail sales of merchandise or services.
 - c) Regardless of constraints in (a) and (b) above, space within residential buildings in areas designated for medium-high or high residential density may be used for service, retail, and office uses as long as no more than 50% of the floor area is used for such uses.

- d) Regardless of constraints in (a) and (b) above, space within residential buildings in areas designated medium residential density may be used for offices, as long as no more than 50% of the floor area is used for offices.
11. Special Residential Facilities in the low-medium to high ranges and subject to density requirements.

A maximum of 100 "Bonus" sleeping rooms may be allocated that are permanently dedicated to the Special Residential Facility use without allocating density.

Special Residential Facilities should be defined as follows:

SPECIAL RESIDENTIAL FACILITY, CATEGORY (1) - means a housing facility which is licensed by the State of Florida for no more than eight (8) individuals who require treatment, care, rehabilitation, or education. The facility is usually referred to as a group home. This includes individuals who are elderly, dependent children, physically disabled, developmentally disabled, or individuals not overtly of harm to themselves or others. The facility provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of the individuals. It may or may not provide education or training. There may be more than one kitchen within the housing facility. There may be more than one Special Residential Facility Category (1) development on a parcel. A Special Residential Facility Category (1) development shall count as one (1) dwelling unit each.)

SPECIAL RESIDENTIAL FACILITY, CATEGORY (2) - means a housing facility which is licensed by the State of Florida for nine (9) to sixteen (16) non-elderly individuals who require treatment, care, rehabilitation, or education. This includes individuals who are dependent children, physically disabled, developmentally disabled, or individuals not overtly of harm to themselves or to others. The facility provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of the individuals. It may or may not provide education or training. There may be more than one kitchen within the housing facility. There may be more than one Special Residential Facility Category (2) development on a parcel. A Special Residential Category (2) development shall count as two (2) dwelling units each.

SPECIAL RESIDENTIAL FACILITY, CATEGORY (3) - means

- a) Any housing facility licensed by the State of Florida for more than sixteen (16) non-elderly individuals who require treatment, care, rehabilitation, or education. This includes individuals who are dependent children, physically disabled, developmentally disabled, or individuals not overtly of harm to themselves or to others; or

- b) Any housing facility licensed by the State of Florida for more than eight (8) unrelated elderly individuals; or
- c) Governmentally subsidized housing facilities entirely devoted to care of the elderly, dependent children, physically handicapped, developmentally disabled, or individuals not overtly of harm to themselves or to others; or
- d) Any not-for-profit housing facility for unrelated elderly individuals; or
- e) Any housing facility which provides a life-care environment. A life-care environment shall include, but is not limited to, creation of a life estate in the facility itself and provision of off-site or on-site medical care; or
- f) Special Residential Facility Category (3) development shall count as one (1) dwelling unit per every two (2) sleeping rooms regardless of the number of kitchens or baths.

Residential Density

Maximum limits on the density of residential development are set by the Future Land Use Map according to the following schedule:

<u>Range Title</u>	<u>Dwelling Units Per Gross Acre</u>
Low	5 or fewer
Low-medium	5 to 10
Medium	10 to 16
Medium-high	16 to 25
High	25 to 50

There are a few areas of the City which have been given an "irregular" designation as they don't fall clearly into one of the above categories. For each of these areas the maximum dwelling units per acre allowable is indicated by the number in a circle inside the dashed line. The color used on these areas is only an approximation and is not controlling.

All references to density in the plan refer to gross density allowable. The gross acreage of any area means the total number of acres in the area, including acreage used or proposed for streets, lakes, waterways, and property to the centerline of any abutting street or road right-of-way. Credit towards density is not given for North and South Lakes nor any canals of the primary drainage system.

Any arrangement of dwelling units on a parcel of land designated for residential use is compatible with the Land Use Plan as long as the maximum number of dwelling units permitted within the parcel is not exceeded. For example, the Land Use Plan does not regulate whether a developer uses 10 acres of land designated for Low (5) Residential

density to build 50 single family homes or whether the same 10 acres are used to build a 50 unit high-rise structure, with the balance of the land maintained as permanent open space. The distribution of units will be determined by zoning and land development regulations.

Hotels, motels, and similar lodgings for transients are not subject to the same density limits as dwelling units designed for year-round occupancy. The number of tourist units permitted in any parcel indicated for residential land use is double the maximum number of dwelling units designated for that parcel. In all other cases, the maximum number of units allowed on a parcel refers to actual dwelling units, regardless of number of bedrooms or bathrooms in any one unit. Specific provisions of zoning ordinances and the City's density ordinance will further limit the amount and type of dwelling units which can actually be constructed on a parcel.

Flexibility and Reserve Units

"Flexibility units" means the difference between the number of dwelling units permitted within a flexibility zone in Broward County's Land Use Plan and the number of units permitted within a flexibility zone in Hollywood's Land Use Plan. Since the certified Hollywood Plan may be more restrictive than the Broward County Land Use Plan, extra dwelling units may be available for rearranging within flexibility zones by amending the City's Land Use Plan Element. The maximum number of dwelling units permitted in the Hollywood Land Use Plan may not (except for "reserve units") exceed the number of dwelling units permitted in the Broward County Land Use Plan.

"Reserve units" mean additional permitted dwelling units equal up to 2% of the total number of units permitted within a flexibility zone by the Broward County Land Use Plan. Allocation of reserve units will not require amendment of the City's land use plan. The number of reserve units assigned to a residential parcel on the City's land use plan may not exceed 100% of the maximum number of dwelling units indicated for the parcel by the City's land use plan map. The local land use plan, the zoning, and the applicable land development regulations shall not permit any density higher than 50 dwelling units per gross acre.

Permitted Uses in Areas Designated Office

The following uses are allowed within Office areas to the degree and extent permitted by the applicable zoning regulations.

1. Administrative, professional, research, and financial offices.
2. Laboratories.
3. Funeral homes.
4. Public and semi-public facilities, institutions, private clubs.
5. Limited retail (including restaurant), service uses, and parking lots which are accessory to the primary office uses.

6. Residential uses are permitted in the same structure as an office use, provided that the residential floor area does not exceed 50% of the total floor area of the building and provided any residential use comes from reserve or flexibility units available in that flexibility zone. No more than 20% of the office in any one flexibility zone may be converted to residential use. Areas designated for office and general business on the Future Land Use Plan may be decreased by up to 20% within a flexibility zone.
7. Special residential facilities categories 2 and 3, as described and defined in permitted use #11 in the Residential land use category, subject to Zoning and Development regulations.



Permitted Uses in Areas Designated General Business

The following uses are allowed within General Business areas to the degree and extent permitted by the applicable zoning regulations.

1. Neighborhood, community, regional and highway retail uses, including shopping centers.
2. Office and business uses.
3. Commercial uses, including wholesale, light fabricating, storage and warehouse uses, parking lots.
4. Hotels, motels and other tourist accommodations subject to the following:
 - a) In that portion of the CHHA east of the Intracoastal Waterway and north of Sheridan Street (North Beach Barrier Island), hotels and motels shall not exceed 50 hotel rooms per acre.
 - b) In that portion of the CHHA west of the Intracoastal Waterway, hotels and motels shall not exceed 50 hotel rooms per acre.
 - c) In that portion of the CHHA east of the Intracoastal Waterway between Sheridan Street and Hollywood Boulevard (Central Beach Barrier Island), hotels and motels shall not exceed 50 hotel rooms per acre. Provided however, the City Commission may approve up to an additional 50 rooms per acre (for a maximum of 100 rooms per acre) from the "Hollywood Beach Hotel Room Pool" containing no more than 1000 rooms.
 - d) In that portion of the CHHA east of the Intracoastal Waterway and south of Hollywood Boulevard (South Beach Barrier Island) hotels and motels shall not exceed 150 hotel rooms per acre). Provided however, the City Commission may approve up to an additional 150 rooms per acre (for a maximum of 300 rooms per acre) from the "Hollywood Beach Hotel Room Pool: containing no more than 1000 rooms.
5. Parks, recreation, open space, cemeteries, and commercial recreation uses.
6. Public and semi-public facilities, institutional uses, private clubs.
7. Utilities, transportation, communication facilities, and easements.
8. Non-residential Agricultural uses (permitted until the area is converted to an urban use).

9. Residential uses are permitted in areas designated for general business in the following specific instances:
 - a) Only in the same structure as a commercial use provided that the residential floor area does not exceed 50% of the total floor area of the building, and the flexibility and reserve units are available. Otherwise, amendment of the City's *Land Use Element* is required.
 - b) In the Central City Business (CCB) zoning district in the downtown Hollywood Regional Activity Center Area as permitted by Broward County Plan Amendment PCT 90-2.
 - c) In the C-1 zoning district in the Hollywood Beach area as permitted by County Plan Amendment.
 - d) For mixed commercial/residential developments greater than 20 acres in size, mixed commercial/residential structures where the first floor of such structure is totally confined to commercial uses and free standing multi-family residential uses are permitted, provided that residential density does not exceed 40 units per gross acre and the area of the site upon which the free standing residential development and mixed commercial/residential structures are constructed do not exceed 40% of the total gross acreage of the commercially designated parcel, and the flexibility and reserve units are available.
10. Special Residential Facilities categories 2 and 3, as described and defined in permitted use #11 in the Residential land use category, subject to the Zoning and Development regulations.

No more than 20% of the General Business area in any one flexibility zone may be converted to residential use. Areas designated for General Business on the Future Land Use Plan Map may be decreased by 20% within a flexibility zone. On any of these, conversion requires an amendment of the City Land Use Plan.

Permitted Uses in the Area Designated Regional Activity Center

The Regional Activity Center land use designation encourages redevelopment or development of areas that are regionally significant. The major purposes of this designation are to facilitate multi-use and mixed-use development, encourage mass transit, reduce the need for automobile travel, provide incentives for quality development, and give definition to the urban form.

ATTACHMENT D
Broward County Administrative Rules Article 2
and Flex Zone Map

ARTICLE 2

FLEXIBILITY RULES AND REGULATIONS

2.1 FLEXIBILITY UNITS

- (A) Flexibility units, as defined in Section IV.B., "Residential Use" of the Broward County Land Use Plan, mean the difference between the number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan and the number of dwelling units permitted within the flexibility zone by a local government's certified future land use plan map.
- (B) Assignment of flexibility units by a local government is subject to all of the following rules and regulations:
 - (1) Assignment of flexibility units shall be subject to meeting the provisions of Policy 13.01.10 of the Broward County Land Use Plan concerning compatibility with adjacent land uses and impacts on public schools;
 - (2) Flexibility units must be assigned by the municipality, at a minimum, through (re)zoning or other official action. An amendment to the local land use plan may be required by the applicable municipality.
 - (3) Flexibility units may not be transferred to other flexibility zones except as provided for by Article 5 "Special Residential Facilities" and Article 8 "Affordable Housing Density Bonuses".
 - (4) Upon assignment of flexibility units, the local government shall notify the Planning Council in writing and submit revised charts, as contained within the certified local land use plan, which reflect the current total.
 - (5) Flexibility units shall not be assigned from areas circumscribed by dashed lines on the Broward County Land Use Plan, nor be reflected within the "flexibility unit charts" of the certified local land use plan.
 - (6) The Planning Council, upon determination that a local government has failed to report assignment of flexibility units in a timely or sufficient manner or has assigned flexibility units improperly, shall take such actions as may be necessary and proper, including decertification of the local land use plan, to enforce the requirements of the Broward County Land Use Plan and this Administrative Rules Document.

2.2 RESERVE UNITS

- (A) Reserve units, as defined in Section IV.B., "Residential Use", of the Broward County Land Use Plan, mean additional permitted dwelling units equal to two percent (2%) of the total number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan.
- (B) A local government may include provisions for reserve units within their certified land use plan and establish a reserve unit pool. Assignment of reserve units is subject to all of the following rules and regulations:
 - (1) Assignment of reserve units shall be subject to meeting the provisions of Policy 13.01.10 of the Broward County Land Use Plan concerning compatibility with adjacent land uses and impacts on public schools;
 - (2) Reserve units may not be transferred between flexibility zones except as provided for by Article 5 "Special Residential Facilities" and Article 8 "Affordable Housing Density Bonuses".
 - (3) A chart or charts reflecting the number of reserve units within a flexibility zone shall be approved by the Planning Council at the time of (re)certification of the local land use plan.
 - (4) Upon assignment of reserve units to a parcel of land, the local government shall notify the Planning Council in writing and submit revised charts, in the format certified by the Planning Council, which reflect the current total.
 - (5) Upon annexation of land, the affected local government may submit revised reserve unit charts, which reflect such annexation and include unassigned reserve units, concurrent with or subsequent to a request for (re)certification of the local land use plan by the Planning Council.
 - (6) Upon deannexation or contraction of lands, the affected local government shall submit revised reserve unit charts which reflect such deannexation to the Broward County Planning Council for recertification.
 - (7) The number of reserve units assigned to a parcel designated for residential use may not exceed 100% of the maximum number of dwelling units indicated for the parcel by the local land use plan map, except as provided for by Article 8 "Affordable Housing Density Bonuses".
 - (8) In no instance shall a density of greater than fifty (50) dwelling units per gross acre be permitted.

- (9) The Planning Council, upon determination that a local government has failed to report assignment of reserve units in a timely or sufficient manner or has assigned reserve units improperly, shall take such actions as may be necessary and proper, including decertification of the local land use plan, to enforce the requirements of the Broward County Land Use Plan and this Administrative Rules Document.

2.3 REARRANGEMENT OF RESIDENTIAL DENSITY

- (A) A local land use plan map may show a different arrangement of residential acreage in a flexibility zone than that shown for the same flexibility zone on the Broward County Land Use Plan, subject to all of the following rules and regulations:
- (1) The local government shall demonstrate to the Planning Council that no increase in the total number of permitted dwelling units in the flexibility zone results from the rearrangement.
 - (2) When a parcel of land is split by a flexibility zone boundary but is within a single local government, residential density may be redistributed within the parcel without regard to the flexibility zone boundary.
 - (3) The density assigned to an area circumscribed by a dashed line on the Broward County Land Use Plan shall not be reassigned outside the dashed line.
 - (4) A rearrangement of land use designations must produce a reasonable development pattern. Criteria for reasonableness shall include compatibility of adjacent land uses and suitability of parcels for various development patterns.

2.4 DEVELOPED AREAS

- (A) Zoning that is consistent with the established density of a developed area shall be in substantial conformity with the Broward County Land Use Plan so long as the local land use plan, the zoning and the applicable land development regulations do not permit any density higher than fifty dwelling units per gross acre.

For the purpose of these rules and regulations, a developed area means a residential zoning district in which the predominant character had been established as of November 22, 1977 by existing buildings, buildings under construction, or by active building permits.

→ 2.5 INCREASE AND DECREASE OF COMMERCIAL AND RESIDENTIAL ACREAGE

(A) A certified local land use plan may allow a different arrangement of commercial and residential acreage in a flexibility zone than that shown for the same flexibility zone on the Broward County Land Use Plan, if consistent with all of the following provisions:

- (1) The land designated “Commercial” within a flexibility zone on the Broward County Land Use Plan (see POLICY 2.04.05 of the Broward County Land Use Plan) may be decreased by twenty percent (20%) and (re)designated to a land use category consistent with the residential land use categories of the Broward County Land Use Plan. (Re)designation to a residential land use category is subject to the following rules and regulations:
 - a. The local government must assign available flexibility or reserve units in compliance with the provisions of Section 2.1 (Flexibility Units) or Section 2.2 (Reserve Units), of this Administrative Rules Document; or
 - b. The local government must correspondingly reduce, within the local land use element, the density of a residential area so that the total number of permitted dwelling units allowed in the flexibility zone is not increased.
- (2) The local land use plan may permit up to five percent (5%) of the area designated for residential use on the Broward County Land Use Plan within a flexibility zone to be used for neighborhood office and/or retail sales of merchandise or services, subject to compliance with Policy 13.01.10 of the Broward County Land Use Plan. No such contiguous area may exceed ten (10) acres in size. For the purpose of this provision, contiguous is defined as: attached; located within 500 feet; or separated only by streets and highways, canals and rivers, or easements.

This five percent (5%) residential-to-commercial flexibility rule may be applied by the local government through (re)zoning or other official action, subject to compliance with Policy 13.01.10 of the Broward County Land Use Plan, and does not require an amendment to the local land use plan map if the provision is certified by the Planning Council within the residential permitted uses section of the local land use plan.

