

Coding: Words in struck through type are deletions from existing law; words underscored and **bolded** are additions

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Section 3: That Article 2 of the Zoning and Land Development Regulations entitled "Definitions" is hereby amended as follows:

ARTICLE 2: DEFINITIONS

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§ 2.2. Terms Defined.

TEMPORARY USES. Temporary uses are those events or uses of limited duration and may be open to a large number of people. A Temporary use or event, which would require an Administrative Site Plan approval, is an event or use which is not one of the authorized uses of a property, and is an event or use which is not included as a customary, primary, or ancillary use as identified in its certificate of use. Any use of the property already included in the certificate of use for that property will not constitute as a temporary event or use. For those properties that do not require certificates of use, a Temporary use is defined as an event that impacts traffic and access to the public right-of-way. Temporary events include but are not limited to, a carnival, party, block party, neighborhood celebration event, festival, fair, farmer's market, outdoor sales, outdoor storage, or similar type of event.

Section 4: That Article 3 of the Zoning and Land Development Regulations entitled "General Provisions" is hereby amended as follows:

ARTICLE 3: GENERAL PROVISIONS

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§ 3.12. Nonconforming Structures and Uses.

- B. Conforming use of a nonconforming building. A lawful nonconforming building may be utilized for any use that conforms to the regulations of the applicable zoning district within which the building is located, provided no structural alterations except those required by law are made or cubical contents of the building enlarged except pursuant to division G. of this section. **A nonconforming building may be altered to decrease its nonconformity. Requests to improve the condition of a nonconforming use of a nonconforming building to decrease its nonconformity will not be subject to the process outlined in subsection H of this section.**
- E. Nonconforming structures. Lawful nonconforming structures other than buildings are likewise permitted to remain, provided no structural alterations other than those required by law are made, and further provided that the discontinued use of such structure or the use or building to which it is necessary for a period of six months or more shall require its modification so as to comply with the regulations of the applicable zoning district. **A nonconforming structure may be altered to decrease its nonconformity. Requests to improve the condition of a nonconforming structure to decrease its nonconformity will not be subject to the process outlined in subsection H of this section.**
- G. Nonconforming accessory uses and accessory structures. Nonconforming accessory uses or accessory structures shall not continue after the principal use or structure is terminated by abandonment, damage or destruction unless such accessory use or accessory structure conforms to the standards for the zoning district in which it is located. Any nonconforming accessory use or accessory structure shall be brought into conformity with these ZLDRs whenever a substantial improvement to, addition to, or change in the principal use or structure on the property is proposed and approved. A nonconforming accessory use or accessory structure may be altered to decrease the condition of the accessory use or principal use's nonconformity. Requests to improve the condition of an accessory use or principal use's nonconformity will not be subject to the process outlined in subsection H of this section.**
- H G.** Processing of applications. The Planning and Development Board shall hear applications for the following, according to procedures and criteria set forth for Special Exceptions outlined in Article 5 of these Zoning and Land Development Regulations:
1. Re-establishment of a nonconforming use that had lawfully existed as requested, but which has been discontinued for a period of six months or more.
 2. Expansion of a lawful nonconforming use within a building to utilize additional floor area within such building not otherwise permitted.
 3. Intensification of a lawful nonconforming use of land or extension of such use to occupy a greater area than otherwise permitted.
 4. Establishment of a nonconforming use within a lawfully nonconforming building that, because of its unique design or orientation or location, is appropriate for such use.

5. Change, enlargement, expansion or restoration of a lawful nonconforming building.

I H. Any approval of G.1. through G.5. above shall be based upon the findings by the Planning and Development Board that:

1. The approval of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.
2. The approval will not, under any circumstances of the particular case, be detrimental to the health, safety and general welfare of persons working or residing within the vicinity.
3. The approval will not be detrimental or injurious to property and improvements in the vicinity or to the general welfare of the City.
4. The approval will, to the maximum extent possible, bring the use or building and the site upon which it is located into compliance with City regulations. In authorizing approval, the Board shall include such conditions as it deems necessary and reasonable under the circumstances to carry out the intent of this section.

J I. Compliance with Regulations. Nothing in this section shall diminish the responsibility of an owner to maintain his use or structure in full compliance with all other City, county, state or federal regulations or licensing procedures.

