

**CITY OF HOLLYWOOD, FLORIDA
DEPARTMENT OF DEVELOPMENT SERVICES
DIVISION OF PLANNING AND URBAN DESIGN**

DATE: March 12, 2024 **FILE:** 24-T-04

TO: Planning and Development Board

VIA: Anand Balram, Planning Manager

FROM: Tasheema Lewis, Associate Planner

SUBJECT: Text Amendment to Articles 2 and 3 of the Zoning and Land Development Regulations to provide a definition of smoke shops and to establish distance separation for smoke shops.

REQUEST:

Text Amendment to Articles 2 and 4 of the Zoning and Land Development Regulations to provide a definition and establish performance standards for K-12 Schools.

RECOMMENDATION:

The Planning and Development Board, acting as the Local Planning Agency, forward ***a recommendation of approval*** to the City Commission.

REQUEST

The proposed text amendment is intended to establish a definition for 'K-12 Schools' under Article 2, and to establish performance standards under Article 4 of the Zoning and Land Development Regulations (ZLDR). The purpose of the proposed text amendment is to provide regulations supplemental to the Special Exception criteria found in Article of 5 of the ZLDR that more objectively establishes unified performance standards for public, private, or charter schools. On February 26, 2024, the City published a Notice of Public Hearing advertisement for the Zoning In Progress to be heard on March 12, 2024 or as soon thereafter.

The request proposes to amend Article 2 by establishing a definition of K-12 Schools and to amend Article 4 by establishing performance standards for K-12 Schools in the following subsequent manner:

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§ 2.2 Definitions

K-12 Schools. Public, Charter, or Private schools, educational facilities, or learning centers consisting of elementary (grades K-5), middle (grades 6-8), high school (grades 9-12), or any combination. This definition shall not include DAY NURSERY (daycares), schools/daycares ancillary to churches, trade or business schools, or ADULT EDUCATIONAL FACILITIES

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§ 4.22 Supplemental Use Regulations.

- V. K-12 Schools: In addition to the Special Exception requirement outlined in Article 5.3, the following performance standards and regulations shall be satisfied prior to approval of the Special Exception:
1. Shall not be located within or immediately adjacent to industrial and manufacturing zoning districts.
 2. Shall not be located on roadways classified by Broward County Functional Classifications Map as Arterial Roadways. Access to the proposed site shall be from a Collector Road.
 3. Must be located in freestanding single use structure(s) and on a parcel no smaller than 1 acre. As an exception, charter schools may be permitted as an accessory use if proposed to be located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C) as may be amended from time to time. This exception does not remove charter schools from satisfying the Special Exception criteria and the remaining performance standards under this section.
 4. A traffic study must be submitted by a professional engineer licensed in the State of Florida and completed to the satisfaction of the City Engineer. K-12 Schools must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking, or roadways adjacent to the school.
 5. Shall not be within 1,000 linear feet of preexisting Bars, Lounges, Gun Shops, Smoke Shops, and Adult Entertainment Establishments.
 6. In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Development Services Department at least nine months before the start of the school year. This time requirement cannot be waived or reduced.

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CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed text amendments are consistent with the Comprehensive Plan, based upon the following:

Goal: *Promote a distribution of land uses that will enhance and improve the residential, business, resort, and natural communities while allowing landowners to maximize the use of their property.*

The proposed text amendment is consistent with the City's Comprehensive Plan goal to encourage positive economic development by providing consistency among similar uses. By defining K-12 schools and imposing regulations that ensure their appropriate location, size, and operation, and by restricting school placement in industrial areas and on major roadways, requiring traffic studies and dedicated drop-off areas, and prohibiting proximity to incompatible establishments, the amendment balances community improvement with property owner rights, fostering a harmonious and efficient land use framework.

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN

The City-Wide Master Plan is a compilation of policy priorities and recommendations designed to improve the appearance, appeal, and economic tax base of the City. It establishes a format for future direction and vision for the City. The proposed text amendment is consistent with the City-Wide Master Plan based upon the following Guiding Principle:

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

APPLICABLE CRITERIA

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

CRITERIA 1: The proposed change is consistent with the Goals, Objectives and Policies of the adopted Comprehensive Plan as amended from time to time.

ANALYSIS: Establishing a definition and performance standards for K-12 Schools aid in providing equitable requirements for public, private, and charter schools. This effort is consistent with the Goals, Objectives, and Policies of the adopted Comprehensive Plan because it reinforces the criteria established in Objective 12, Policy 12.3 that summarizes the safety of students, elimination of detrimental impacts on roads to adjacent sites, location of school sites, site access controls, and adequate size of school sites.