- (3) A mixed residential and retail sales or office land use may be permitted by the local land use plan in areas designated for “Medium-High” or “High” residential density on the Broward County Land Use Plan, subject to the local land use plan providing:
 - a. That no more than fifty percent (50%) of the floor area in a building shall be used for retail sales or offices; and
 - b. At least fifty percent (50%) of the area in a building shall be used for residences.
- (4) A mixed residential and office land use may be permitted by the local land use plan in areas designated for “Medium” residential density on the Broward County Land Use Plan Map, subject to the local land use plan providing:
 - a. That no more than fifty percent (50%) of the floor area in a building shall be used for offices; and
 - b. At least fifty percent (50%) of the area in a building shall be used for residences.
- (5) A residential and/or commercial land use may be permitted by the local land use plan in areas designated “Commercial” on the Broward County Land Use Plan Map, subject to the following:
 - a. The local government shall apply available flexibility and/or reserve units in compliance with Articles 2.1 and 2.2 of this Administrative Rules Document; and
 - b. For parcels 5 acres in size or less, free standing multi-family residential uses are permitted; and/or
 - c. For mixed commercial/residential developments greater than 5 acres in size, free standing multi-family residential uses are permitted provided that the gross residential acreage does not exceed 5 acres or 40% of the total gross acreage of the commercially designated parcel, whichever is greater, and that the entire mixed residential/commercial development be governed by specific zoning regulations that establish criteria to ensure proper integration and compatibility of land uses within and surrounding the development.

- (6) The local land use plan may permit up to twenty percent (20%) of the area designated for “Industrial” use on the Broward County Land Use Plan within a flexibility zone to be used for commercial and retail business uses including hotels, motels and similar lodging, subject to compliance with Policy 13.01.10 of the Broward County Land Use Plan.

This twenty percent (20%) industrial-to-commercial flexibility rule may be applied by the local government through (re)zoning or other official action, subject to compliance with Policy 13.01.10 of the Broward County Land Use Plan, and does not require an amendment to the local land use plan map if the provision is certified by the Planning Council within the industrial permitted uses section of the local land use plan.

- (7) The local land use plan may permit up to twenty percent (20%) of the area designated for “Employment Center” use on the Broward County Land Use Plan within a flexibility zone to be used for commercial and retail business uses, subject to compliance with Policy 13.01.10 of the Broward County Land Use Plan.

This twenty percent (20%) employment center-to-commercial flexibility rule may be applied by the local government through (re)zoning or other official action, subject to compliance with Policy 13.01.10 of the Broward County Land Use Plan, and does not require an amendment to the local land use plan map if the provision is certified by the Planning Council within the employment center permitted uses section of the local land use plan.

- (8) The arrangement of land use designations must produce a reasonable development pattern. Criteria for reasonableness shall include compatibility of adjacent land uses and suitability of parcels for various development patterns.

~~2.6~~ RESIDENTIAL USES IN “AGRICULTURAL” / “RURAL RANCHES” LANDS

- ~~(A) This section provides for exceptions to the residential density restrictions within the “Agricultural” and “Rural Ranches” land use category of the Broward County Land Use Plan consistent with Broward County Ordinance No. 79-34. Land designated “Agricultural” or “Rural Ranches” may be permitted one (1) dwelling unit on parcels smaller than two (2) net acres or smaller than two and one-half (2½) gross acres if:~~

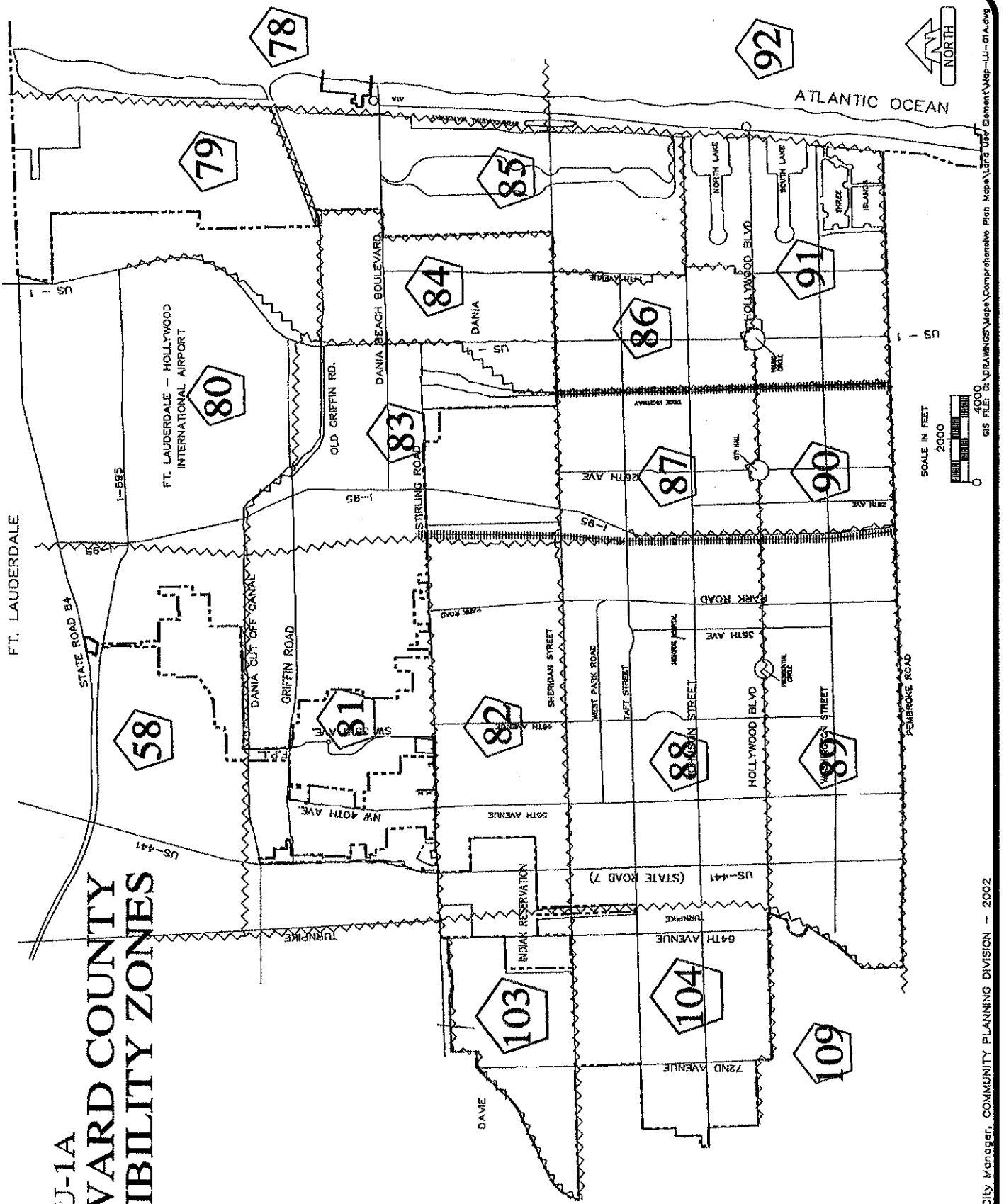
- ~~(1) The parcel is specifically designated on a plat approved by the Board of County Commissioners prior to May 16, 1979; or~~

- (2) The parcel was of public record prior to May 16, 1979, and
- a. has not been at any time since the effective date of Broward County Ordinance No. 79-34 (May 30, 1979) contiguous with another parcel or parcels in common ownership which could be combined into a single parcel of at least two net acres, and
 - b. has received the approval of the applicable agency for a sewage disposal system.

Article 2.1 – Amended October 23, 2008

Article 2.6 - Amended June 29, 1989

MAP-LU-1A BROWARD COUNTY FLEXIBILITY ZONES



ATTACHMENT E

Existing and Proposed Zoning District Regulations

Existing Zoning District

§ 4.2 Multiple Family Districts.

A. Purpose and uses.

District Purpose	Main Permitted Uses	Special Exceptions	Accessory Uses
These districts are designed to provide standards for the development and maintenance of multiple family residential buildings and hotels, where such uses are permitted (See no. 2 below).	See chart on next page.	Places of worship, meeting halls, social halls, institutional uses, day care facilities, commercial and non- commercial parking lots, and educational facilities. (See chart below)	Those uses which are customarily associated with one of the main permitted uses (See § 4.20).

	Main Permitted Uses						
District (Multiple Family MF)	Maximum Density, units per acre*	Single Family	Duplex	Town house	Apt. Bldg.	Hotel	Commercial
(1) RM-9 (Low -Med MF)	9	Yes	Yes	Yes	Yes	No	No
(2) RM-12 (Med MF)	12	Yes	Yes	Yes	Yes	No	No
(3) RM-18 (Med-High MF)	18	Yes	Yes	Yes	Yes	No, except east of I-95 permitted.	No
(4) RM-25 (High MF)	25 for Apt. Bldg.; 50 for Hotel, except if Comprehensive Plan land Use designation is Commercial**	Yes	Yes	Yes	Yes	Yes	No
(5) BRT-25 (Beach Resort MF)	25 for Apt. Bldg. 50 for Hotel, except if Comprehensive Plan land Use designation is Commercial **	Yes	Yes	Yes	Yes	Yes	Special Exception for eating and drinking uses if east of AIA, otherwise they are a Permitted Use; pawn, thrift, consignment shops, psychic help uses, tattoo



City of Hollywood
Zoning and Land Development Regulations

							shops and office are prohibited; all other commercial uses are permitted.
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(6) See § 4.2.D for RM-WET Multiple Family Wetlands District Regulations.

(7) See § 4.2.E for NBDD North Beach Development District Regulations.

* When residential uses are permitted, at least two units per platted lot are permitted regardless of the maximum permitted density.

**Maximum density for parcels with Comprehensive Plan designation of General Business is outlined under "Permitted Uses in Areas Designated General Business" in Future Land Use Element of the Comprehensive Plan.

MF = Multiple Family

B. Development regulations.

District	Min. Lot Area (sq. ft.)*	Min. Lot Width* (ft.)	Max. Height (ft.)	Land- scape, open space**	Minimum Unit Size (Sq. Ft.)				
					Single Family (SF)	Duplex (Dup)	Townhse.	Apt.	Hotel
(1) RM-9	6000	60	2 stories not to exceed 30 ft.	40%	1000	500	800	500 Min 750 Avg	Not Allowed
(2) RM-12	6000	60	3 stories not to exceed 35 ft.	40%	1000	500	800	500 Min 750 Avg	Not Allowed
(3) RM-18	6000	60	4 stories not to exceed 45 ft., except if adjacent to sing. fam. district, then height 30 ft for first 100 ft of lot.	40%	1000	500	800	500 Min 750 Avg	Not Allowed
(4) RM-25	6000	60	Oceanfront - 80% of the distance from Erosion Control Line. Non-Oceanfront 65 ft or 6 stories. Development east of A-1-A, south of	40%	1000	500	800	500 Min 750 Avg	15% of units 300-335; 85% of units 335+



			Harrison Street: no greater than 50 feet where there is already an existing high density multi-family residential project developed east of A-1-A and whose oceanfront views would otherwise be severely restricted and/or blocked by any such proposed development to be located east of the existing building and on the same block.						
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District	Min. Lot Area (sq. ft.)*	Min. Lot Width* (ft.)	Max. Height (ft.)	Land-scape, open space**	Minimum Unit Size (Sq. Ft.)				
					Single Family (SF)	Duplex (Dup)	Townhse.	Apt.	Hotel
(5)BRT-25	6000	60	North of Tyler to Sherman Street - 50 feet. South of Harrison St. - 65 ft. and North of Balboa Street - 150 ft.	40%	1000	500	800	500 Min 750 Avg	15% of units 300-335; 85% of units 335+

(6) See Section 4.2.D for RM-WET Wetlands District Regulations.

(7) See Section 4.2.E for NBDD North Beach Development District Regulations.

* Platted lots or lots of record which contain less than the minimums are considered as legal non-conforming and may be developed consistent with these regulations.

** Includes landscaped open space located at-grade or at higher elevations such as on pool decks, parking decks, roof decks and similar uses.

C. (1) Setback requirements main structure: RM-9, RM-12 and RM-18.



Front	Side/Interior	Side/Street	Rear
20 ft. for structures; 5 ft. for at-grade parking lots.	The sum of the side yard setbacks shall be at least 20% of the lot width, but not to exceed 50 ft. with no side yard less than 7.5 ft.; except, platted and recorded lots of 50 ft. or less in width may have a 5 ft. setback. When an existing Building has a 5 ft. side yard setback, the setback of new construction may also be 5 ft. This applies to the linear or vertical extension of a single story building.	15 ft.; except at-grade lot 5 ft.	1 story bldg. - 20 ft. 2 story bldg. or higher - 15% of the lot depth; 20 ft. min.

Cross-reference:

For parking lots, see § 4.22

(2) Setback requirements main structure: RM-25, BRT-25.

Front	Side/Interior	Side/Street	Rear	Front
(1) Pedestal	25 ft.; except Retail uses shall provide 0 ft. setback.	The sum of the side yard setbacks shall be at least 25% of the lot width, but not to exceed 50 ft. with no side yard less than 10 ft., whichever is greater. Retail uses shall provide 0 ft. setback.	15 ft. minimum; except retail uses shall provide 0 ft. setback.	1 story bldg. - 20 ft. 2 story bldg. or higher - 15% of the lot depth; 20 ft. min. 50 ft. maximum.
(2) Tower	25 ft. + 1 ft. increase for each ft. of height above 50 ft. Setback not to exceed 50 ft.	The required pedestal setback plus 20% of the height of the tower portion of the bldg. The total required tower setback shall not exceed 50 ft.	The required pedestal setback plus 15% of the height of the tower portion of the bldg. The total required tower setback shall not exceed 50 ft.	Oceanfront lots* - 25% of lot depth. Non-oceanfront lots - 15% of lot depth. No setback less than pedestal setback.
(3) Setbacks are measured from the base building line pursuant to Article 3.				
(4) See § 4.2.D for RM-WET Multiple Family Wetlands District Regulations.				
(5) See § 4.2.E for NBDD North Beach Development District Regulations.				
* Oceanfront Lots are properties that have the erosion control line as a property line.				

* * *

* * *

(Ord. O-94-14, passed 4-16-94; Am. Ord. O-97-28, passed 6-25-97; Am. Ord. O-99-26, passed 9-8-99; Am. Ord. O-2000-10, passed 2-2-2000; Am. Ord. O-2001-16, passed 5-16-2001; Am. Ord. O-2002-20, passed 4-10-2002; Am. Ord. O-2003-01, passed 1-22-2003; Am. Ord. O-2005-10, passed 6-15-2005; Am. Ord. O-2007-34, passed 12-18-2007; Am. Ord. O-2012-05, passed 3-7-12)

Proposed Zoning District

§ 4.3 Commercial Districts.

* * *

F. O-1 Light Intensity Office District.

1. Purpose and uses:

District Purposes	Main Permitted Uses	Special Exception	Accessory Uses	Prohibited Uses
This district is intended to provide standards for:	Offices. *	Day Care Facilities.*	Any Use that is customarily associated with the Main Permitted Use or Special Exception. See § 4.21.	Any use not listed as a Main Permitted Use or Special Exception.
(a) The placement of low intensity professional office uses which are located near residential neighborhoods and which are designed in such a manner as to be compatible with the residential character of adjacent areas.	Single Family.	Personal Service Uses.		
The intent is to provide an opportunity for small offices to exist on properties which were originally designed as single family homes but, due to traffic patterns and noise, do not lend themselves to be retained as single family homes.	(For properties less than 0.25 acres): Administrative Offices which do not involve the on-site handling, processing, distribution, display, storage, or sale of goods and merchandise, such as, but not limited to, real estate brokers, insurance agencies, marketing and investment counseling, stockbrokers, secretarial and stenographic services, or other similar uses. Professional Offices not to exceed 2 doctors, dentists, lawyers, accountants, architects, engineers, or other similar field.*	Hospital Hospitality House.		
(b) The placement and use of low rise office buildings, on sites exceeding 1.5 acres which are near residential neighborhoods, that are designed in such a manner as to be compatible with residential neighborhoods even though office buildings are significantly larger in size. The intent is to achieve a compatible (scale) architectural relationship between low density residential development and larger sized office buildings.		* See Performance Standards § 4.3.J.		
(c) To insure that rehabilitation work and new construction occurs in a manner that maintains the residential character of adjacent single family districts.				