K J. Establishment of non-Conformity. For purpose of this section, the mere possession of a valid approval to use land or buildings or valid license to do so without actual demonstrable use of such land or structure is an insufficient basis to establish lawful nonconformity.

L K. Approvals. All approvals pursuant to the provisions of this section shall become null and void unless the appropriate building or other permit or license is applied for within 24 months of the date of such decision by the Board. All approvals shall run with the land and are not personal to the owner of such land at the time of approval.

Section 5: That Article 4 of the Zoning and Land Development Regulations entitled "Schedule of District, Use, and Setback Regulations" is hereby amended as follows:

ARTICLE 4: SCHEDULE OF DISTRICT, USE AND SETBACK REGULATIONS

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§ 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 **intended to be designed as highly mixed-use environments with compact built form that prioritizes the use of alternative modes of transportation and places a focus on pedestrian connectivity. The land uses within a Planned Development shall include mixed uses this may entail a variety of housing choices, commercial uses and shall include programable public open spaces. Planned Developments are** recognized as serving the public interest and are encouraged because they are to:

...

2. ~~Allow mixed uses establishing compatible combinations of residential with commercial and/or office uses and supporting facilities;~~ **Include mixed uses with non-residential uses encouraged at-grade oriented to prioritize pedestrian access from streets, plazas, or parks;**

3. ~~Where appropriate, P~~**promote** resort qualities of the City by encouraging planned resort communities;

...

7. ~~Insure~~**Ensure** 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~~**Ensure** 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.

9. **Ensure new developments are pedestrian oriented and with main entrances facing the street or active public open space, open to the general public.**

10. **Ensure gateway treatments and enhanced public realm elements for facades, corners, and prominent entrances along public right-of-ways.**

11. **All new and reconstructed streets in PDs will include pedestrian and cycling facilities appropriate for their context and may include grade separated bicycle**

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E. Land use and design regulations.

...

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

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

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- (2) External streets. There shall be a peripheral landscaped setback from all external streets of the Planned Developments of not less than 25 feet in depth **where programmed open space and landscaped areas shall be provided.**

...

F. Land use and design regulations.

...

2. Contents of Rezoning Application. An application for a rezoning shall include, at a minimum:

- a. A statement addressing compliance with Section 4.15.A 'Purpose of (PD) Planned Development District', and compliance with the procedures for rezoning in Article 5.of the Zoning and Land Development Regulations;**
- b. The Master Development Plan in accordance with Section 4.15.4;**
- c. The proposed Permitted Uses (in accordance with Section 4.15.D), and Land Use and Design Regulations (including all regulations required under Section 4.15.E). This shall include regulations were a variance to the Land and Development Regulations is proposed, including supporting justification.**

2.3. Application and filing fees.

3.4. Contents of Master Development Plan.

...

- i. Set out the location, mix and intensity of land uses within the PD that supports walkable, connected neighborhoods.**

j. Support growth within the PD and provide sensitive transition in scale, density and form to adjacent single family zoning districts and providing policies for appropriate transition.

k. Inventory the supply of local parks, open spaces, and community facilities within a 1-mile radius of the proposed PD, and assess the adequacy of existing parkland and open space to meet the needs of the existing and future population of the PD.

j. Identify opportunities for green infrastructure within the proposed PD including but not limited to tree plantings, stormwater management, urban agriculture, and green roofs.

k. Evaluate the existing transportation system, provide opportunities to integrate the proposed PD into the existing network. Demonstrate accommodations for active transportation and alternate modes of transportation.

5. Development Agreement. A rezoning to Planned Development shall be accompanied by a Development Agreement that shall include the Master Development Plan, Permitted Uses, and Land Use and Design Regulations required in this section, and may also include phasing requirements and requirements for on-site and off-site improvements. The Development Agreement shall be prepared by the Applicant and is subject to review by City staff prior to being scheduled for a hearing before the Planning & Development Board. The Development Agreement shall be considered concurrent with the Rezoning and shall be recorded in the public records of Broward County prior to the issuance of any approval for Design or Site Plan.

5.6. 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.

6.7. 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.

~~7.8.~~ 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.

~~8.9.~~ 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.