Based on the review of regulations and policies surrounding K-12 Schools from Florida State Statutes Chapters 1000 and 163, Broward County Land Use Plan, Hollywood's Comprehensive Plan, Broward County School Board guidelines, Broward County Road Jurisdiction and Functional Classification Map, Hollywood's Code of Ordinance and Zoning and Land Development Regulations (ZLDR), and eight Florida municipalities, six performances standards are proposed.

(1) Shall not be located within or immediately adjacent to industrial and manufacturing districts.

(2) Shall not be located on roadways classified by Broward County Functional Classifications Map as arterial roadways. Access shall be from a collector road.

These requirements directly align with the City's Comprehensive Plan and the Broward County Land Use Plan (BCLUP) which prohibit institutional uses from operating within or near industrial areas. The intent of the industrial and manufacturing districts is to promote low to high intensity industrial uses which may be objectionable to or incompatible with residential areas. Regulating the location of school sites adjacent to arterial roadways, satisfies the objective of the Comprehensive Plan to reduce the need for slow zones, promote safe egress and ingress of vehicles, and prevent adverse impacts to adjacent properties.

(3) Must be located in freestanding single use structure(s) and on a parcel no smaller than 1 acre. As an exception, charter schools may be permitted as an accessory use if proposed to be located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C) as may be amended from time to time. This exception does not remove charter schools from satisfying the Special Exception criteria and the remaining performance standards under this section.

Objective 12 of the City's Comprehensive Plan and Article 5.3(G) Special Exception of the City's Zoning and Land Development Regulations require school sites to be "sufficient size" or "adequate in shape and size" respectively. The proposed performance standard aims to provide a minimum standard size that is possible to accommodate both small- and large-scale K-12 Schools. The approximate existing public K-12 School sites is measured at 2 acres, with South Broward High School outlying at approximately 25 acres. Proposing a minimum of 1 acre is consistent with other municipalities in the County and does not infringe on the ability for smaller schools to development.

(4) Traffic study must be submitted by a professional engineer licensed in the State of Florida and completed to the satisfaction of the City Engineer. K-12 Schools must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school.

The fourth regulation reinforces criterion c. of the Special Exception criteria that states, "there will be provisions for safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use." This performance standard ensures effective traffic management around K-12 schools by requiring a professional assessment of traffic impacts and the provision of dedicated drop-off areas, safeguarding against congestion, and promoting safety for students and motorists. By mandating compliance with engineering standards and providing clear guidelines for safe student

transportation, the standards enhance the overall functionality and safety of school sites and manage impacts to the transportation network within the city.

(5) Shall not be within 1,000 linear feet of preexisting bars, lounges, gun shops, smoke shops, and adult entertainment establishments.

The City's Code of Ordinances (Chapter 155) The Zoning and Land Development Regulations currently prescribe distance separation requirements for a number of uses such as alcohol establishments within and the ZLDR Article 3.23 prescribes distance separations for uses such as Smoke Shops and Adult Entertainment Establishments. These regulations vary from 500 feet to 2,500 feet. Due to the varying distance separation requirements and the need to group such adult-related uses, 1,000 linear feet distance separation for these uses are deemed appropriate based on a lesser average, location and concentration of such uses, and researched municipal ordinances.

(6) In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Development Services Department at least nine months before the start of the school year. This time requirement cannot be waived or reduced.

This proposed regulation aims to prevent impractical timelines for approval and operation of K-12 Schools. Schools require unique and technical compliance with various disciplines such as Fire, Engineering and Transportation, Utilities, Landscaping, and Zoning, and sufficient time for processing to ensure the Special Exception criteria and performances standards are substantially compliant in the best interest of the City's youths.

Staff believes the analysis provided substantially complies with the Goals, Objectives, and Policies of the Comprehensive Plan and City-Wide Master Plan. The adoption of the proposed text amendment will help to ensure the safety of school age children and neighboring properties.

FINDING: Consistent

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

ANALYSIS: According to the Broward County School Board's 5-year forecast projections, there will be a decline in public K-12 School enrollment in spite of the increasing population. Research shows that alternative educational options such as private and charter K-12 Schools negatively correlate to the decline in public school enrollments. Therefore, the increase in private and charter K-12 School options has substantially changed and supplemental use regulations are needed to accommodate the current growth and the future growth as projected over the forecasted years.

FINDING: Consistent

ATTACHMENT

ATTACHMENT A: Existing K-12 Schools Location Map