2. Development regulations:

Min. lot size and width	Maximum lot size	Setbacks	Max. height
<p>New construction: 1 Platted lot Rehabilitation or additions to buildings*: 2 platted lots; except 1 lot is permitted when:</p> <p>a. the entire block contains only one lot which faces the main street; b. when the abutting lots are developed with one of the main permitted uses or special exceptions; or c. corner lots which can be developed without any variances.</p> <p>* Additions that exceed 50% of the floor area of the existing building or additions and rehabilitation work that exceed 50% of the assessed value of the property (building only).</p>	<p>2 platted lots; however, sites may exceed this limitation if all of the following criteria is met:</p> <p>a. The site exceeds 1.5 acres as of or prior to the effective date of this ordinance (Oct. 23, 1996). b. The site is under common ownership as recorded in the public records of Broward County as of or prior to the effective date of this ordinance (Oct. 23, 1996). c. Sites shall not be expanded beyond the area (size) that is under common ownership as of or prior to the effective date of this ordinance (Oct. 23, 1996).</p> <p>Those sites that exceed the maximum 2 platted lots but which do not meet the above criteria, shall only be developed with no more than 1 building per 2 platted lots.</p>	<p>Front 25 ft., Rear 20 ft., Interior side 10 ft., Street side 20 ft. See § 4.3.J.5 for property lines abutting a residential district.</p>	<p>2 stories or 30 ft.</p>

Setbacks are measured from the Base Building Line pursuant to Article 3.

* * *

* * *

J. Performance standards (All districts except as noted):

1. Automotive uses including sales, repair, detailing and washing: All vehicle repair shall take place within a fully enclosed building. No windows or garage doors shall be placed within 100 ft. of residentially zoned property.

Vehicles left on site overnight for repair shall be placed in storage at a location which meets the outdoor storage standards listed below.

Detailing/car washing shall only be permitted in a structure or under a permitted canopy. Canopies shall not be placed where they will interfere with parking or traffic circulation.

When automotive repair services are offered in conjunction with the retail sale of parts, said repair area shall not be permitted if it faces residentially zoned property. The service drive for the repair area shall be surrounded by 6 ft. high concrete opaque wall. The paved area shall be surrounded by a 5 ft. landscaped area. Any air compressor shall be within a wholly enclosed building that prevents the transmission of noise.

2. Burglar alarm: Shall not face residentially zoned property.

3. Crematorium: Shall be approved by the appropriate state agencies.

4. Day Care Facilities: When located in single family districts are regulated by Broward County Ordinance No. 90-33, as amended. Commercial Day Care Facilities shall provide a minimum of 45 sq. ft. per child of outdoor play area. Day Care Facilities for adults are exempt from the outdoor play area requirement.

5. Design and landscaping requirements:

a. All pervious areas shall be landscaped with grass, ground cover and/or shrubbery.

b. All office or commercial development adjacent to residentially zoned properties on the sides and rear shall be separated from the residential property by an opaque 6 ft. high concrete wall and tree screen.

c. Any development which has parking in any yard that faces a street shall provide an opaque 4 ft. high concrete wall set back three feet from and parallel to the street right-of-way line or a screening hedge with a 100% irrigation system. If the wall is selected, it shall also include a screening hedge in the setback area.

d. Design, landscaping, and performance standards in the O-1 Light Intensity Office District:

(1) Any property in the O-1 District which involves conversion of a nonoffice use to another Permitted Use or Special Exception use or is the subject of a building permit application shall be reviewed pursuant to the Planning and Development Review procedures. Any such property subject to Planning and Development Review may be required to modify either the site and/or any buildings on the site as part of the Planning and Development Review process. The Director may require improvements to the building and site in order to insure that the conversion meets the objectives of this article.

(2) The design, scale and appearance of all structures in the O-1 district:

a. Sites containing 2 lots or less: Elevations facing the main street shall be designed as an office or as a single family home; however, the area of the window openings may not be reduced. The remaining elevations shall maintain the single family residential character of the building. The facades and roof lines of buildings shall be designed to break up their linear appearance and form. This standard applies to new construction, additions and rehabilitation work.

b. Sites exceeding 1.5 acres: shall be designed in such a manner as to be compatible with single family residential structures even though the office buildings may be significantly larger in size. The intent is to achieve a compatible architectural relationship between nearby single family residential development and larger sized office buildings. The facades and roof lines of the office building(s) shall be designed to break up their linear appearance and form.

(3) New buildings shall be sited in a manner that results in the maximum distance from adjacent residential structures.

(4) Gabled roofs on new buildings shall use concrete flat tile or barrel tile. Existing buildings which currently have shingle, flat tile, or barrel tile are required to maintain the same roofing material or better. Gravel roofs are not permitted. If they presently exist, they must be upgraded according to aforementioned standard; however, flat gravel roofs may remain if they cannot be seen from the street. The Department shall determine if the proposed roofing material is of a higher aesthetic quality than the present roof. Additions shall have shingle, flat tile, or barrel tile and match the existing roof.

(5) Parking Requirement: 1 space per 250 sq. ft. for sites greater than 0.25 acres in size, 1 space per 500 sq. ft., to a maximum of 5 spaces for sites less than or equal to 0.25 acres in size (requirement applies to Permitted Uses for O-1 as listed above).

(6) The design of the parking lot shall be approved by the Director based upon the following regulations:

- a. Two way drive minimum width: 12 ft.
 - b. Parking lot setback: 5 ft. setback from any lot line
 - c. Driveway setback: 3 ft. setback from any lot line.
 - d. Head-in/back-out parking: not permitted.
 - e. Required parking spaces (tandem) may be designed on a circular drive with an interior landscaped island.
- (7) Cross-access agreements between properties shall be recorded in the public records prior to the issuance of a building permit.
- (8) Wall/Fencing. Landscaping shall be placed between the wall and any lot line when adjacent to a right-of-way.
- a. Sites exceeding 0.5 acres shall have a decorative CBS wall. Long walls should be designed to break-up their linear form through alternating the location of the footings. The placement of pilasters, stucco banding, decorative caps and similar types of treatments on the wall is encouraged.
 - b. Sites 0.5 acres or less, a decorative opaque non-wood wall/fence, 6 feet in height shall be installed where adjacent to residential.
- (9) With the exception of one or two car garages on sites less than 1.5 acres, parking spaces shall not be located below the lowest occupied finished floor elevation of a structure.
- (10) An appeal of the Director's decision regarding compliance with any of the above criteria is to the Planning and Development Board.
- (11) Hospital Hospitality House.
- a. Shall be located within 150 ft. of a hospital.
 - b. Shall be limited to one per hospital.
 - c. Shall be owned by the hospital or an affiliated entity.
6. Outdoor uses - storage:
- a. Shall be in conjunction with a principal use in the district and located within 700 ft. of that use;
 - b. Shall be surrounded by (the storage area) a 6 ft. opaque fence; and
 - c. Shall contain a 5 ft. landscaped buffer on all street frontages.
7. Outdoor uses-retail sales:
- a. Shall be part of a licensed use that occurs within a wholly enclosed building.
 - b. The retail area shall be surrounded by a 6 ft. vinyl coated chain link fence, wood fence, CBS wall, aluminum picket fence or wrought iron fence.
 - c. A 5 ft. landscape buffer shall be provided adjacent to the required fence or wall.
 - d. Temporary retail sales associated with holidays, seasonal promotions or special events may occur on vacant lots and are exempt from a - c above with the approval of the Director. An application for a permit shall be filed with the Department; and, once approved, be valid for 45 days and shall be granted no more than 3 times in one calendar year. A fee of \$50 per each promotion or event is required along with proof of a current Business Tax Receipt.

e. Temporary outdoor retail sales (special promotions and grand openings in conjunction with an existing retail establishment shall be permitted based on the following (exempt from a - c above):

1. Grand Openings: one time in one calendar year, for 10 consecutive days.
2. Special Promotions: two times each calendar year, 5 consecutive days each.
3. A application processing fee of \$50 per each promotion or event is required.

8. Pet care and veterinary offices: May include on-site animal boarding, provided that all animals shall be treated or kept inside fully-enclosed air conditioned buildings. The area in which the animals are boarded shall be designed to prevent the transmission of noise. No openings shall be permitted in walls which face residentially zoned property.

9. Thrift shops located within the C-3 Medium Intensity District:

- a. Shall have a minimum floor area of 10,000 square feet;
- b. All goods donated for sale at the thrift shop must be accepted through the rear of the store;
- c. No more than 30% of the floor area shall be utilized for receiving, sorting and storage of donated goods;
- d. The sale of furniture is prohibited; and
- e. Only the sale of small tabletop electronics is permitted
- f. Shall post signs advising patrons that the merchandise/goods within the store are primarily pre-owned.

(Ord. O-94-14, passed 4-16-94; Am. Ord. O-94-73, passed 11-23-94; Am. Ord. O-96-18, passed 5-22-96; Am. Ord. O-96-42, passed 9-25-96; Am. Ord. O-99-14, passed 5-12-99; Am. Ord. O-2001-16, passed 5-16-2001; Am. Ord. O-2002-27, passed 9-4-2002; Am. Ord. O-2002-35, passed 10-2-2002; Am. Ord. O-2006-12, passed 5-3-2006; Am. Ord. O-2008-28, passed 11-19-2008; Am. Ord. O-2010-12, passed 4-7-10; Am. Ord. O-2011-14, passed 5-4-11; Am. Ord. O-2012-05, passed 3-7-12)


ATTACHMENT


**Planning and Development Board Staff Report
and Backup (April 10, 2014)**

**CITY OF HOLLYWOOD, FLORIDA
MEMORANDUM
DEPARTMENT OF PLANNING**

DATE: April 10, 2014 **FILE:** 14-FZV-22

TO: Planning and Zoning Board

VIA: Jaye M. Epstein, AICP, Director 

FROM: Andria Wingett, Assistant Director 

SUBJECT: The Legal Plan, Inc. requests allocation of Residential to Commercial Flex, rezoning from Low Density Multiple Family (RM-9) to Light Intensity Office (O-1) and Variance(s) in order to maintain existing site elements including buffers and walls at 2535 N. 40 Avenue.

REQUEST

Allocation of Residential to Commercial Flex, rezoning from Low Density Multiple Family (RM-9) to Light Intensity Office (O-1) and Variance to waive the required six foot high concrete wall (east) to maintain the existing wood fence.

RECOMMENDATION

Forward a recommendation of approval to the City Commission for:

Flex: From Residential to Commercial (General Business)

Rezoning: From Low Density Multiple Family (RM-9) to Light Intensity Office (O-1)

Final approval of:

Variance: With the conditions:

- A landscape plan, meeting current Code, is reviewed and approved by the City's Landscape Architect and all material is installed and inspected prior to establishing any commercial/office use; and
- Should the wood fence be replaced it shall be with an opaque six foot vinyl fence (PVC);

REQUEST

Located just north of Sheridan Street on Pine Avenue (North 40th Avenue), the property is on the outskirts of the Emerald Hills neighborhood. An unoccupied commercial building currently occupies the site, which is a legal non-conforming use of the property due to the residential land use and zoning. The applicant would like to utilize the existing 2,900 square foot building as a law office; however, to do so Residential to Commercial Flexibility, accompanied by a zoning change, is necessary. Additionally, a variance is being sought to allow the existing buffer (eastern wood fence), where adjacent to residential, to remain.

The requested application of Residential to Commercial Flexibility and rezoning to Light Intensity Office (O-1) zoning are consistent with the surrounding built neighborhood, which has several residential and non-residential uses, such as offices, a place of worship and various multi-family developments.

There is a sizeable Office land use district across Sheridan Street, which accommodates several office buildings and incidentally has a zoning designation of O-1. Not to mention, the abutting property to the south had a similar land use and zoning issue. Subsequently, in 2006 Residential to Commercial Flexibility was applied and that property was also rezoned. Shortly after, the existing U.S. Century Bank building was constructed.

As determined by the Zoning and Land Development Regulations, the Planning and Development Board makes a recommendation to the City Commission for the application of Residential to Commercial Flexibility and Rezoning. The Board will make a final determination on the accompanying variance.

Application of Residential to Commercial Flexibility Rule

The application of this Flexibility Rule will change the land use designation for this property from Low Medium Residential to General Business. The General Business land use category permits uses such as the proposed office provided no more than 5% of the area designated for residential use within a flexibility zone may be used for office and/or retail sales of merchandise or services.

This rule states no more than 5% of an area designated for Residential use within a flexibility zone on the City's Land Use Map may be used for commercial uses such as office and/or retail sales. The subject parcel is within Flex Zone 82 and currently 47.03 acres are available for application of Residential to Commercial flexibility within this zone. Therefore, application of the 5% Flexibility Rule for this 0.36 acre site will not exceed the available acreage.

Rezoning

A zoning designation of O-1 would be most appropriate for this site due to its proximity to the residential neighborhood. In fact, O-1 zoning is the most restrictive non-residential zoning classification available. Utilizing this zoning classification rather than a more intense one such as Low Intensity Commercial (C-1) will further ensure compatibility of allowable uses and design with the surrounding neighborhood.

Some of the O-1 District Purposes are to create standards for professional office uses located near residential neighborhoods to be compatible with the residential character of the adjacent areas and to insure rehabilitation work and new construction occurs in a manner that maintains the residential character of adjacent neighborhoods. (See Attachment "D", Light Intensity Office District (O-1) Zoning and Land Development Code Regulations)

Variance

Regardless of zoning designation, whenever office or commercial development abuts residential a six foot high concrete wall and tree screen is required. As such, the existing buffer/wall condition is legal non-conforming. Applying this regulation—six foot high concrete wall and tree screen—,to this property, requires construction of a new concrete wall on the east, as the north has an existing concrete wall (south is abutting O-1 zoning and west is the front, where a wall not required). However landscape is minimal, as such staff is recommending the landscape be brought up to current code, including buffers.

Similar to other rezonings, when there are existing site improvements, some physical improvements become legal-nonconforming upon a rezoning. These improvements may include setbacks, pervious/impervious, buffering, etc. This is a very common occurrence. As previously mentioned, in this particular case, the applicant is requesting to legitimize the existing wood fence, by seeking a variance to maintain it where adjacent to residential on the east as a six wall currently exists on the north.

SITE INFORMATION:

Owner/Representative:	The Legal Plan, Inc./Keith Poliakoff
Address/Location:	2535 N. 40 Avenue
Net Size of Property:	0.36 net acres
Existing Future Land Use:	Medium residential (6-10 units/acre)
Proposed Future Land Use:	General Business

Existing Zoning: Low Density Multifamily (RM-9)
Proposed Zoning: Light Intensity Office (O-1)
Existing Use of Land: Office building

ADJACENT ZONING

North: Low Density Multiple Family (RM-9)
South: Low Intensity Office (O-1)
East: Low Density Multiple Family (RM-9)
West: Low Density Multiple Family (RM-9)

ADJACENT LAND USE:

North: Medium Residential (6-10 units/acre)
South: General Business via flex
East: Medium Residential (6-10 units/acre)
West: Medium Residential (6-10 units/acre)

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN

The subject property is located in Sub-Area 7, which is geographically defined by 56th Avenue to the west, I-95 to the east, Sheridan Street to the south and SR 84 and Broward County Unincorporated areas to the north. This area includes the residential neighborhoods of Emerald Hills, Oakridge and the industrial/office area of Port 95 Commerce Park.

The proposed land use change is consistent with the City-Wide Master Plan, based upon the following Guiding Principles and Policies.

Guiding Principle: *Promote the highest and best use of land in each sector of the City without compromising the goals of the surrounding community.*

Policy CW.15: *Place a priority on protecting, preserving and enhancing residential neighborhoods.*

Policy CW.80: *Identify and evaluate vacant buildings and encourage adaptive reuse where the building is worth saving. In cases where the building is not worth saving demolition and land assembly is encouraged.*

The proposed project will increase economic opportunities for the City by providing for an opportunity for office development by reusing an existing vacant building. The requested flexibility is appropriate at this site and is compatible with the surrounding residential neighborhoods. If approved, the site is anticipated to remain in its current form and be used as a law office.

CONSISTENCY WITH COMPREHENSIVE PLAN

Land Use Element

Policy 6.7: *Review and amend the Zoning and Development Regulations as needed to implement standards for different intensities of land use and residential densities as stated in the Future Land Use Categories of the Land Use Element.*

Policy 7.33: *Proposed plan amendments shall be evaluated according to the following guidelines as to whether the proposed action would:*

- 4) *Conform with future land uses as shown on the Future Land Use Map of the Land Use Element...*

Application of this Flexibility Rule will bring the subject property into conformance. The proposed law office will be in-tune with the existing bank abutting the property (offices directly across Sheridan Street),

while providing appropriate transition between Sheridan Street to the south and the residential area to the north.

FINDING: Consistent.

Coastal Element

The subject property is not located within the Coastal area; therefore the Coastal Element does not apply.

FINDING: Consistent.