F. Conformance to approved Master Development Plan, Development Agreement, 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, Development Agreement, 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~~ Master Development Plan and Development Agreement which are in compliance with the provisions and intent of this Article, and which do not depart from the principal concept of the approved ~~m~~ Master development Development plan Plan and Development Agreement. 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 the~~ approved ~~m~~ Master development Development plan Plan and Development Agreement 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:

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- d. ~~An increase in the problems of~~ Changes to vehicular or pedestrian traffic circulation and public utilities, at the discretion of the City Engineer;

...

- f. A change ~~reduction~~—of off-street parking and loading spaces

Section 6: 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.

- A. No permit shall be issued by any department, agency or official of the **City** ~~city~~ for the use of any premises or the operation of any business, enterprise, occupation, trade, profession or activity that ~~which~~ **would** constitute a violation of the Zoning and Land Development Code.
- B. Any change of the use of a building and/or property must be to a use **that** ~~which~~ is permissible within the applicable zoning district and future land use plan.
- C. A Public Participation Outreach Meeting shall be required for Land Use, Rezoning, Special Exception and Site Plan requests. Applicants shall conduct ~~at least one~~ **2** public participation outreach meetings and provide mailed notice to all property owners ~~and certified/registered civic and neighborhood association(s)~~ within 500 feet of the proposed project in addition to all certified/registered civic and neighborhood association(s) wherein the property is located. The first meeting is to take place following the first formal submission to the Development Review Committee. The second meeting is to take place following the Development Review Committee meeting or prior to final approval. Nothing in this section shall be construed to exempt an applicant from hosting 2 public outreach meetings prior to approval.

Prior to final approval, Applicants will be required to remit a Public Outreach Meeting Response Matrix. This document will record the public's comments from the Public Outreach Meeting and document how the applicant has responded, to the best of their ability, to each comment received.

Fifteen days prior to the meeting, the Applicant shall mail such notice and post a sign on the property, including the date, time, and place of the public participation outreach meeting. Such meeting shall occur prior to the applicable Committee, Board, or City Commission ~~meeting~~ submittal and the Applicant shall include in its application packet a letter certifying the date(s), time(s), location(s) of the meeting(s), a copy of the sign- in sheet, presentation material and a general summary of the discussion, including comments expressed during the meeting(s).

- D. **Notice Signs. All development requests subject to Administrative Decisions, the Development Review Committee, and/or the Planning and Development Board shall post a notice sign on the subject property at least 15 days after submitting a complete application request. The type of sign shall be determined as follows:**
- 1. Summary Notice Sign: shall mean a sign no smaller than 24 inches by 18 inches installed along the property line or in a location visible from the public right-of-way.**
 - 2. Detailed Notice Sign: shall mean a sign no smaller than 48 inches by 76 inches installed along the property line or in a location visible from the public right-of-way, as per the design standards outlined by the Division of Planning and Urban Design.**

§ 5.3. Planning and Development Board.

B. ~~Landscape Architect Sustainability or Environmental Expert: If a Landscape Architect, he/she must be registered in the State of Florida. If an Environmental Expert, he/she must be recognized by the City Commission as having knowledge and expertise in environmental or "green" initiatives. Must hold a Bachelor's degree or higher in Environmental Science, Sustainable Design, Urban Planning, Architecture, Engineering, or related field, and preferably possess LEED Professional Accreditation (LEED AP) with a specialization in Building Design and Construction (BD+C) or Neighborhood Development (ND), with experience in evaluating development proposals through a sustainable lens and promoting eco-friendly practices within the community.~~

C. Meeting procedures.

8. Joint meeting of the Planning and Development Board and Historic Preservation Board. For projects in local Historic Districts or Historic Sites, which are not located in single family districts, that require Site Plan approval and a Certificate of Appropriateness for Design, there shall be a joint meeting of the Planning and Development Board and the Historic Preservation Board. The membership of the joint board shall consist of five (5) Planning and Development Board members and four (4) Historic Preservation Board members. A quorum of the combined Planning and Development Board and Historic Preservation Board shall be five (5) persons regardless of the Board on which they serve. The Planning and Development Board Chair shall chair the meeting.

D. Powers and Duties. Pursuant to F.S. § 163.3174, as amended from time to time, the Planning and Development Board is designated and established as the Local Planning Agency for the incorporated territory of the City city.

