

ORDINANCE NO. _____

(14-T-23)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLE 5 AND ARTICLE 6 OF THE ZONING AND LAND DEVELOPMENT REGULATIONS TO ESTABLISH A ONE YEAR LIMITATION FOR RECONSIDERATION OF ANY DEVELOPMENT PROJECTS PREVIOUSLY APPROVED BY THE CITY; PROVIDING FOR A REPEALER PROVISION; A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City's Zoning and Land Development Regulations currently addresses projects that have been denied by the Planning and Development Board, Historic Preservation Board (Board), and City Commission or withdrawn by an applicant; and

WHEREAS, the current regulations do not address limitations for approved projects which from time to time return to the Board or City Commission; and

WHEREAS, on March 5, 2014, the City Commission requested staff to initiate a text amendment to preclude projects from being reconsidered, whether approved or denied, for one year after a development order is issued; and

WHEREAS, the proposed text amendment prohibits applicants from requesting reconsideration of projects (on the same property) by staff (Technical Advisory Committee), a Board, or the City Commission for one year from the previous approval but provides for a waiver of such prohibition by the City Commission; and

WHEREAS, the Zoning and Land Development Regulations provide that an application for a zoning text change of regulatory controls may be filed; and

WHEREAS, the Department of Planning analyzed the proposed text amendment and submitted the same to the Planning and Development Board; and

WHEREAS, on April 10, 2014, the Planning and Development Board reviewed the proposed text amendment at a duly noticed public hearing and have forwarded a recommendation of denial of the text amendment to the Zoning and Land Development Regulations; and

(Coding: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions).

WHEREAS, the City Commission following review of the proposed text amendment at a duly noticed public hearing, accepts such recommendations as set forth herein and finds them to be in the best interest of the citizens of Hollywood;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Article 5 of the Zoning and Land Development Regulations entitled "Development Review Process" is hereby amended as follows:

ARTICLE 5. DEVELOPMENT REVIEW PROCESS

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§ 5.1 General Provisions.

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C. Notwithstanding any other provisions in this Article, an applicant shall not be permitted to apply for reconsideration of any component or associated component of a previously approved project on the same property, by staff (Technical Advisory Committee), a Board, or the City Commission for one year from the previous approval for said project(s). This one year restriction applies to all Development Orders, including but not limited to Special Exceptions, Site Plans, Variances, Administrative Variances, Design, Certificate of Appropriateness for Design, Rezoning, and Land Use Amendments. However, this restriction may be waived by the City Commission.

(1) Exception. This restriction does not apply to Historic Designations, Text Amendments, and Certificates of Appropriateness for Design, Variances, Administrative Variances of single-family homes and multifamily dwellings of four or less units, undeveloped portions of property included in a Site Plan designated for future development, Sign Variances for individual tenants in non-residential areas, and minor modifications as defined in Section 6.26 of Article 6 of the Zoning and Land Development Regulations.

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§ 5.3. Planning and Development Board.

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E. Filing of petition for Variances, Special Exception, Design, Text Amendment and Rezoning.

1. Application.

* * *

~~c. Further applications after approval of initial applications. Nothing contained herein shall prevent additional applications after the approval of an initial application.~~

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Section 2: That Article 6 of the Zoning and Land Development Regulations entitled "Plats and Subdivision Regulations; Technical Review Process for Site Plans" is hereby amended as follows:

**ARTICLE 6: PLATS AND SUBDIVISION REGULATIONS; TECHNICAL REVIEW
PROCESS FOR SITE PLANS**

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ARTICLE II – TECHNICAL REVIEW PROCESS FOR SITE PLANS

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§ 6.26 Modification to Approved Site Plan.

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B. Major modifications. The Director shall determine that requested changes and deviations from an approved plan constitute a substantial alteration to the character of the approved development and as such represent a "Major Modification" and require resubmission as a new application. Substantial changes would include:

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* * *

Notwithstanding the above requirements for Major modifications to an approved site plan, an applicant shall not be permitted to apply for a major modification of any component or associated component of a site plan previously approved on the same property, by staff (Technical Advisory Committee), a Board, or the City Commission for one year from the previous approval for said project(s). However, this restriction may be waived by the City Commission.

Section 3: That it is the intention of the City Commission and it is hereby ordained that the provisions of this section shall be made a part of the Zoning and Land Development Regulations, and the sections of the Regulations may be renumbered to accomplish such intention.

TEXT AMENDMENT 14-T-23

Section 4: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 5: That all sections or parts of sections of the Zoning and Land Development Regulations, all regulations or parts of regulations, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised on _____, 2014.

Advertised on _____, 2014.

PASSED on first reading this _____ day of _____, 2014.

PASSED AND ADOPTED on second reading this _____ day of _____, 2014.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida, only.

JEFFREY P. SHEFFEL, CITY ATTORNEY