Utilities Element

Objective 2: *To ensure through coordination with the South Florida Water Management District (SFWMD), The Broward County Water Resources Management Division (WRMD), and the Broward County Environmental Quality Control Board (EQCB) in the development review process to ensure that the new development is required to provide adequate drainage measure to service itself and to neutralize any deficiencies which would be created by such new development.*

Objective 4: *To continue to address the protection of the functions of natural groundwater recharge and natural drainage features.*

The existing building and associated site improvements will continue to be maintained in their current condition; as such the drainage will not be altered.

FINDING: Consistent.

APPLICABLE CRITERIA

Analysis of Criteria and Findings for Rezoning as stated in the City of Hollywood's Zoning and Land Development Regulations, Article 5.

CRITERIA 1: That the petition for a change of zoning district will not result in spot zoning or contract zoning.

ANALYSIS: One of the purposes of the O-1 Zoning District is for the "...placement of low intensity professional office uses which are located near residential neighborhoods and which are designed in such a manner to be compatible with the residential character of the adjacent areas." Additionally, as stated by the applicant, "The O-1 district allows the property to be utilized for its constructed purpose without intensifying its future use. This district would not be considered spot zoning or contract zoning since the parcel to the direct south is similarly zoned O-1, and was recently developed for U.S. Century Bank. As such, the development pattern is consistent with the proposed use and the requested rezoning would not give privileges not generally extended to property similarly situated in the area.

FINDING: Consistent

CRITERIA 2: The proposed change is consistent with and in furtherance of the Goals, Objectives and Policies of the Comprehensive Plan.

ANALYSIS: The applicant states the rezoning will be in furtherance of the Comprehensive Plan, as it "promotes a distribution of land uses that will enhance and improve the residential, business, resort, and natural communities while allowing land owners to maximize the use of their property...and the seeks to protect this administrative office." If approved, the rezoning will allow a light office between the busy arterial Sheridan Street corridor and the residential neighborhood to the

north; instead of encouraging residential at a closer proximity this commercial corridor.

FINDING: Consistent

CRITERIA 3: 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.

ANALYSIS: Undoubtedly conditions have changes along in this area. Sheridan Street has become a major corridor within the City of Hollywood, which in some areas lacks traditional transitional areas between uses. The applicant states "Since the property is now adjacent to a brand new U.S. Century Bank, conditions have changed that even more readily warrant the rezoning to the O-1 district. The proposed change will enable the property to conform with its actual use and the development pattern of the abutting property."

FINDING: Consistent

CRITERIA 4: The proposed change will not adversely influence living conditions in the neighborhood.

ANALYSIS: This property has existed, with the current improvements for approximately 30 years without negatively impacting the surrounding area. Additionally, commercial use of the property, such as a law office, will serve to buffer some of the adjacent residential properties from Sheridan Street. As mentioned by the Applicant, "...the property will add substantial improvements, including landscaping, which will further help to buffer this low intensity use. As a result, the proposed change will not adversely impact the neighborhood."

FINDING: Consistent

CRITERIA 5: That the proposed change is compatible with the development(s) within the same district/neighborhood.

ANALYSIS: Many of the properties in this neighborhood are comprised of residential or office zoning. Office zoning (O-1) is one of the least intense commercial zoning districts available. The property immediately to the south was similarly rezoned to office (and applied flex) in 2006. As such the proposed change is compatible with the development in the neighborhood.

FINDING: Consistent

Analysis of Criteria and Findings for Variances as stated in the City of Hollywood's Zoning and Land Development Regulations, Article 5.

VARIANCE: **To waive the required six foot high concrete wall (east) to maintain the existing wood fence.**

CRITERIA 1: 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.

ANALYSIS: Buffer requirements are established throughout the City to provide a physical barrier between zoning districts that permit different intensities of uses. Performance Standards (4.3J) for many of the commercial zoning districts

including O-1 require, "All office or commercial development adjacent to residentially zoned properties on the sides and rear shall be separated from the residential property by an opaque 6 ft. high concrete wall and tree screen."

The property is adjacent to residential on the north, east and west; based on the configuration of the property a six foot concrete wall is only required on the north and east only. The applicant mentions, "The property, as constructed, maintains a six foot high masonry wall which buffers the residential properties on the north... and an opaque, six foot high, wooden fence, which completely buffers the residential neighborhood to the east...To avoid these potential issues, the property owner is seeking the instant variance to ensure that the property can remain, as it currently exists without disrupting the neighboring community."

Considering the type, scale, and intensity of the existing development, the stability and appearance of the neighborhood should not be affected by this variance request. However, to further insure this, the applicant has offered, "where it is able, to bring the landscaping, including the landscape buffer, into compliance with the City's current standards," as such **staff recommends a landscape plan is reviewed and approved by the City's Landscape Architect and all material is installed and inspected prior to establishing any commercial/office use and should the wood fence be replaced it shall be with an opaque six foot vinyl fence (PVC).**

FINDING: Consistent with the imposition of Staff's recommendation.

CRITERIA 2: That the requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community.

ANALYSIS: The applicant mentions, "The existing walls and opaque fence are fully compatible with the surrounding land uses and over the past 33 years have proven not to be detrimental to the community. The opaque wooden fence has been fully incorporated into the residential community's buffer on the east side and blends with its mature landscaping." The proposed development is consistent with the existing development within the area. Therefore, the proposed variance should not be detrimental to the neighborhood.

FINDING: Consistent.

CRITERIA 3: 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.

ANALYSIS: The goal of the Land Use Element in the Comprehensive Plan is to *promote a distribution of land uses to enhance and improve the residential, business, resort and natural communities while allowing land owners to maximize the use of their property*. The City's Land Use Element has been specifically created to incorporate office uses, and it lists administrative offices as one of the forested permitted categories. The proposed variance seeks to maintain a condition that has been in place for approximately 22 years and it is fully consistent with the City's Comprehensive Plan.

FINDING: Consistent.

CRITERIA 4: That the need for requested Variance is not economically based or self-imposed.

ANALYSIS: The need for the Variance is not economically based or self-imposed. The requested variance as stated by the Applicants, “seeks to maintain the status quo... It is not economically driven or self-imposed. The applicant simply wishes to maintain the property as it was originally constructed, which is harmonious with the surrounding community.”

FINDING: Consistent.

CRITERIA 5: That the Variance is necessary to comply with State or Federal Law and is the minimum Variance necessary to comply with the applicable law.

FINDING: Not applicable.

ATTACHMENTS

Attachment A:	Application Package
Attachment B:	Land Use and Zoning Map
Attachment C:	Existing and Proposed Permitted Uses in Hollywood’s Comprehensive Plan
Attachment D:	Broward County Administrative Rules Article 2 and Flex Zone Map
Attachment E:	Existing and Proposed Zoning District Regulations

ATTACHMENT A

Application Package

PLANNING & DEVELOPMENT SERVICES



File No. (internal use only): _____

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):

- ☐ Technical Advisory Committee ☐ Historic Preservation Board
☒ City Commission ☒ Planning and Development Board

Date of Application: _____

Location Address: 2535 N. 40th Avenue, Hollywood, FL 33021-3005

Lot(s): Portion of 14-17 Block(s): Portion of 32 Subdivision: Hollywood Gardens

Folio Number(s): 5142 05 01 1570

Zoning Classification: RS-9 Land Use Classification: Low/Medium Residential

Existing Property Use: Mission Offices for a House of Worship Sq Ft/Number of Units: 15,834 sqf. land 2,878 sqf. building

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

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

- ☒ Economic Roundtable ☐ Technical Advisory Committee ☐ Historic Preservation Board
☐ City Commission ☐ Planning and Development

Explanation of Request: To allocate 15,834 sqf. of commercial flex from flex zone 82; to rezone the property to O-1 (light intensity office); and to seek a variance to maintain the existing buffer walls and opaque wood fence.

Number of units/rooms: _____ Sq Ft: 15,834 sqf. land 2,878 sqf. building

Value of Improvement: _____ Estimated Date of Completion: Summer 2014

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

Name of Current Property Owner: The Legal Plan, Inc.

Address of Property Owner: 10800 Biscayne, Blvd. Suite 800 Miami, FL 33161

Telephone: (305) 379-8438 Fax: (786) 621-8441 Email Address: bjs@preferredlegal.com

Name of Consultant/Representative/Tenant (circle one): Keith Poliakoff, Esq.

Address: 200 East Las Olas, Blvd. Suite 1000, Fort Lauderdale, FL 33301 Telephone: (954) 713-7644

Fax: (954) 208-8204 Email Address: kpoliakoff@arnstein.com

Date of Purchase: 1/9/14 Is there an option to purchase the Property? Yes () No ()

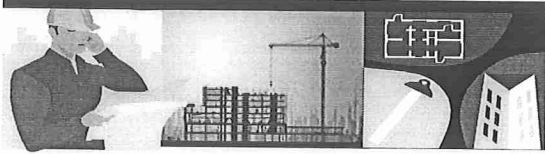
If Yes, Attach Copy of the Contract.

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

Address: _____

Email Address: _____

PLANNING & DEVELOPMENT SERVICES



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 and Development Services. The owner(s) will photograph the sign the day of posting and submit photographs to the Office of Planning and Development Services 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: _____ Date: 3/6/14

PRINT NAME: Jason Rudolph, President Date: 3/14

Signature of Consultant/Representative: _____ Date: 3/6/14

PRINT NAME: Keith Poliakoff, Esq. Date: 3/14

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) flex allocation, rezoning, & variance to my property, which is hereby made by me or I am hereby authorizing (name of the representative) Keith M. Poliakoff to be my legal representative before the PDB & Commission (Board and/or Committee) relative to all matters concerning this application.

Sworn to and subscribed before me

this 6 day of March 2014

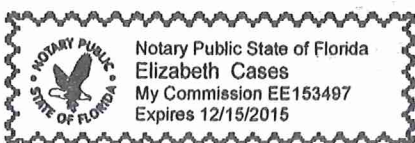
SIGNATURE OF CURRENT OWNER

Jason Rudolph, President

PRINT NAME

Notary Public State of Florida

My Commission Expires: 12/15/15 (Check One) ☒ Personally known to me; OR _____



Statement of Compliance
The Legal Plan, Inc.
2535 N. 40th Avenue, Hollywood Florida 33021

Relief Sought

The applicant is seeking to allow the existing 2,878 sqf. office building to be utilized for its law practice. As a result of numerous mapping errors, the property, which was originally built for a financial consulting firm, has been assigned a residential land use and zoning category. As a result, in order to utilize the property for their law firm, the property must be allocated commercial flex, it must be rezoned to commercial, and it must obtain a variance to ensure that its existing buffer, the majority which has been in place for nearly 33 years, can be maintained as constructed.

Historical Background

In 1981 Abraham & Axelrod, Inc. purchased the property to construct its financial consulting offices. In 1984 the property was sold to Assemblies of God General Council as its administrative offices to run its worldwide missions. At all times since 1981 the property was utilized solely for administrative offices, and its as-built survey on file with the City, labels the structure as a 1-story office building. At some point, however, between 1984 and the present date, the property was improperly re-categorized as residential on the City's maps, despite its continued commercial use.

Rezoning Criteria

(1) That the petition for a change of zoning will not result in spot zoning or contract zoning.

The application seeks to rezone the property to the O-1 Light Intensity Office District. This district is intended for the placement of low intensity professional office uses which are located near residential neighborhoods and which are designed in such a manner to be compatible with the residential character of adjacent areas. The O-1 district allows the property to be utilized for its constructed purpose without intensifying its future use. This district would not be considered spot zoning or contract zoning since the parcel to the direct South is similarly zoned O-1, and was recently developed for U.S. Century Bank. As such, the development pattern is consistent with the proposed rezoning.

(2) That the proposed change is consistent with, and in furtherance of the Goals, Objectives and Policies of the City's Comprehensive Plan.

The first Goal of the land use element is to promote a distribution of land uses that will enhance and improve the residential, business, resort, and natural communities while allowing land owners to maximize the use of their property. While the goal is to have a full distribution of land uses, only 1.09% of the City's total acreage is used for office. In fact, office only accounts for .42% of the City's total area on the City's future land use map. The City continues to promote the need for office uses, and it has incorporated such need in its residential land use element, which specifically lists administrative offices as one of the first permitted categories. The proposed rezoning seeks to protect this administrative office, which is consistent with its residential land use. As such, the proposed rezoning is consistent with the principles of the City's Comprehensive Plan.

(3) That conditions have substantially changed from the date of the present zoning district classification was placed on the property which make the passage of the proposed change necessary.

The subject property has always served as an administrative office. Unfortunately, as a result of a mapping error the property was labeled as residential. Since the property continues to be utilized for administrative offices, it is necessary to fix the error through the instant applications. Since the property is now adjacent to a brand new U.S. Century Bank, conditions have changed that even more readily warrant the rezoning to the O-1 district. The proposed change will enable the property to conform with its actual use and the development pattern of the abutting property.

(4) The proposed change will not adversely influence living conditions in the neighborhood.

The property has always been utilized as an office building with zero impact to the neighborhood. The property has a six foot high masonry wall, which buffers the residential properties on the north, a six foot high masonry wall adjacent to U.S. Century Bank on its South, and an opaque, six foot high, wooden fence, which completely buffers the residential neighborhood to the east. As a result of this

rezoning, the property will add substantial improvements, including landscaping, which will further help to buffer this low intensity use. As a result, the proposed change will not adversely impact the neighborhood.

(5) That the proposed change is compatible with the development(s) within the same district/neighborhood.

As stated in our response to question 1, the property has always been utilized as administrative offices, and the parcel directly to its south was just rezoned and developed for U.S. Century Bank. As such, the change is compatible with the development within the same district/neighborhood.

Variance Criteria

(1) 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.

The applicant is seeking a variance from the Unified Land Development Code's performance standards, which requires sites 0.5 acres or less, to construct an opaque non-wood wall/fence six feet in height adjacent to a residential zoning district, and potentially a variance from Section 155.12 of the City's Code of Ordinances, which slightly contradicts the performance standards language by requiring an eight foot wall or fence in certain instances. The property, as constructed, maintains a six foot high masonry wall which buffers the residential properties on the north, a six foot high masonry wall adjacent to U.S. Century Bank on its south, and an opaque, six foot high, wooden fence, which completely buffers the residential neighborhood to the east. Based upon the need to rezone the property back to its actual use, the property will essentially become non-conforming. As a result, when the applicant comes forward with improvements, the City may require the existing walls and the opaque fence to come into conformity with the current standards. This may result in the need to replace the brand new six the six foot high masonry wall on the south to be replaced with an eight foot high wall, and it may result in the need to replace the six foot high opaque wooden fence, which was built along the east property line in 1981, to be replaced with an opaque non-wood wall/fence. To avoid these potential issues, the property owner is seeking the instant variance(s) to ensure that the property can remain, as it currently exists without disrupting the neighboring community. The applicant has offered, where it is able, to bring the landscaping, including the landscape buffer, into compliance with the City's current standards. The variance maintains the intent of the subject regulations since the existing walls and opaque fence maintain a

visual buffer between the properties. The existing walls and opaque fence are in good condition and have no impact on the stability and appearance of the City.

(2) That the requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community.

The existing walls and opaque fence are fully compatible with the surrounding land uses and over the past 33 years have proven not to be detrimental to the community. The opaque wooden fence has been fully incorporated into the residential community's buffer on the east side and blends with its mature landscaping. To remove it, and to add different material, will completely disrupt the vegetative environment that has been created. This will do nothing but upset the current residents and is nonsensical.

(3) 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.

As previously stated above, the first Goal of the land use element is to promote a distribution of land uses that will enhance and improve the residential, business, resort, and natural communities while allowing land owners to maximize the use of their property. The City's land use element has been specifically created to incorporate office uses, and it lists administrative offices as one of the first permitted categories. The proposed variance seeks to maintain a condition that has been in place for approximately 33 years and it is fully consistent with the City's Comprehensive Plan.

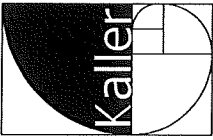
(4) That the need for the requested Variance is not economically based or self-imposed.

The proposed variance simply seeks to maintain the status quo. The applicant does not wish to create issues with its neighbors where no issues currently exist. The variance and the need to change the property's zoning is a direct result of improper mapping. It is not economically driven or self-imposed. The applicant simply wishes to maintain the property as it was originally constructed, which is harmonious with the surrounding community.

(5) That the Variance is necessary to comply with state or federal law and is the minimum Variance necessary to comply with the applicable law.

The variance is not necessary to comply with state or federal law. The variance, however, is the minimum necessary since it enables the applicant to leave in place what has worked well to buffer the property for nearly 33 years.

