

# **ATTACHMENT B**

**§4.15, Planned Development District Regulations**

#### § 4.15 PD Planned Development District.

A. Purpose of (PD) Planned Development District. To permit larger tracts of land under unified control to be planned and developed as a whole (as a single operation or an approved series of operations) with a greater amount of flexibility by removing some of the detailed restrictions of conventional zoning. Planned Developments are recognized as serving the public interest and are encouraged because they:

1. Allow diversification of uses, structures and open spaces when not in conflict with existing and permitted land uses on abutting properties;
2. Allow mixed uses establishing compatible combinations of residential with commercial and/or office uses and supporting facilities;
3. Promote resort qualities of the City by encouraging planned resort communities;
4. Reduce improvement costs through a more efficient use of land and a smaller network of utilities and streets than is possible through application of standards contained in conventional land development regulations;
5. Conserve the natural amenities of the land by encouraging the preservation and improvement of scenic and functional open space;
6. Provide maximum opportunity for application of innovative site planning concepts to the creation of aesthetically pleasing environments for living on properties of adequate size, shape and location;
7. Insure that development will occur according to limitations of land use, site design, population density, building coverage, improvement standards and construction phasing authorized through the approval of a master development plan; and
8. Insure that development will occur within the guidelines and intent of the Hollywood Comprehensive Plan. Planned Developments are equally adaptable to new development, redevelopment and conservation of land, water and other City resources.

B. Definition. A Planned Development is land under unified control, planned and developed as a whole in a single development operation or an approved, programmed series of development operations. It may include principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part. Planned Development Districts are not permitted in the Beach District of the Community Redevelopment Agency. Planned Development Districts may be permitted adjacent to Federal Highway, Dixie Highway, and Hollywood Boulevard, within the Downtown District of the Community Redevelopment Agency. In the event that a Planned Development within the Beach District or Downtown District was approved prior to 2012, such originally approved Planned Development may be expanded, subject to the following conditions:

C. Unified control. All land included for the purpose of development within a Planned Development District shall be under the control of the applicant (an individual, partnership or corporation, or group of individuals, partnerships or corporations). The applicant shall present satisfactory legal documents to constitute evidence of the unified control of the entire area within the proposed Planned Development which shall be certified by the Department. The applicant shall agree in the application for rezoning to the following:

1. To proceed with the proposed development according to the provisions of these regulations, conditions attached to the rezoning of the land to Planned Development, and the approved master development plan;
2. To provide, subsequent to rezoning and prior to the issuance of a building permit, any agreements, contracts, covenants, deed restrictions or sureties as reasonably deemed necessary by the City, and in a form acceptable to the City, to assure that the development proceeds in accordance with prior approvals and to further provide for continuing operation and maintenance of such areas, functions and facilities which are not proposed to be provided, operated, or maintained at public expense;
3. To bind their successors in title to any commitments made as set forth above; and
4. If the developer elects to administer common open space through an association or nonprofit corporation, said organization shall conform to the applicable laws of the State of Florida.

D. Permitted uses. The uses permitted in a Planned Development, as set forth below, must be consistent with the provisions herein, as may be further restricted by the City of Hollywood Comprehensive Plan:

1. All residential uses permitted by the City of Hollywood Comprehensive Plan;
2. Business uses located in a Planned Development which is intended to be predominantly residential or intended to meet the neighborhood shopping and service needs of the Planned Development and not the general needs of the

surrounding area. Such uses shall be grouped in convenient centers designed as integral, harmonious parts of the Planned Development appropriately buffered and screened from residential uses (whether within or outside the Planned Development) to protect them from unsightliness, noise, odors and other characteristics incompatible with residential uses. Businesses should be pedestrian oriented and accessible to walkways and bicycle paths. The center should consist of neighborhood shopping and personal services consistent with the daily needs of the Planned Development;

3. Business uses in a Planned Development which is intended to be predominantly commercial, office or resort to include all commercial uses consistent with Medium High/High Residential, General Business and Office categories of the City of Hollywood Comprehensive Plan;

4. Resort uses in a Planned Development may include entertainment and recreational uses permitted in the Central Beach and Recreational districts as well as those uses permitted by the City of Hollywood Comprehensive Plan;

5. Uses and structures which are customarily accessory and clearly incidental to principal uses and structures may be permitted, subject to regulations applying thereto; and

6. In connection with residential uses in waterfront property, wet dockage or moorage of private pleasure craft shall be permitted subject to regulations applying thereto.

#### E. Land use and design regulations.

1. Minimum size of planned development. All Planned Developments shall contain a minimum of ten acres of land under unified control; except within the Downtown District of the Community Redevelopment Agency where Planned Developments shall contain a minimum of two acres of land under unified control. This minimum may be waived by the City Commission upon the recommendation of the Planning and Development Board.