The Powers and duties Duties of the Planning and Development Board shall be as follows and pursuant to the guidelines, procedures, and criteria set forth in this Article and Article 6 of the Zoning and Land Development Regulations:

1. To consider petitions for all developments/projects that require Variances, Waivers, and Special Exceptions, ~~Design and/or Site Plan approval~~ outside of Historic District(s) and Historic Sites, ~~pursuant to the guidelines and procedures set forth in this Article and Article 6 of the Zoning and Land Development Regulations.~~

2. ~~To prepare and recommend adoption of design elements consistent with the City-Wide Master Plan.~~

3. ~~To promote the use of Crime Prevention Through Environmental Design Guidelines and Strategies in order to reduce crime and fear of crime, as approved by the City Commission.~~

2. To consider Design and Site Plan for developments with more than 20,000 square feet of gross floor area.

3. ~~4.~~To consider distance waivers for establishments that ~~which~~ sell alcoholic beverages in

accordance with § 113.03 of the City's Code of Ordinances.

4. ~~5.~~ To consider any matter set forth in Article 11, "Adult Entertainment" of the Zoning and Land Development Regulations.
5. ~~6.~~ To consider ~~a~~ Variance petitions ~~s~~ submitted by the Florida Department of Transportation as part of a cure plan for nonconformities that ~~which~~ may result from a ~~US 441/SR 7~~ corridor improvement project.
6. ~~7.~~ The Board shall hear, give consideration to, and make recommendations to the City Commission on the following matters, in accordance with the applicable City Zoning and Land Development Regulations, **Florida Growth Management Act and other applicable** county, and state laws, included but not limited to:

- a. Text amendments to the Zoning and Land Development Regulations;

- b. Petitions for change of land use designation and/or zoning district;

- ~~c. The comprehensive planning program including the preparation of the Comprehensive Plan, its elements or portions thereof for the city in accordance with state law requirements as amended from time to time;~~

- c. Reserve Units and Flexibility Units petitions;

- ~~d. Coordination of the Comprehensive Plan, its elements or portions thereof with the Comprehensive Plans of other appropriate local governments and the state;~~

- d. Non-Residential Flexibility Area petitions;

- ~~e. The monitoring of the effectiveness and status of the Comprehensive Plan adopted by the City Commission; and~~

- e. Hollywood Beach Hotel Room Pool petitions; and Consideration. Design review procedures shall be pursuant to § 5.4. Site Plan review procedures shall be pursuant to Article 6.

- ~~f. Changes in the Comprehensive Plan as may be required from time to time.~~

- f. The comprehensive planning program including:

- (1) The preparation of the Comprehensive Plan, its elements or portions thereof for the Citycity in accordance with state law requirements as amended from time to time;

- (2) Coordination of the Comprehensive Plan, its elements or portions thereof with the Comprehensive Plans of other appropriate local governments and the state;

- (3) The monitoring of the effectiveness and status of the Comprehensive Plan adopted by the City Commission; and

- (4) Changes in the Comprehensive Plan as may be required from time to

time.

~~8. Pursuant to F.S. § 163.3174, as amended from time to time, the Planning and Development Board is hereby designated and established as the Local Planning Agency for the incorporated territory of the city.~~

...

~~10. The Board shall have the authority to consider petitions relating to allocation of Reserve Units and Flexibility Units shall be reviewed by the Board.~~

~~7. 11.~~ The Board shall have the authority to hear appeals ~~from of~~ administrative decisions and interpretations of the Zoning and Land Development Regulations by the ~~City Manager~~ Director or designee.

8. To recommend adoption of area master plans, design guidelines, and similar documents related to development.

9. It shall be the continuing duty of the Planning and Development Board to be currently informed and knowledgeable regarding of the conditions and developments of the City city, and to make studies and recommendations relating to City city planning and zoning matters, whether either initiated by the Board, the City Manager, or the City Commission.

E. Filing of petitions for Variances, Special Exception, Design, Text Amendment or Rezoning requiring Board consideration.