11539761.1



JOSEPH B. KALLER
&
ASSOCIATES P.A.
2517 Newwood Blvd., Orlando, Florida 32822
Phone: 407.251.1100
Fax: 407.251.1101
www.kaller.com

SEAL

JOSEPH B. KALLER
REGISTERED PROFESSIONAL ENGINEER
FLORIDA No. 12345

PROJECT TITLE
PROPOSED REZONING FOR
PREFERRED LEGAL PLANS OFFICES
2535 NORTH 40TH AVENUE
HOLLYWOOD, FLORIDA 33021

SHEET TITLE
SITE PLAN

REVISION	DATE	DESCRIPTION
No.		

1. This drawing is to be used for the purpose of obtaining a permit from the City of Orlando. It is not to be used for any other purpose without the written consent of the Engineer.

PROJECT NO.: 1402
DATE: FEBRUARY 19, 2014
DRAWN BY: JOK
CHECKED BY: JOK

SHEET

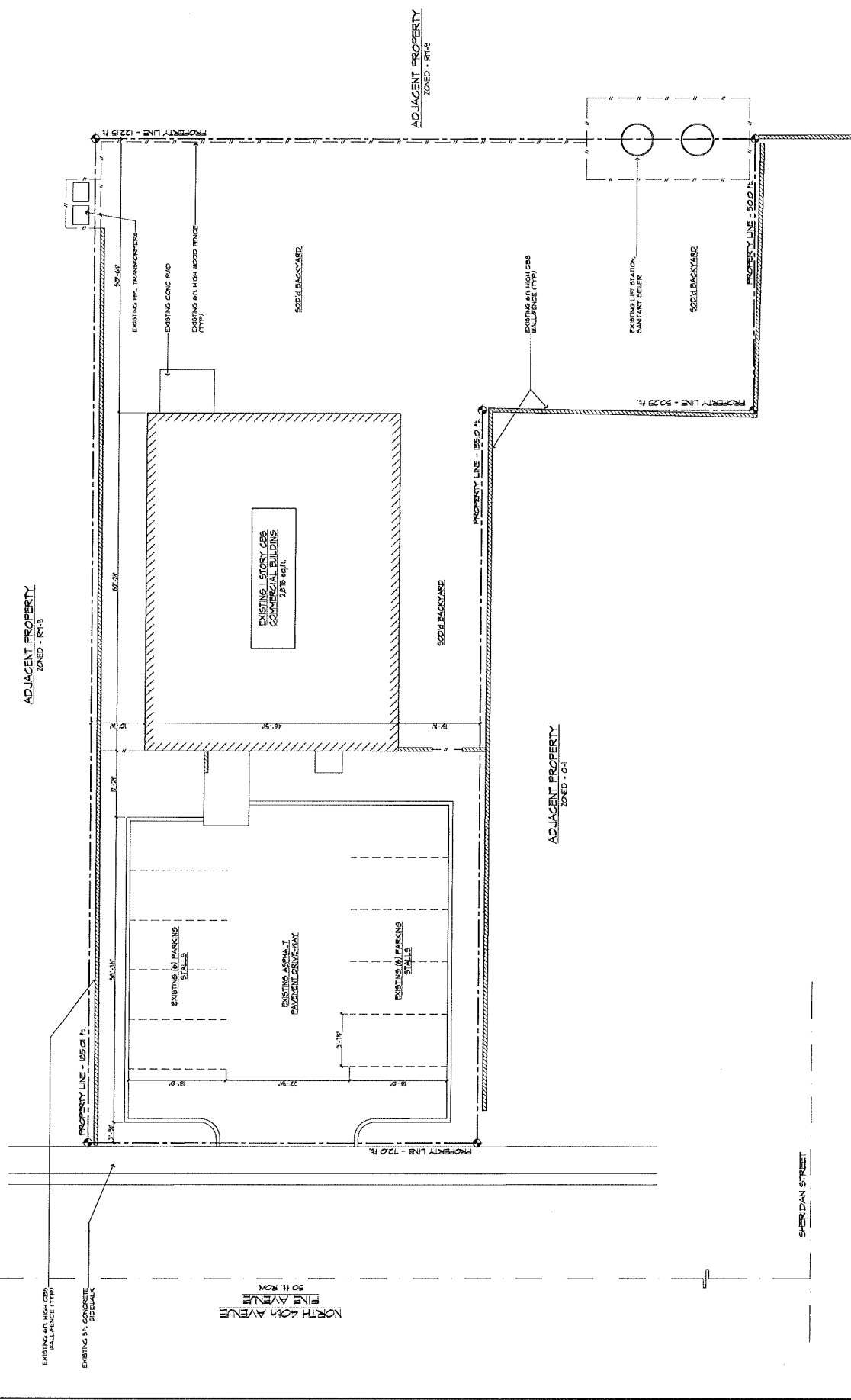
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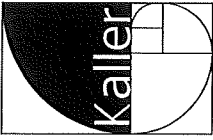
1 OF 1



SCALE: 1/8" = 1'-0"

01 SITE PLAN





JOSEPH B. KALLER
&
ASSOCIATES P.A.
ARCHITECTS
2475 N. W. 10th Avenue, Suite 200
Fort Lauderdale, FL 33304
Phone: 954.576.1000
Fax: 954.576.1001
www.kaller.com

SEAL

JOSEPH B. KALLER
REGISTERED ARCHITECT

PROPOSED REZONING FOR
PREFERRED LEGAL PLANS OFFICES
2535 NORTH 40TH AVENUE
HOLLYWOOD, FLORIDA 33021

SHEET TITLE
FLOOR PLAN

REVISIONS	
NO.	DATE DESCRIPTION

THIS DRAWING IS THE PROPERTY OF JOSEPH B. KALLER & ASSOCIATES P.A. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF JOSEPH B. KALLER & ASSOCIATES P.A.

PROJECT NO.: 14021
DATE: FEBRUARY 16, 2014
DRAWN BY: JOSE
CHECKED BY: JOE

SHEET

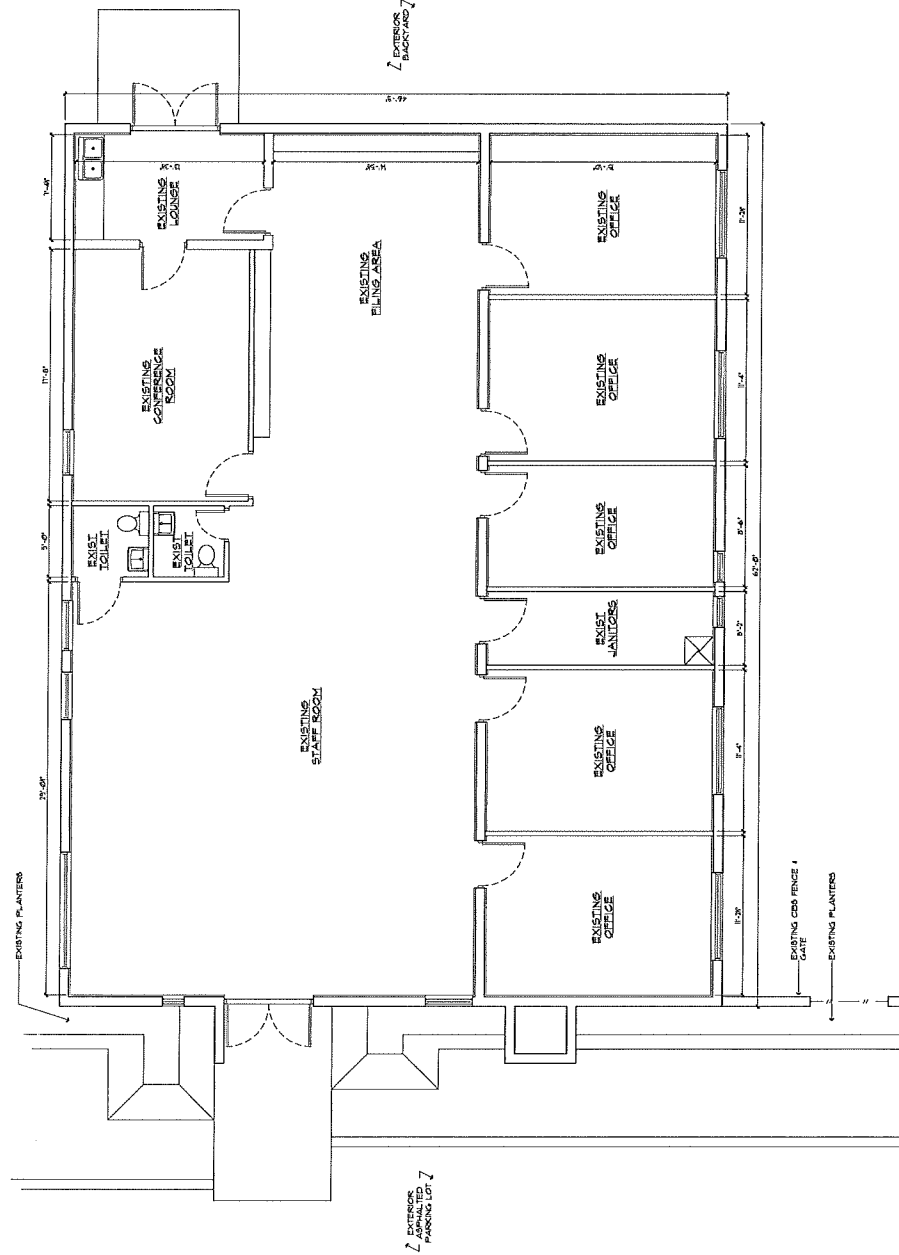
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1 OF 1



01 FLOOR PLAN

SCALE: 1/4" = 1'-0"

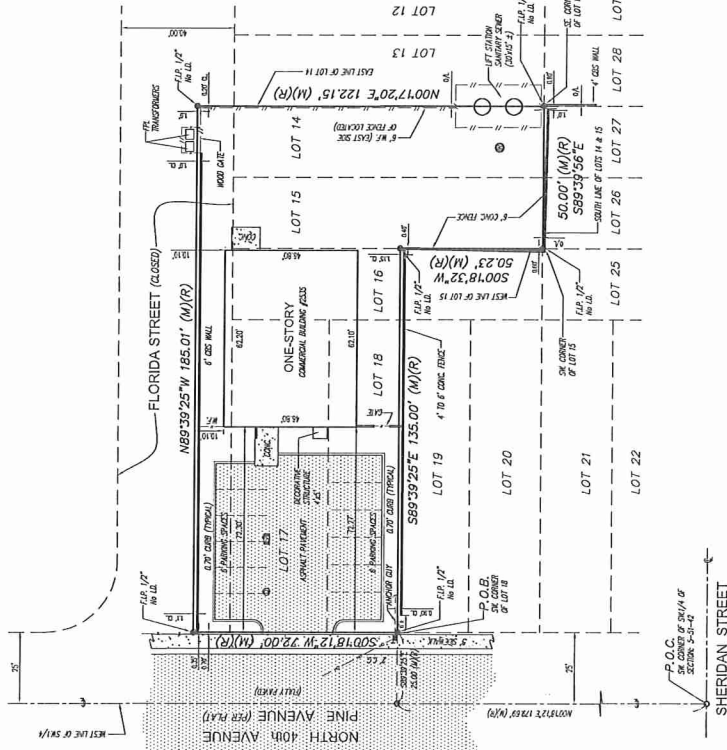


No.	Ques	Job No.	Inspector

Prepared for:

CHECKED BY: JLC.
DRAWN BY: ELF.
FIELD DATE: 01/10/2014
DATE: 01/10/2014
SCALE: 1" = 20'
JOB No. 13-2319
Sketch No. 3054

SHEET: 1 OF 1



GENERAL SURVEYOR'S NOTES:

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This is in conformity with the above named firm and or persons that the "SKETCH OF BOUNDARY SURVEY" of the herein described property is true and correct to the best of my knowledge and belief as recently surveyed under my direction, also there are no visible encroachments other than those shown. Owner or his representative furnished the legally described contained herein. Once recorded instruments may affect this property. Surveyor has not examined the abstract of land. Locations of utilities on or adjacent to the property were not secured unless specifically requested by owner. I further certify that this map or plat meets the Minimum Technical Standard Requirements, adopted by the Board of Professional Surveyors and Mappers, pursuant to Chapter 472.22 Florida Statutes, as set forth in Chapter 54-F-17, Florida Administrative Code, under Section 54-F-17.01 and 54-F-17.02 and is a "BOUNDARY SURVEY" as defined in Section 54-F-17.02.