#### 2. Maximum density.

a. The total number of dwelling units permitted in a Planned Development shall not exceed the total number of units permitted by the City of Hollywood Comprehensive Plan.

b. For purposes of this section, a hotel unit shall equal one-half of 1 dwelling unit, and any residential unit shall be equal to 1 dwelling unit and shall be exempt from the provisions of Article 2, § 2.2 and Article 3, § 3.26 of the City of Hollywood Zoning and Land Development Regulations.

#### 3. Minimum lot area, distance between structures, frontage and setbacks.

a. No minimum lot size shall be required within a Planned Development.

b. No minimum distance between structures shall be required within a Planned Development, except as required by the Florida Building Code. The appropriate distance between structures shall be evaluated on an individual development basis by the City Commission, upon recommendation of the Planning and Development Board, after considering the type and character of the building types within a development.

c. Each dwelling unit or other permitted use shall have access to a public street, either directly or indirectly, via an approach, private road, pedestrian way, court or other area dedicated to public or private use of a common easement guaranteeing access. Permitted uses are not required to front on a dedicated road. The City shall be allowed access on privately owned roads, easements and common open space to insure the police and fire protection of the area, to meet emergency needs, to conduct City services and to generally insure the health, safety and welfare of the residents of the Planned Development.

d. There are no required setbacks or yards except for the following:

1. Internal streets. There shall be a setback of not less than 25 feet in depth abutting all public road rights-of-way within a Planned Development District.

2. External streets. There shall be a peripheral landscaped setback from all external streets of the Planned Development of not less than 25 feet in depth.

4. Maximum height of structures. No maximum height of structures shall be required within a Planned Development. The City Commission upon recommendation of the Planning and Development Board shall determine the appropriate height limitations on an individual development basis after considering the character of the surrounding area, the character of the proposed development, and the goals for community development as stated in the Hollywood Comprehensive Plan.

5. Total site coverage. The City Commission upon recommendation of the Planning and Development Board shall determine the appropriate total site coverage on an individual development basis after considering the character and intensity of the proposed development.

6. Off-street parking and loading requirements. Off-street parking and loading requirements shall meet all the requirements of Article 7 of the City of Hollywood Zoning and Land Development Regulations unless expressly modified by the City Commission.

7. Landscaping.

a. All landscaping shall meet the requirements of Article 9 of the City of Hollywood Zoning and Land Development Regulations unless expressly modified by the City Commission.

b. All undesirable exotic vegetation, including melaleuca, Brazilian pepper, Australian pine or other vegetation deemed undesirable by the Broward County Urban Forester, shall be removed by the applicant according to a schedule approved by the City. However, the City may allow certain undesirable exotic vegetation to remain at the request of the applicant for good cause.

8. Underground utilities. Within the Planned Development, all utilities including telephone, television cable and electrical systems shall be installed underground. Primary facilities providing service to the site may be exempted from this requirement. Large transformers shall be placed on the ground and contained within pad mounts, enclosures or vaults. The developer shall provide adequate landscaping with shrubs and plants to screen all utility facilities permitted above ground.

9. Internal circulation. A Planned Development shall provide an internal circulation system for use by both motorized and non-motorized transportation modes that is orderly, well oriented to the user, coherent with the structure of use and in balance with the intensity of activity. The circulation system should encourage the safe and convenient use of non-motorized transport modes and dissuade the inefficient or excessive use of the automobile.

10. Energy conservation. A Planned Development shall incorporate passive energy conservation measures in its site design in accordance with Chapter 52, South Florida Building Code. Such measures shall include, but need not be limited to, the directional orientation of buildings, the location of windows, minimization of radiant heat absorption and the inclusion of energy-efficient landscaping.

11. Use of reclaimed water. A Planned Development shall incorporate the use of reclaimed water in cases where it has been determined by the Utilities Director that the use of reclaimed water is feasible and in the best interest of the City of Hollywood.

12. Professional services required. Any plans submitted as a part of a petition for a Planned Development shall certify that the services of competent professionals were utilized in the designing or planning process and shall state their names, businesses and addresses. Plans submitted as part of a petition for a Planned Development must be prepared by either a planner who by reason of his or her education and experience, is qualified to become or is a full member of the American Institute of Certified Planners, or an architect licensed by the State of Florida, together with a professional engineer registered by the State of Florida and trained in the field of civil engineering, and/or a land surveyor registered by the State of Florida.

F. Procedures and requirements for rezoning, design, site plans, modifications and variances for a Planned Development.

1. Application. An application for a rezoning to Planned Development shall be made only by the owner of the subject property or the owner's authorized agent and processed in the same manner as other applications for rezoning of land except as otherwise provided in these regulations.

2. Application and filing fees.

a. New applications or applications for major changes to a previously approved master development plan shall be submitted as provided in Article 5 of the City of Hollywood's Zoning and Land Development Regulations and shall be charged a fee amounting to one and one-half times the fee which is charged for an application for a change of zone as established by resolution in accordance with Article 5 of the Zoning and Land Development Regulations.

b. A filing, as specified in the City Land Development Fee Schedule, shall accompany each request for a minor intermediate revision to a previously approved master development plan. (See also § 4.15.G. herein.)