1. Application. ~~The applicant shall obtain a Development Review Application from the Planning and Development Services Department, which shall be responsible for the overall coordination and administration of the Development Review Process. Such~~ Application(s) shall be filed on forms provided by the Division of Planning and Urban Design, ~~Department.~~ and signed by the owner(s) of the subject ~~property and submitted to the Department of Planning and Development Services.~~ No application shall be accepted unless the actual legal and beneficial ownership of the subject property is indicated on the application. Upon receipt of a completed application, the application shall be scheduled before the Board as a public hearing and the public shall be given notice according to the notification procedures set forth herein. For ~~acquisition parcels within proposals as property owned or operated by a federal, state, or other public entity Florida Department of Transportation US 441/SR 7 corridor improvement project,~~ applications for Variances may be filed by an authorized representative of the ~~FDOT~~ agency.

a. In the event that Site Plan review is required pursuant to Article 6 of the Zoning and Land Development Regulations, such Site Plan review shall be completed prior to any application for a Variance, Waiver, or Special Exception.

b. Further applications after withdrawal or denial of initial applications.

(1) Except as set forth in § 5.3.K., when any application is withdrawn after the initial public hearing by the applicant or is denied by the Board (and upheld by the

City Commission if the Board's decision of denial is appealed), no other identical application on the same property shall be considered within one year from the date of such withdrawal or denial for upholding of the Board's denial by the City Commission, if the Board's decision of denial is appealed}.

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- (3) The denial or withdrawal of any Florida Department of Transportation–~~US 441/SR 7~~ corridor improvement project Variance petition shall not prevent a property owner of record from applying for similar relief.

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

2. Application fee.

- a. Amount. There shall be an application fee for each application. The amount of the application fee shall be set by resolution of the City Commission as that amount required to reimburse the ~~City~~ ~~city~~ for all expenses associated with the petition plus the costs incurred by the City in public notice and property owner notification as required under the Zoning and Land Development Regulations. Before any such application is processed by the ~~City~~ ~~city~~, the application fee shall be paid, and ~~such~~ ~~said~~ fee is not refundable after the application request has been advertised by the ~~City~~ ~~city~~.

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3. Procedure. The Board shall hear application requests pursuant to the ~~City's~~ ~~city's~~ quasi-judicial procedures.

F. Decisions of the Board. Decisions of the Board shall be pursuant to the guidelines, procedures, and criteria set forth in this Article and Article 6 of the Zoning and Land Development Regulations for the applicable request.

1. **In considering a request, the Board may grant the request, grant the request with appropriate conditions, stipulations and safeguards or limitations deemed necessary to protect adjacent properties and the public interest, or deny the request in accordance with the criteria and procedures set forth in this Article for the applicable request.**
2. **If the Board grants a petition, the Board shall adopt a resolution setting forth the granted request along with any conditions, stipulations, safeguards, or limitations (including without limitation covenants running with the land) prescribed by the Board, as deemed necessary to further the purpose of the zoning district or compatibility with other property within the vicinity. A copy of the applicable resolution shall be mailed to the petitioner and to any enforcing official involved and a copy shall be recorded in the Public Records of Broward County, Florida. Such resolution granting the request, in addition to the execution and recordation of any required covenant, shall be authorization for any approval, permit or license incidental to any use of land or buildings as set forth in the resolution. If the Board**

denies the request, the Board shall adopt a resolution setting forth the reasons for denial. A copy of any resolution adopted by the Board regarding a petition to cure a nonconformity that may result from a Florida Department of Transportation corridor improvement project shall be sent by certified mail, return receipt requested, to the owner of record of the property to which the resolution applies.

3. Upon a decision on an application by the Board, the Division of Planning and Urban Design shall send a letter to the applicant along with the Board's resolution setting forth _____ its _____ decision.
4. Clarification hearing. Should a question arise as to compliance with the conditions as outlined by the Board, a clarification hearing before the Board may be called at the request of the Division of Planning and Urban Design. The issue at such hearing shall be limited to a clarification of the Board's decision.

G. Time limit. When either the Board or the City Commission has granted a request in accordance with the regulations set forth in this Article or Article 6, such grant shall become null and void unless the appropriate principal building, or other permit or license is applied for within 24 months of the date of such decision by the Board or, if applicable, the City Commission. However, an extension of up to 24 months may be granted in the same manner as the initial request upon a showing that there has not been a significant change in the circumstances influencing the original approval. Any such application for extension must be filed prior to the expiration of the initial 24 month period. If an extension has been granted, and the applicant has not applied for the appropriate building or other permit or license, or the extension request has been denied, then the approval shall become null and void and the applicant will be required to re-apply for any and all necessary approvals.