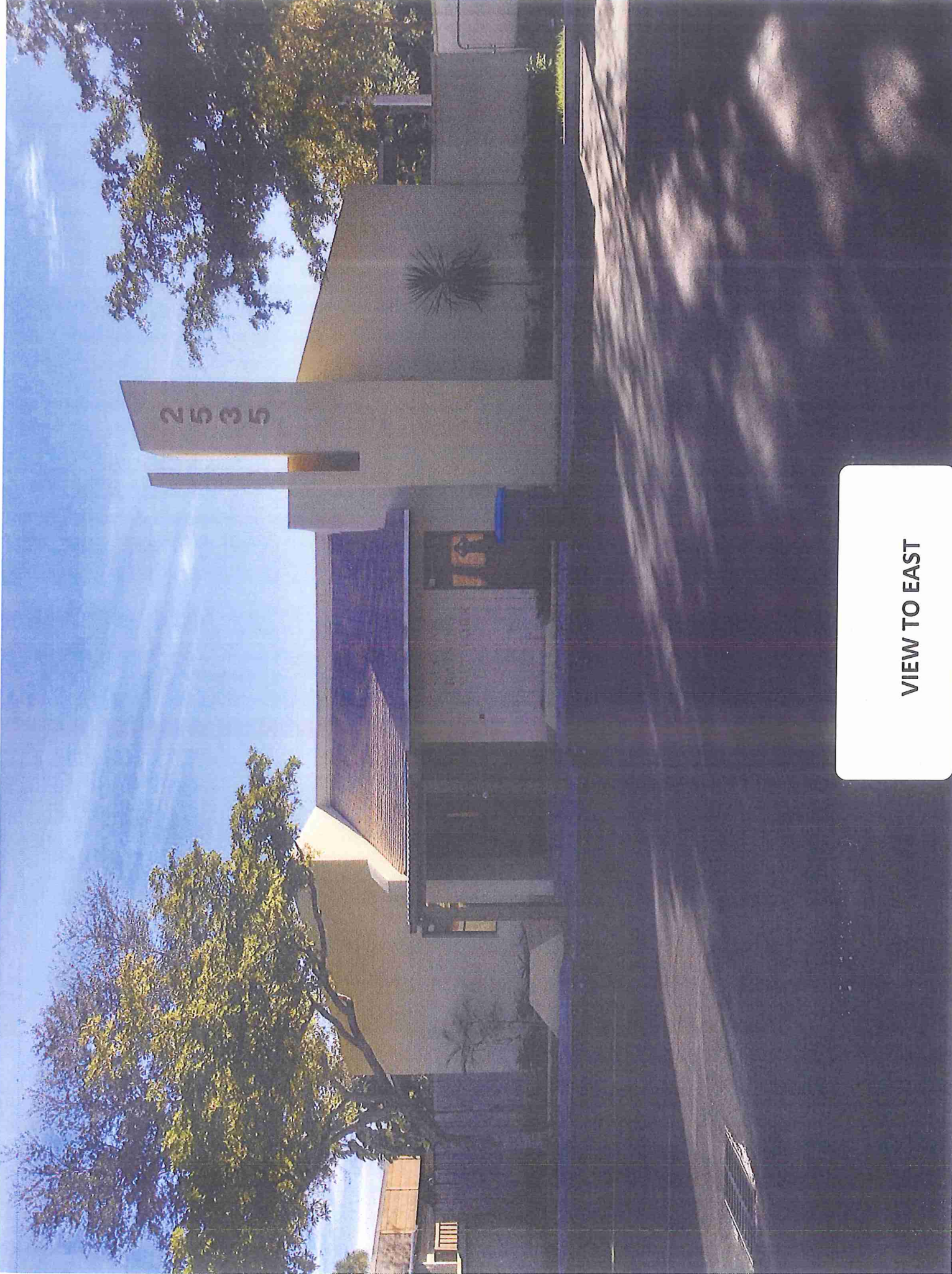
JORGE L. CABRERA

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2535

2535 N. 40TH AVENUE

VIEW TO EAST



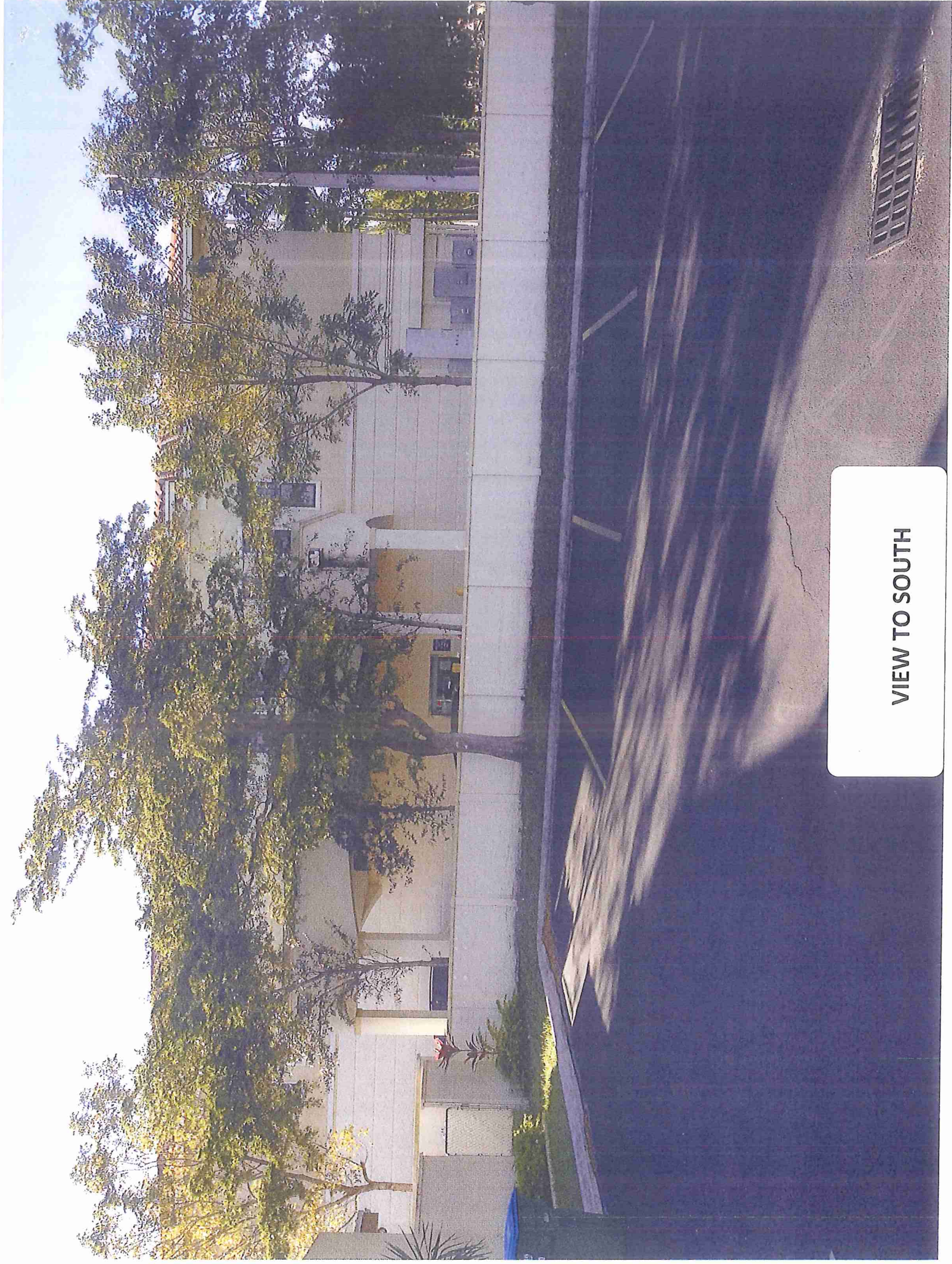
VIEW TO EAST



VIEW TO WEST



VIEW TO SOUTH





VIEW TO NORTH



Site Address	2535 N 40 AVENUE, HOLLYWOOD	ID #	5142 05 01 1570
Property Owner	THE LEGAL PLAN INC	Millage	0513
Mailing Address	2535 N 40 AVE HOLLYWOOD FL 33021-3005	Use	71
Abbreviated Legal Description	HOLLYWOOD GARDENS 6-21 B PORTION BLK 32 & THAT PT VACATED FLORIDA ST DESC AS COMM SW COR OF SW1/4 OF SEC 5,NLY ALG W/L OF SW1/4 179.69,ELY 25 TO SW COR OF LOT 18 OF SAID BLK BEING THE POB,CONT ELY ALG S/L OF SAID LOT 135 TO W/L OF LOT 15,SLY ALG W/L OF SAID LOT 15 FOR 50.23 TO SW COR OF LOT 15,ELY ALG S/L OF LOT 15 & 14 FOR 50 TO SE COR OF LOT 14,NLY 122.15,WLY 185.01 TO E R/W/L OF N 40 AVE,SLY 72 TO POB AKA PARCEL 1		

The just values displayed below were set in compliance with [Sec. 193.011](#), Fla. Stat., and include a reduction for costs of sale and other adjustments required by [Sec. 193.011\(8\)](#).

Property Assessment Values					
Click here to see 2013 Exemptions and Taxable Values to be reflected on the Nov. 1, 2013 tax bill.					
Year	Land	Building	Just / Market Value	Assessed / SOH Value	Tax
2014	\$126,670	\$227,470	\$354,140	\$354,140	
2013	\$126,670	\$227,470	\$354,140	\$354,140	\$82.00
2012	\$126,670	\$632,060	\$758,730	\$758,730	\$82.00
IMPORTANT: The 2014 values currently shown are "roll over" values from 2013. These numbers will change frequently online as we make various adjustments until they are finalized on June 1. Please check back here AFTER June 1, 2014, to see the actual proposed 2014 assessments and portability values.					

2014 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$354,140	\$354,140	\$354,140	\$354,140
Portability	0	0	0	0
Assessed/SOH	\$354,140	\$354,140	\$354,140	\$354,140
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type 30	\$354,140	\$354,140	\$354,140	\$354,140
Taxable	0	0	0	0

Sales History				Land Calculations		
Date	Type	Price	Book/Page or CIN	Price	Factor	Type
1/9/2014	WD-D	\$360,000	112114469	\$8.00	15,834	SF
12/1/1984	WD	\$280,000	12241 / 8			
7/1/1981	WD	\$140,500				
5/1/1980	WD	\$40,200				
Adj. Bldg. S.F. (See Sketch)						2878

Special Assessments							




ATTACHMENT B


Land Use and Zoning Map



**PLANNING AND
DEVELOPMENT SERVICES**

Legend

 Subject Property

 Streets

LAND USE

 LMRES

 MRES

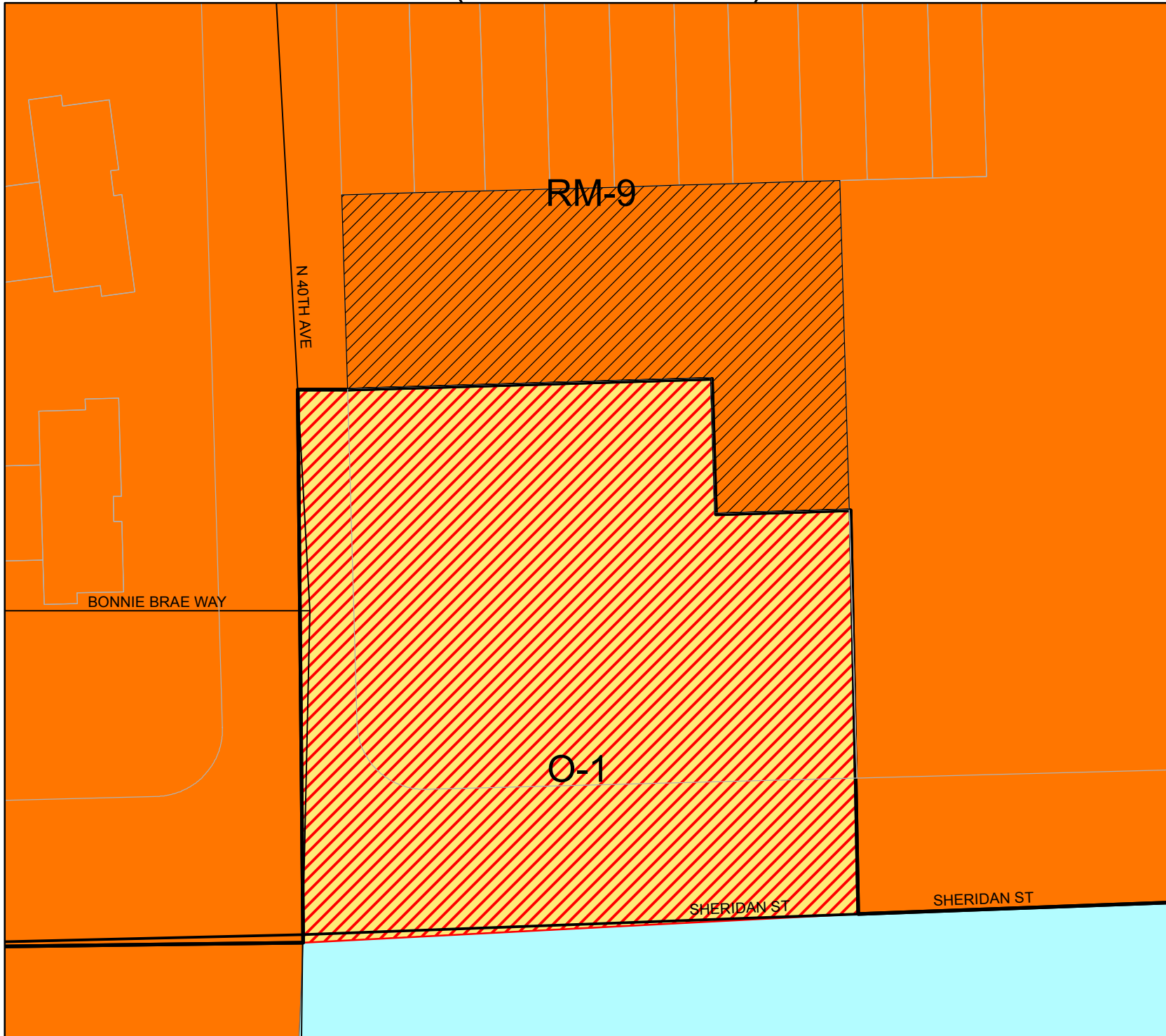
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 COMFLEX

ZONING

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ATTACHMENT C

Existing and Proposed Permitted Uses in Hollywood's Comprehensive Plan

Permitted Uses in Areas Designated Residential

The following uses are allowed within residential areas to the degree and extent permitted by the applicable zoning regulations.

1. Dwelling units and accessory uses and structures subject to density limitations as expressed by the Future Land Use Map, applicable ordinances, and the following sub-section, "Density."
2. Hotels, motels, and lodgings for transients including recreational vehicle parks subject to density limitations as expressed by the Future Land Use Map, applicable ordinances and the following subsection, "Density." (R.V. parks limited to areas shown at Low-Medium (10) density or higher).
3. Parking lots as specifically limited by Zoning and Land Development Regulations.
4. Parks, golf courses, and other outdoor recreational facilities, and recreational, civic, or cultural buildings ancillary to the primary outdoor recreational use of the site.
5. Community facilities designed to serve the residential area such as schools, day care centers, churches, clinics, nursing homes, rehabilitation centers, governmental administration, police and fire protection facilities, libraries and civic centers, hospitals, cemeteries.
6. Public utilities, including water and wastewater treatment plants, pumping stations, power plant substations and transmission facilities and solid waste disposal and transfer stations.
7. Streets and other transportation corridors.
8. Telecommunication facilities such as broadcasting towers, relay stations and cables.
9. Agriculture.
10. Offices, including banks and savings and loan institutions, medical offices and clinics, services and retail sales of merchandise, subject to the following limitations and provisions:
 - a) No contiguous area used for retail sales, services, offices, banks, clinics or mix of these uses may exceed ten acres. For the purpose of this provision, contiguous is defined as: attached; located within 500 ft.; or separated only by streets and highways, canals and rivers, or easements.
 - b) No more than a total of 5% of the area designated for residential use within a flexibility zone on the City's Land Use Map may be used for office and/or retail sales of merchandise or services.
 - c) Regardless of constraints in (a) and (b) above, space within residential buildings in areas designated for medium-high or high residential density may be used for service, retail, and office uses as long as no more than 50% of the floor area is used for such uses.

- d) Regardless of constraints in (a) and (b) above, space within residential buildings in areas designated medium residential density may be used for offices, as long as no more than 50% of the floor area is used for offices.
11. Special Residential Facilities in the low-medium to high ranges and subject to density requirements.

A maximum of 100 "Bonus" sleeping rooms may be allocated that are permanently dedicated to the Special Residential Facility use without allocating density.

Special Residential Facilities should be defined as follows:

SPECIAL RESIDENTIAL FACILITY, CATEGORY (1) - means a housing facility which is licensed by the State of Florida for no more than eight (8) individuals who require treatment, care, rehabilitation, or education. The facility is usually referred to as a group home. This includes individuals who are elderly, dependent children, physically disabled, developmentally disabled, or individuals not overtly of harm to themselves or others. The facility provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of the individuals. It may or may not provide education or training. There may be more than one kitchen within the housing facility. There may be more than one Special Residential Facility Category (1) development on a parcel. A Special Residential Facility Category (1) development shall count as one (1) dwelling unit each.)

SPECIAL RESIDENTIAL FACILITY, CATEGORY (2) - means a housing facility which is licensed by the State of Florida for nine (9) to sixteen (16) non-elderly individuals who require treatment, care, rehabilitation, or education. This includes individuals who are dependent children, physically disabled, developmentally disabled, or individuals not overtly of harm to themselves or to others. The facility provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of the individuals. It may or may not provide education or training. There may be more than one kitchen within the housing facility. There may be more than one Special Residential Facility Category (2) development on a parcel. A Special Residential Category (2) development shall count as two (2) dwelling units each.

SPECIAL RESIDENTIAL FACILITY, CATEGORY (3) - means

- a) Any housing facility licensed by the State of Florida for more than sixteen (16) non-elderly individuals who require treatment, care, rehabilitation, or education. This includes individuals who are dependent children, physically disabled, developmentally disabled, or individuals not overtly of harm to themselves or to others; or

- b) Any housing facility licensed by the State of Florida for more than eight (8) unrelated elderly individuals; or
- c) Governmentally subsidized housing facilities entirely devoted to care of the elderly, dependent children, physically handicapped, developmentally disabled, or individuals not overtly of harm to themselves or to others; or
- d) Any not-for-profit housing facility for unrelated elderly individuals; or
- e) Any housing facility which provides a life-care environment. A life-care environment shall include, but is not limited to, creation of a life estate in the facility itself and provision of off-site or on-site medical care; or
- f) Special Residential Facility Category (3) development shall count as one (1) dwelling unit per every two (2) sleeping rooms regardless of the number of kitchens or baths.

Residential Density

Maximum limits on the density of residential development are set by the Future Land Use Map according to the following schedule:

<u>Range Title</u>	<u>Dwelling Units Per Gross Acre</u>
Low	5 or fewer
Low-medium	5 to 10
Medium	10 to 16
Medium-high	16 to 25
High	25 to 50

There are a few areas of the City which have been given an "irregular" designation as they don't fall clearly into one of the above categories. For each of these areas the maximum dwelling units per acre allowable is indicated by the number in a circle inside the dashed line. The color used on these areas is only an approximation and is not controlling.

All references to density in the plan refer to gross density allowable. The gross acreage of any area means the total number of acres in the area, including acreage used or proposed for streets, lakes, waterways, and property to the centerline of any abutting street or road right-of-way. Credit towards density is not given for North and South Lakes nor any canals of the primary drainage system.

Any arrangement of dwelling units on a parcel of land designated for residential use is compatible with the Land Use Plan as long as the maximum number of dwelling units permitted within the parcel is not exceeded. For example, the Land Use Plan does not regulate whether a developer uses 10 acres of land designated for Low (5) Residential

density to build 50 single family homes or whether the same 10 acres are used to build a 50 unit high-rise structure, with the balance of the land maintained as permanent open space. The distribution of units will be determined by zoning and land development regulations.

Hotels, motels, and similar lodgings for transients are not subject to the same density limits as dwelling units designed for year-round occupancy. The number of tourist units permitted in any parcel indicated for residential land use is double the maximum number of dwelling units designated for that parcel. In all other cases, the maximum number of units allowed on a parcel refers to actual dwelling units, regardless of number of bedrooms or bathrooms in any one unit. Specific provisions of zoning ordinances and the City's density ordinance will further limit the amount and type of dwelling units which can actually be constructed on a parcel.

Flexibility and Reserve Units

"Flexibility units" means the difference between the number of dwelling units permitted within a flexibility zone in Broward County's Land Use Plan and the number of units permitted within a flexibility zone in Hollywood's Land Use Plan. Since the certified Hollywood Plan may be more restrictive than the Broward County Land Use Plan, extra dwelling units may be available for rearranging within flexibility zones by amending the City's Land Use Plan Element. The maximum number of dwelling units permitted in the Hollywood Land Use Plan may not (except for "reserve units") exceed the number of dwelling units permitted in the Broward County Land Use Plan.