3. Contents of Master Development Plan.

a. Certified boundary survey;

b. General schematic representation of the land uses with densities, intensities, along with a table of computation which depicts parking, building height and site coverage;

c. Approximate delineation of internal circulation, with hierarchical classification of streets;

- d. Points of connection of the local streets to the trafficways, including general indication of the necessary improvements to the trafficways to accommodate the local trips generated by the Planned Development;
- e. General location and size of any community facility included within the Planned Development such as parks, schools, fire stations, community center, etc.;
- f. Indication of existing vegetation and all other natural features within the Planned Development together with general plans for the conservation or mitigation thereof;
- g. Schematic depiction of existing and proposed surface water management elements, including wetlands, retention facilities, drainage easement and swales; and
- h. Schematic depiction of the water distribution and wastewater collection facilities and drainage system, including easements.

In addition, the Director may require additional material such as plans, maps and studies which are needed to make findings and determinations that the applicable standards and guidelines have been fully met.

4. Planned Development Site Plan, Design and Modifications. At the time of application for a rezoning to Planned Development which includes the Master Development Plan, the applicant shall also submit a Design, Site Plan including any modifications and requests for variances, to the Department of Planning and Development Services. The Site Plan must meet the requirements set forth in Article 6 of the Zoning and Land Development Regulations.
5. Staff review. Prior to the public hearing before the Planning and Development Board, the staff of the various city departments concerned with Planned Development shall review the application for rezoning, design, site planning any proposed modifications and/or requests for variances for adherence to all applicable requirements. As a result of this review, the applicant may choose to revise the master development plan, design and/or site plan prior to the public hearing before the Planning and Development Board. A revision of this nature shall be permitted at no expense to the developer.
6. Consideration by the Planning and Development Board. After the public hearing for rezoning to Planned Development, review of the Design, Site Plan including any modifications or requests for variances, the Board shall make its recommendations to the City Commission. In making its recommendation, the Planning and Development Board shall evaluate whether the plans, maps and documents submitted by the applicant and presented at the public hearing, do or do not meet the intent of this Article 5 and 6 of the Zoning and Land Development Regulations and all other applicable city ordinances. The Board shall also evaluate the suitability of the proposed development in terms of its relationship to the City of Hollywood's Comprehensive Plan and the area surrounding the proposed development and to what extent the development is consistent with adopted goals and objectives for growth and development.
7. Consideration by the City Commission. Upon the receipt of the recommendations of the Planning and Development Board, the City Commission shall schedule and conduct a public hearing to consider the petition for rezoning, design, site plan including any modifications and variances, if applicable in accordance with the city's rezoning, design, site plan, modification and variance procedures. The City Commission shall evaluate the proposed development in the same manner as required of the Planning and Development Board.
8. Conditions and stipulations. In granting approval for a Planned Development, the Planning and Development Board may recommend, and the City Commission may attach, reasonable conditions, safeguards and stipulations made at the time of approval, which shall be binding upon the applicant or any successors in interest.

#### G. Conformance to approved Master Development Plan and Site Plan.

1. Permits. After rezoning to Planned Development District, no permits shall be issued by the city and no development shall commence unless in conformance with the approved Master Development Plan and site plan. The applicant may develop the Planned Development in phases.
2. Minor changes. The Director, after receiving staff recommendations, may approve "minor" changes and deviations from the approved master development plan which are in compliance with the provisions and intent of this Article, and which do not depart from the principal concept of the approved master development plan. All other requested changes and deviations shall be referred to the City Commission.
3. Substantial changes. The Director may determine that the requested changes and deviations from an approved master development plan constitute a substantial alteration to the character of the development and thus require that the requested changes be reviewed and approved by the City Commission. Substantial changes would include:
  - a. A change in the use or character of the Planned Development;
  - b. An increase in overall coverage of structures;
  - c. An increase in the intensity of use;

- d. An increase in the problems of traffic circulation and public utilities;
- e. A reduction in required open spaces; and
- f. A reduction of off-street parking and loading spaces.

4. Transfer of ownership. No land within an approved planned development may be transferred in ownership or in any other way removed from unified control without a written agreement between the city and the parties to which such transfer is made stipulating their understanding and agreement to a condition that such transferred land shall continue, under the full terms and provisions of the planned development approval.

(Ord. O-92-08, passed 2-5-92; Am. Ord. O-94-14, passed 4-6-94; Am. Ord. O-2001-16, passed 5-16-2001; Am. Ord. O-2007-34, passed 12-18-2007; Am. Ord. O-2009-21, passed 7-15-2009; Am. Ord. O-2011-14, passed 5-4-11; Am. Ord. O-2013-01, passed 1-9-13; Am. Ord. O-2021-19, passed 12-1-21)