"Reserve units" mean additional permitted dwelling units equal up to 2% of the total number of units permitted within a flexibility zone by the Broward County Land Use Plan. Allocation of reserve units will not require amendment of the City's land use plan. The number of reserve units assigned to a residential parcel on the City's land use plan may not exceed 100% of the maximum number of dwelling units indicated for the parcel by the City's land use plan map. The local land use plan, the zoning, and the applicable land development regulations shall not permit any density higher than 50 dwelling units per gross acre.

Permitted Uses in Areas Designated Office

The following uses are allowed within Office areas to the degree and extent permitted by the applicable zoning regulations.

1. Administrative, professional, research, and financial offices.
2. Laboratories.
3. Funeral homes.
4. Public and semi-public facilities, institutions, private clubs.
5. Limited retail (including restaurant), service uses, and parking lots which are accessory to the primary office uses.

6. Residential uses are permitted in the same structure as an office use, provided that the residential floor area does not exceed 50% of the total floor area of the building and provided any residential use comes from reserve or flexibility units available in that flexibility zone. No more than 20% of the office in any one flexibility zone may be converted to residential use. Areas designated for office and general business on the Future Land Use Plan may be decreased by up to 20% within a flexibility zone.
7. Special residential facilities categories 2 and 3, as described and defined in permitted use #11 in the Residential land use category, subject to Zoning and Development regulations.

Permitted Uses in Areas Designated General Business

The following uses are allowed within General Business areas to the degree and extent permitted by the applicable zoning regulations.

1. Neighborhood, community, regional and highway retail uses, including shopping centers.
2. Office and business uses.
3. Commercial uses, including wholesale, light fabricating, storage and warehouse uses, parking lots.
4. Hotels, motels and other tourist accommodations subject to the following:
 - a) In that portion of the CHHA east of the Intracoastal Waterway and north of Sheridan Street (North Beach Barrier Island), hotels and motels shall not exceed 50 hotel rooms per acre.
 - b) In that portion of the CHHA west of the Intracoastal Waterway, hotels and motels shall not exceed 50 hotel rooms per acre.
 - c) In that portion of the CHHA east of the Intracoastal Waterway between Sheridan Street and Hollywood Boulevard (Central Beach Barrier Island), hotels and motels shall not exceed 50 hotel rooms per acre. Provided however, the City Commission may approve up to an additional 50 rooms per acre (for a maximum of 100 rooms per acre) from the "Hollywood Beach Hotel Room Pool" containing no more than 1000 rooms.
 - d) In that portion of the CHHA east of the Intracoastal Waterway and south of Hollywood Boulevard (South Beach Barrier Island) hotels and motels shall not exceed 150 hotel rooms per acre). Provided however, the City Commission may approve up to an additional 150 rooms per acre (for a maximum of 300 rooms per acre) from the "Hollywood Beach Hotel Room Pool: containing no more than 1000 rooms.
5. Parks, recreation, open space, cemeteries, and commercial recreation uses.
6. Public and semi-public facilities, institutional uses, private clubs.
7. Utilities, transportation, communication facilities, and easements.
8. Non-residential Agricultural uses (permitted until the area is converted to an urban use).

9. Residential uses are permitted in areas designated for general business in the following specific instances:
 - a) Only in the same structure as a commercial use provided that the residential floor area does not exceed 50% of the total floor area of the building, and the flexibility and reserve units are available. Otherwise, amendment of the City's *Land Use Element* is required.
 - b) In the Central City Business (CCB) zoning district in the downtown Hollywood Regional Activity Center Area as permitted by Broward County Plan Amendment PCT 90-2.
 - c) In the C-1 zoning district in the Hollywood Beach area as permitted by County Plan Amendment.
 - d) For mixed commercial/residential developments greater than 20 acres in size, mixed commercial/residential structures where the first floor of such structure is totally confined to commercial uses and free standing multi-family residential uses are permitted, provided that residential density does not exceed 40 units per gross acre and the area of the site upon which the free standing residential development and mixed commercial/residential structures are constructed do not exceed 40% of the total gross acreage of the commercially designated parcel, and the flexibility and reserve units are available.
10. Special Residential Facilities categories 2 and 3, as described and defined in permitted use #11 in the Residential land use category, subject to the Zoning and Development regulations.

No more than 20% of the General Business area in any one flexibility zone may be converted to residential use. Areas designated for General Business on the Future Land Use Plan Map may be decreased by 20% within a flexibility zone. On any of these, conversion requires an amendment of the City Land Use Plan.

Permitted Uses in the Area Designated Regional Activity Center

The Regional Activity Center land use designation encourages redevelopment or development of areas that are regionally significant. The major purposes of this designation are to facilitate multi-use and mixed-use development, encourage mass transit, reduce the need for automobile travel, provide incentives for quality development, and give definition to the urban form.

ATTACHMENT D
Broward County Administrative Rules Article 2
and Flex Zone Map

ARTICLE 2

FLEXIBILITY RULES AND REGULATIONS

2.1 FLEXIBILITY UNITS

- (A) Flexibility units, as defined in Section IV.B., "Residential Use" of the Broward County Land Use Plan, mean the difference between the number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan and the number of dwelling units permitted within the flexibility zone by a local government's certified future land use plan map.
- (B) Assignment of flexibility units by a local government is subject to all of the following rules and regulations:
 - (1) Assignment of flexibility units shall be subject to meeting the provisions of Policy 13.01.10 of the Broward County Land Use Plan concerning compatibility with adjacent land uses and impacts on public schools;
 - (2) Flexibility units must be assigned by the municipality, at a minimum, through (re)zoning or other official action. An amendment to the local land use plan may be required by the applicable municipality.
 - (3) Flexibility units may not be transferred to other flexibility zones except as provided for by Article 5 "Special Residential Facilities" and Article 8 "Affordable Housing Density Bonuses".
 - (4) Upon assignment of flexibility units, the local government shall notify the Planning Council in writing and submit revised charts, as contained within the certified local land use plan, which reflect the current total.
 - (5) Flexibility units shall not be assigned from areas circumscribed by dashed lines on the Broward County Land Use Plan, nor be reflected within the "flexibility unit charts" of the certified local land use plan.
 - (6) The Planning Council, upon determination that a local government has failed to report assignment of flexibility units in a timely or sufficient manner or has assigned flexibility units improperly, shall take such actions as may be necessary and proper, including decertification of the local land use plan, to enforce the requirements of the Broward County Land Use Plan and this Administrative Rules Document.

2.2 RESERVE UNITS

- (A) Reserve units, as defined in Section IV.B., "Residential Use", of the Broward County Land Use Plan, mean additional permitted dwelling units equal to two percent (2%) of the total number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan.
- (B) A local government may include provisions for reserve units within their certified land use plan and establish a reserve unit pool. Assignment of reserve units is subject to all of the following rules and regulations:
 - (1) Assignment of reserve units shall be subject to meeting the provisions of Policy 13.01.10 of the Broward County Land Use Plan concerning compatibility with adjacent land uses and impacts on public schools;
 - (2) Reserve units may not be transferred between flexibility zones except as provided for by Article 5 "Special Residential Facilities" and Article 8 "Affordable Housing Density Bonuses".
 - (3) A chart or charts reflecting the number of reserve units within a flexibility zone shall be approved by the Planning Council at the time of (re)certification of the local land use plan.
 - (4) Upon assignment of reserve units to a parcel of land, the local government shall notify the Planning Council in writing and submit revised charts, in the format certified by the Planning Council, which reflect the current total.
 - (5) Upon annexation of land, the affected local government may submit revised reserve unit charts, which reflect such annexation and include unassigned reserve units, concurrent with or subsequent to a request for (re)certification of the local land use plan by the Planning Council.
 - (6) Upon deannexation or contraction of lands, the affected local government shall submit revised reserve unit charts which reflect such deannexation to the Broward County Planning Council for recertification.
 - (7) The number of reserve units assigned to a parcel designated for residential use may not exceed 100% of the maximum number of dwelling units indicated for the parcel by the local land use plan map, except as provided for by Article 8 "Affordable Housing Density Bonuses".
 - (8) In no instance shall a density of greater than fifty (50) dwelling units per gross acre be permitted.

- (9) The Planning Council, upon determination that a local government has failed to report assignment of reserve units in a timely or sufficient manner or has assigned reserve units improperly, shall take such actions as may be necessary and proper, including decertification of the local land use plan, to enforce the requirements of the Broward County Land Use Plan and this Administrative Rules Document.

2.3 REARRANGEMENT OF RESIDENTIAL DENSITY

- (A) A local land use plan map may show a different arrangement of residential acreage in a flexibility zone than that shown for the same flexibility zone on the Broward County Land Use Plan, subject to all of the following rules and regulations:
 - (1) The local government shall demonstrate to the Planning Council that no increase in the total number of permitted dwelling units in the flexibility zone results from the rearrangement.
 - (2) When a parcel of land is split by a flexibility zone boundary but is within a single local government, residential density may be redistributed within the parcel without regard to the flexibility zone boundary.
 - (3) The density assigned to an area circumscribed by a dashed line on the Broward County Land Use Plan shall not be reassigned outside the dashed line.
 - (4) A rearrangement of land use designations must produce a reasonable development pattern. Criteria for reasonableness shall include compatibility of adjacent land uses and suitability of parcels for various development patterns.

2.4 DEVELOPED AREAS

- (A) Zoning that is consistent with the established density of a developed area shall be in substantial conformity with the Broward County Land Use Plan so long as the local land use plan, the zoning and the applicable land development regulations do not permit any density higher than fifty dwelling units per gross acre.

For the purpose of these rules and regulations, a developed area means a residential zoning district in which the predominant character had been established as of November 22, 1977 by existing buildings, buildings under construction, or by active building permits.

→ 2.5 INCREASE AND DECREASE OF COMMERCIAL AND RESIDENTIAL ACREAGE

(A) A certified local land use plan may allow a different arrangement of commercial and residential acreage in a flexibility zone than that shown for the same flexibility zone on the Broward County Land Use Plan, if consistent with all of the following provisions:

- (1) The land designated “Commercial” within a flexibility zone on the Broward County Land Use Plan (see POLICY 2.04.05 of the Broward County Land Use Plan) may be decreased by twenty percent (20%) and (re)designated to a land use category consistent with the residential land use categories of the Broward County Land Use Plan. (Re)designation to a residential land use category is subject to the following rules and regulations:
 - a. The local government must assign available flexibility or reserve units in compliance with the provisions of Section 2.1 (Flexibility Units) or Section 2.2 (Reserve Units), of this Administrative Rules Document; or
 - b. The local government must correspondingly reduce, within the local land use element, the density of a residential area so that the total number of permitted dwelling units allowed in the flexibility zone is not increased.
- (2) The local land use plan may permit up to five percent (5%) of the area designated for residential use on the Broward County Land Use Plan within a flexibility zone to be used for neighborhood office and/or retail sales of merchandise or services, subject to compliance with Policy 13.01.10 of the Broward County Land Use Plan. No such contiguous area may exceed ten (10) acres in size. For the purpose of this provision, contiguous is defined as: attached; located within 500 feet; or separated only by streets and highways, canals and rivers, or easements.

This five percent (5%) residential-to-commercial flexibility rule may be applied by the local government through (re)zoning or other official action, subject to compliance with Policy 13.01.10 of the Broward County Land Use Plan, and does not require an amendment to the local land use plan map if the provision is certified by the Planning Council within the residential permitted uses section of the local land use plan.

- (3) A mixed residential and retail sales or office land use may be permitted by the local land use plan in areas designated for “Medium-High” or “High” residential density on the Broward County Land Use Plan, subject to the local land use plan providing:
 - a. That no more than fifty percent (50%) of the floor area in a building shall be used for retail sales or offices; and
 - b. At least fifty percent (50%) of the area in a building shall be used for residences.
- (4) A mixed residential and office land use may be permitted by the local land use plan in areas designated for “Medium” residential density on the Broward County Land Use Plan Map, subject to the local land use plan providing:
 - a. That no more than fifty percent (50%) of the floor area in a building shall be used for offices; and
 - b. At least fifty percent (50%) of the area in a building shall be used for residences.
- (5) A residential and/or commercial land use may be permitted by the local land use plan in areas designated “Commercial” on the Broward County Land Use Plan Map, subject to the following:
 - a. The local government shall apply available flexibility and/or reserve units in compliance with Articles 2.1 and 2.2 of this Administrative Rules Document; and
 - b. For parcels 5 acres in size or less, free standing multi-family residential uses are permitted; and/or
 - c. For mixed commercial/residential developments greater than 5 acres in size, free standing multi-family residential uses are permitted provided that the gross residential acreage does not exceed 5 acres or 40% of the total gross acreage of the commercially designated parcel, whichever is greater, and that the entire mixed residential/commercial development be governed by specific zoning regulations that establish criteria to ensure proper integration and compatibility of land uses within and surrounding the development.

- (6) The local land use plan may permit up to twenty percent (20%) of the area designated for “Industrial” use on the Broward County Land Use Plan within a flexibility zone to be used for commercial and retail business uses including hotels, motels and similar lodging, subject to compliance with Policy 13.01.10 of the Broward County Land Use Plan.

This twenty percent (20%) industrial-to-commercial flexibility rule may be applied by the local government through (re)zoning or other official action, subject to compliance with Policy 13.01.10 of the Broward County Land Use Plan, and does not require an amendment to the local land use plan map if the provision is certified by the Planning Council within the industrial permitted uses section of the local land use plan.

- (7) The local land use plan may permit up to twenty percent (20%) of the area designated for “Employment Center” use on the Broward County Land Use Plan within a flexibility zone to be used for commercial and retail business uses, subject to compliance with Policy 13.01.10 of the Broward County Land Use Plan.

This twenty percent (20%) employment center-to-commercial flexibility rule may be applied by the local government through (re)zoning or other official action, subject to compliance with Policy 13.01.10 of the Broward County Land Use Plan, and does not require an amendment to the local land use plan map if the provision is certified by the Planning Council within the employment center permitted uses section of the local land use plan.

- (8) The arrangement of land use designations must produce a reasonable development pattern. Criteria for reasonableness shall include compatibility of adjacent land uses and suitability of parcels for various development patterns.

~~2.6~~ RESIDENTIAL USES IN “AGRICULTURAL” / “RURAL RANCHES” LANDS

- ~~(A) This section provides for exceptions to the residential density restrictions within the “Agricultural” and “Rural Ranches” land use category of the Broward County Land Use Plan consistent with Broward County Ordinance No. 79-34. Land designated “Agricultural” or “Rural Ranches” may be permitted one (1) dwelling unit on parcels smaller than two (2) net acres or smaller than two and one-half (2½) gross acres if:~~

- ~~(1) The parcel is specifically designated on a plat approved by the Board of County Commissioners prior to May 16, 1979; or~~

- (2) The parcel was of public record prior to May 16, 1979, and
- a. has not been at any time since the effective date of Broward County Ordinance No. 79-34 (May 30, 1979) contiguous with another parcel or parcels in common ownership which could be combined into a single parcel of at least two net acres, and
 - b. has received the approval of the applicable agency for a sewage disposal system.

Article 2.1 – Amended October 23, 2008

Article 2.6 - Amended June 29, 1989

MAP-LU-1A



ATTACHMENT E

Existing and Proposed Zoning District Regulations

Existing Zoning District

§ 4.2 Multiple Family Districts.

A. Purpose and uses.

District Purpose	Main Permitted Uses	Special Exceptions	Accessory Uses
These districts are designed to provide standards for the development and maintenance of multiple family residential buildings and hotels, where such uses are permitted (See no. 2 below).	See chart on next page.	Places of worship, meeting halls, social halls, institutional uses, day care facilities, commercial and non- commercial parking lots, and educational facilities. (See chart below)	Those uses which are customarily associated with one of the main permitted uses (See § 4.20).

	Main Permitted Uses						
District (Multiple Family MF)	Maximum Density, units per acre*	Single Family	Duplex	Town house	Apt. Bldg.	Hotel	Commercial
(1) RM-9 (Low -Med MF)	9	Yes	Yes	Yes	Yes	No	No
(2) RM-12 (Med MF)	12	Yes	Yes	Yes	Yes	No	No
(3) RM-18 (Med-High MF)	18	Yes	Yes	Yes	Yes	No, except east of I-95 permitted.	No
(4) RM-25 (High MF)	25 for Apt. Bldg.; 50 for Hotel, except if Comprehensive Plan land Use designation is Commercial**	Yes	Yes	Yes	Yes	Yes	No
(5) BRT-25 (Beach Resort MF)	25 for Apt. Bldg. 50 for Hotel, except if Comprehensive Plan land Use designation is Commercial **	Yes	Yes	Yes	Yes	Yes	Special Exception for eating and drinking uses if east of AIA, otherwise they are a Permitted Use; pawn, thrift, consignment shops, psychic help uses, tattoo



							shops and office are prohibited; all other commercial uses are permitted.
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(6) See § 4.2.D for RM-WET Multiple Family Wetlands District Regulations.

(7) See § 4.2.E for NBDD North Beach Development District Regulations.

* When residential uses are permitted, at least two units per platted lot are permitted regardless of the maximum permitted density.

**Maximum density for parcels with Comprehensive Plan designation of General Business is outlined under "Permitted Uses in Areas Designated General Business" in Future Land Use Element of the Comprehensive Plan.

MF = Multiple Family

B. Development regulations.

District	Min. Lot Area (sq. ft.)*	Min. Lot Width* (ft.)	Max. Height (ft.)	Land- scape, open space**	Minimum Unit Size (Sq. Ft.)				
					Single Family (SF)	Duplex (Dup)	Townhse.	Apt.	Hotel
(1) RM-9	6000	60	2 stories not to exceed 30 ft.	40%	1000	500	800	500 Min 750 Avg	Not Allowed
(2) RM-12	6000	60	3 stories not to exceed 35 ft.	40%	1000	500	800	500 Min 750 Avg	Not Allowed
(3) RM-18	6000	60	4 stories not to exceed 45 ft., except if adjacent to sing. fam. district, then height 30 ft for first 100 ft of lot.	40%	1000	500	800	500 Min 750 Avg	Not Allowed
(4) RM-25	6000	60	Oceanfront - 80% of the distance from Erosion Control Line. Non-Oceanfront 65 ft or 6 stories. Development east of A-1-A, south of	40%	1000	500	800	500 Min 750 Avg	15% of units 300-335; 85% of units 335+



			Harrison Street: no greater than 50 feet where there is already an existing high density multi-family residential project developed east of A-1-A and whose oceanfront views would otherwise be severely restricted and/or blocked by any such proposed development to be located east of the existing building and on the same block.						
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District	Min. Lot Area (sq. ft.)*	Min. Lot Width* (ft.)	Max. Height (ft.)	Land-scape, open space**	Minimum Unit Size (Sq. Ft.)				
					Single Family (SF)	Duplex (Dup)	Townhse.	Apt.	Hotel
(5)BRT-25	6000	60	North of Tyler to Sherman Street - 50 feet. South of Harrison St. - 65 ft. and North of Balboa Street - 150 ft.	40%	1000	500	800	500 Min 750 Avg	15% of units 300-335; 85% of units 335+

(6) See Section 4.2.D for RM-WET Wetlands District Regulations.

(7) See Section 4.2.E for NBDD North Beach Development District Regulations.

* Platted lots or lots of record which contain less than the minimums are considered as legal non-conforming and may be developed consistent with these regulations.

** Includes landscaped open space located at-grade or at higher elevations such as on pool decks, parking decks, roof decks and similar uses.

C. (1) Setback requirements main structure: RM-9, RM-12 and RM-18.



Front	Side/Interior	Side/Street	Rear
20 ft. for structures; 5 ft. for at-grade parking lots.	The sum of the side yard setbacks shall be at least 20% of the lot width, but not to exceed 50 ft. with no side yard less than 7.5 ft.; except, platted and recorded lots of 50 ft. or less in width may have a 5 ft. setback. When an existing Building has a 5 ft. side yard setback, the setback of new construction may also be 5 ft. This applies to the linear or vertical extension of a single story building.	15 ft.; except at-grade lot 5 ft.	1 story bldg. - 20 ft. 2 story bldg. or higher - 15% of the lot depth; 20 ft. min.

Cross-reference:

For parking lots, see § 4.22

(2) Setback requirements main structure: RM-25, BRT-25.

Front	Side/Interior	Side/Street	Rear	Front
(1) Pedestal	25 ft.; except Retail uses shall provide 0 ft. setback.	The sum of the side yard setbacks shall be at least 25% of the lot width, but not to exceed 50 ft. with no side yard less than 10 ft., whichever is greater. Retail uses shall provide 0 ft. setback.	15 ft. minimum; except retail uses shall provide 0 ft. setback.	1 story bldg. - 20 ft. 2 story bldg. or higher - 15% of the lot depth; 20 ft. min. 50 ft. maximum.
(2) Tower	25 ft. + 1 ft. increase for each ft. of height above 50 ft. Setback not to exceed 50 ft.	The required pedestal setback plus 20% of the height of the tower portion of the bldg. The total required tower setback shall not exceed 50 ft.	The required pedestal setback plus 15% of the height of the tower portion of the bldg. The total required tower setback shall not exceed 50 ft.	Oceanfront lots* - 25% of lot depth. Non-oceanfront lots - 15% of lot depth. No setback less than pedestal setback.
(3) Setbacks are measured from the base building line pursuant to Article 3.				
(4) See § 4.2.D for RM-WET Multiple Family Wetlands District Regulations.				
(5) See § 4.2.E for NBDD North Beach Development District Regulations.				
* Oceanfront Lots are properties that have the erosion control line as a property line.				

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(Ord. O-94-14, passed 4-16-94; Am. Ord. O-97-28, passed 6-25-97; Am. Ord. O-99-26, passed 9-8-99; Am. Ord. O-2000-10, passed 2-2-2000; Am. Ord. O-2001-16, passed 5-16-2001; Am. Ord. O-2002-20, passed 4-10-2002; Am. Ord. O-2003-01, passed 1-22-2003; Am. Ord. O-2005-10, passed 6-15-2005; Am. Ord. O-2007-34, passed 12-18-2007; Am. Ord. O-2012-05, passed 3-7-12)

Proposed Zoning District

§ 4.3 Commercial Districts.

* * *

F. O-1 Light Intensity Office District.

1. Purpose and uses:

District Purposes	Main Permitted Uses	Special Exception	Accessory Uses	Prohibited Uses
This district is intended to provide standards for:	Offices. *	Day Care Facilities.*	Any Use that is customarily associated with the Main Permitted Use or Special Exception. See § 4.21.	Any use not listed as a Main Permitted Use or Special Exception.
(a) The placement of low intensity professional office uses which are located near residential neighborhoods and which are designed in such a manner as to be compatible with the residential character of adjacent areas.	Single Family.	Personal Service Uses.		
The intent is to provide an opportunity for small offices to exist on properties which were originally designed as single family homes but, due to traffic patterns and noise, do not lend themselves to be retained as single family homes.	(For properties less than 0.25 acres): Administrative Offices which do not involve the on-site handling, processing, distribution, display, storage, or sale of goods and merchandise, such as, but not limited to, real estate brokers, insurance agencies, marketing and investment counseling, stockbrokers, secretarial and stenographic services, or other similar uses. Professional Offices not to exceed 2 doctors, dentists, lawyers, accountants, architects, engineers, or other similar field.*	Hospital Hospitality House.		
(b) The placement and use of low rise office buildings, on sites exceeding 1.5 acres which are near residential neighborhoods, that are designed in such a manner as to be compatible with residential neighborhoods even though office buildings are significantly larger in size. The intent is to achieve a compatible (scale) architectural relationship between low density residential development and larger sized office buildings.		* See Performance Standards § 4.3.J.		
(c) To insure that rehabilitation work and new construction occurs in a manner that maintains the residential character of adjacent single family districts.				

2. Development regulations:

Min. lot size and width	Maximum lot size	Setbacks	Max. height
<p>New construction: 1 Platted lot Rehabilitation or additions to buildings*: 2 platted lots; except 1 lot is permitted when:</p> <p>a. the entire block contains only one lot which faces the main street; b. when the abutting lots are developed with one of the main permitted uses or special exceptions; or c. corner lots which can be developed without any variances.</p> <p>* Additions that exceed 50% of the floor area of the existing building or additions and rehabilitation work that exceed 50% of the assessed value of the property (building only).</p>	<p>2 platted lots; however, sites may exceed this limitation if all of the following criteria is met:</p> <p>a. The site exceeds 1.5 acres as of or prior to the effective date of this ordinance (Oct. 23, 1996). b. The site is under common ownership as recorded in the public records of Broward County as of or prior to the effective date of this ordinance (Oct. 23, 1996). c. Sites shall not be expanded beyond the area (size) that is under common ownership as of or prior to the effective date of this ordinance (Oct. 23, 1996).</p> <p>Those sites that exceed the maximum 2 platted lots but which do not meet the above criteria, shall only be developed with no more than 1 building per 2 platted lots.</p>	<p>Front 25 ft., Rear 20 ft., Interior side 10 ft., Street side 20 ft. See § 4.3.J.5 for property lines abutting a residential district.</p>	<p>2 stories or 30 ft.</p>

Setbacks are measured from the Base Building Line pursuant to Article 3.

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J. Performance standards (All districts except as noted):

1. Automotive uses including sales, repair, detailing and washing: All vehicle repair shall take place within a fully enclosed building. No windows or garage doors shall be placed within 100 ft. of residentially zoned property.

Vehicles left on site overnight for repair shall be placed in storage at a location which meets the outdoor storage standards listed below.

Detailing/car washing shall only be permitted in a structure or under a permitted canopy. Canopies shall not be placed where they will interfere with parking or traffic circulation.

When automotive repair services are offered in conjunction with the retail sale of parts, said repair area shall not be permitted if it faces residentially zoned property. The service drive for the repair area shall be surrounded by 6 ft. high concrete opaque wall. The paved area shall be surrounded by a 5 ft. landscaped area. Any air compressor shall be within a wholly enclosed building that prevents the transmission of noise.

2. Burglar alarm: Shall not face residentially zoned property.

3. Crematorium: Shall be approved by the appropriate state agencies.

4. Day Care Facilities: When located in single family districts are regulated by Broward County Ordinance No. 90-33, as amended. Commercial Day Care Facilities shall provide a minimum of 45 sq. ft. per child of outdoor play area. Day Care Facilities for adults are exempt from the outdoor play area requirement.

5. Design and landscaping requirements:

a. All pervious areas shall be landscaped with grass, ground cover and/or shrubbery.

b. All office or commercial development adjacent to residentially zoned properties on the sides and rear shall be separated from the residential property by an opaque 6 ft. high concrete wall and tree screen.

c. Any development which has parking in any yard that faces a street shall provide an opaque 4 ft. high concrete wall set back three feet from and parallel to the street right-of-way line or a screening hedge with a 100% irrigation system. If the wall is selected, it shall also include a screening hedge in the setback area.

d. Design, landscaping, and performance standards in the O-1 Light Intensity Office District:

(1) Any property in the O-1 District which involves conversion of a nonoffice use to another Permitted Use or Special Exception use or is the subject of a building permit application shall be reviewed pursuant to the Planning and Development Review procedures. Any such property subject to Planning and Development Review may be required to modify either the site and/or any buildings on the site as part of the Planning and Development Review process. The Director may require improvements to the building and site in order to insure that the conversion meets the objectives of this article.

(2) The design, scale and appearance of all structures in the O-1 district:

a. Sites containing 2 lots or less: Elevations facing the main street shall be designed as an office or as a single family home; however, the area of the window openings may not be reduced. The remaining elevations shall maintain the single family residential character of the building. The facades and roof lines of buildings shall be designed to break up their linear appearance and form. This standard applies to new construction, additions and rehabilitation work.

b. Sites exceeding 1.5 acres: shall be designed in such a manner as to be compatible with single family residential structures even though the office buildings may be significantly larger in size. The intent is to achieve a compatible architectural relationship between nearby single family residential development and larger sized office buildings. The facades and roof lines of the office building(s) shall be designed to break up their linear appearance and form.

(3) New buildings shall be sited in a manner that results in the maximum distance from adjacent residential structures.

(4) Gabled roofs on new buildings shall use concrete flat tile or barrel tile. Existing buildings which currently have shingle, flat tile, or barrel tile are required to maintain the same roofing material or better. Gravel roofs are not permitted. If they presently exist, they must be upgraded according to aforementioned standard; however, flat gravel roofs may remain if they cannot be seen from the street. The Department shall determine if the proposed roofing material is of a higher aesthetic quality than the present roof. Additions shall have shingle, flat tile, or barrel tile and match the existing roof.

(5) Parking Requirement: 1 space per 250 sq. ft. for sites greater than 0.25 acres in size, 1 space per 500 sq. ft., to a maximum of 5 spaces for sites less than or equal to 0.25 acres in size (requirement applies to Permitted Uses for O-1 as listed above).

(6) The design of the parking lot shall be approved by the Director based upon the following regulations:

- a. Two way drive minimum width: 12 ft.
- b. Parking lot setback: 5 ft. setback from any lot line
- c. Driveway setback: 3 ft. setback from any lot line.
- d. Head-in/back-out parking: not permitted.
- e. Required parking spaces (tandem) may be designed on a circular drive with an interior landscaped island.

(7) Cross-access agreements between properties shall be recorded in the public records prior to the issuance of a building permit.

(8) Wall/Fencing. Landscaping shall be placed between the wall and any lot line when adjacent to a right-of-way.

- a. Sites exceeding 0.5 acres shall have a decorative CBS wall. Long walls should be designed to break-up their linear form through alternating the location of the footings. The placement of pilasters, stucco banding, decorative caps and similar types of treatments on the wall is encouraged.

- b. Sites 0.5 acres or less, a decorative opaque non-wood wall/fence, 6 feet in height shall be installed where adjacent to residential.

(9) With the exception of one or two car garages on sites less than 1.5 acres, parking spaces shall not be located below the lowest occupied finished floor elevation of a structure.

(10) An appeal of the Director's decision regarding compliance with any of the above criteria is to the Planning and Development Board.

(11) Hospital Hospitality House.

- a. Shall be located within 150 ft. of a hospital.
- b. Shall be limited to one per hospital.
- c. Shall be owned by the hospital or an affiliated entity.

6. Outdoor uses - storage:

- a. Shall be in conjunction with a principal use in the district and located within 700 ft. of that use;
- b. Shall be surrounded by (the storage area) a 6 ft. opaque fence; and
- c. Shall contain a 5 ft. landscaped buffer on all street frontages.

7. Outdoor uses-retail sales:

- a. Shall be part of a licensed use that occurs within a wholly enclosed building.
- b. The retail area shall be surrounded by a 6 ft. vinyl coated chain link fence, wood fence, CBS wall, aluminum picket fence or wrought iron fence.
- c. A 5 ft. landscape buffer shall be provided adjacent to the required fence or wall.
- d. Temporary retail sales associated with holidays, seasonal promotions or special events may occur on vacant lots and are exempt from a - c above with the approval of the Director. An application for a permit shall be filed with the Department; and, once approved, be valid for 45 days and shall be granted no more than 3 times in one calendar year. A fee of \$50 per each promotion or event is required along with proof of a current Business Tax Receipt.

e. Temporary outdoor retail sales (special promotions and grand openings in conjunction with an existing retail establishment shall be permitted based on the following (exempt from a - c above):

1. Grand Openings: one time in one calendar year, for 10 consecutive days.
2. Special Promotions: two times each calendar year, 5 consecutive days each.
3. A application processing fee of \$50 per each promotion or event is required.

8. Pet care and veterinary offices: May include on-site animal boarding, provided that all animals shall be treated or kept inside fully-enclosed air conditioned buildings. The area in which the animals are boarded shall be designed to prevent the transmission of noise. No openings shall be permitted in walls which face residentially zoned property.

9. Thrift shops located within the C-3 Medium Intensity District:

- a. Shall have a minimum floor area of 10,000 square feet;
- b. All goods donated for sale at the thrift shop must be accepted through the rear of the store;
- c. No more than 30% of the floor area shall be utilized for receiving, sorting and storage of donated goods;
- d. The sale of furniture is prohibited; and
- e. Only the sale of small tabletop electronics is permitted
- f. Shall post signs advising patrons that the merchandise/goods within the store are primarily pre-owned.

(Ord. O-94-14, passed 4-16-94; Am. Ord. O-94-73, passed 11-23-94; Am. Ord. O-96-18, passed 5-22-96; Am. Ord. O-96-42, passed 9-25-96; Am. Ord. O-99-14, passed 5-12-99; Am. Ord. O-2001-16, passed 5-16-2001; Am. Ord. O-2002-27, passed 9-4-2002; Am. Ord. O-2002-35, passed 10-2-2002; Am. Ord. O-2006-12, passed 5-3-2006; Am. Ord. O-2008-28, passed 11-19-2008; Am. Ord. O-2010-12, passed 4-7-10; Am. Ord. O-2011-14, passed 5-4-11; Am. Ord. O-2012-05, passed 3-7-12)