H. Procedure for revocation of approval. In the event that property is not used in conformance with the applicable regulations or provisions of an approved petition, such approval is subject to revocation. Revocations shall be effected as follows:

1. Upon finding that a property is not being used in conformance with the applicable regulations or provisions of approval, the Division of Planning and Urban Design shall notify the occupant of the property and the property owner of such nonconformance. Upon receiving such notice, the applicant and property owner shall have 30 days in which to comply with the applicable regulations or provisions' approval;
2. If after 30 days, the applicant fails to comply with the applicable regulations or provisions of approval, the Division of Planning and Urban Design shall request that the Board schedule a public hearing for purposes of determining whether the approval _____ should _____ be _____ revoked; _____ and
3. Upon receiving a request for a public hearing, the Board shall set such hearing date and hold a public hearing to consider the revocation of approval. The Planning and Urban Design Division shall provide written notice of the scheduled public hearing to the occupant of the property and to the property owner. The applicant will have the opportunity to appear and be heard by the Board at the public hearing.

F 1. Variances.

1. Variances. Except as set forth in ~~division subsection~~ F.2. below, no Variance shall be granted by the Planning and Development Board unless the Board finds that the Applicant has shown that criteria a. through d. have been met or criteria e. is established, in which case then the Variance shall be granted: upon a finding that all of the following criteria have been met:

- a. ~~That The the~~ requested Variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the City city;
- b. ~~The That the~~ requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community;
- c. ~~The That the~~ 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 city; ~~and~~
- d. ~~The That the~~ need for the requested Variance is not economically based or self-imposed; ~~and~~
- e. ~~The That the~~ Variance is necessary to comply with state or federal law and is the minimum Variance necessary to comply with the applicable law.

...

~~3. Decision of the Board. In considering a Variance request pursuant to divisions F.1. and F.2. above, the Board may grant the Variance, grant the Variance with appropriate conditions, stipulations and safeguards or limitations deemed necessary to protect adjacent properties and the public interest, or deny the Variance.~~

~~a. If the Board grants the Variance, the Board shall adopt a resolution setting forth the Variance granted along with any conditions, stipulations, safeguards, or limitations prescribed by the Board. A copy of the applicable resolution shall be mailed to the petitioner, and a copy shall be recorded in the Public Records of Broward County, Florida, and to any enforcing official involved. Such resolution granting the Variance shall be authorization for any approval, permit or license incidental to any use of land or buildings as set forth in the resolution. If the Board denies the Variance, the Board shall adopt a resolution setting forth the reasons for denial. A copy of any resolution adopted by the Board regarding a petition to cure a nonconformity that may result from a Florida Department of Transportation US 441/SR 7 corridor improvement project shall be sent by certified mail, return receipt requested, to the owner of record of the property to which the resolution applies.~~

~~b. Time limit. When either the Board has granted a Variance, the Department of~~

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

G J. Special Exceptions.

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2. ~~Review of applications for Special Exceptions.~~ All applications for Special Exceptions, except for those within a Historic Overlay District or Historic Site ~~that which~~ are reviewed by the Historic Preservation Board ~~or and~~ those relating to non-conforming uses and structures shall be reviewed by the Planning and Development Board. The Board shall review applications for Special Exceptions relating to nonconforming uses and structures based upon the criteria set forth in § 3.12 of the Zoning and Land Development Regulations. All other applications for Special Exceptions considered by the Board shall be based upon the following criteria:

- ...
- c. That there will be provisions for safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area ~~that which~~ will serve the use;
- ...

3. ~~Decision of the Board. In considering an application for a Special Exception, the Board shall grant the Special Exception if all of the criteria set forth in 2. above are met, shall grant the Special Exception with appropriate conditions when the Board determines such conditions (including without limitation, covenants running with the land) are necessary to further the purpose of the zoning district or compatibility with other property within the vicinity, or shall deny the Special Exception.~~

- a. ~~If the Board grants the Special Exception, the Board shall adopt a resolution setting forth the Special Exception granted along with any conditions prescribed by the Board. A copy of such resolution shall be mailed to the applicant, and copy shall be recorded in the Public Records of Broward County, Florida, and to any enforcing official involved. Such resolution, in addition to the execution and recordation of any required covenant, shall be authorization for any approval, permit or license incidental to any use of land or buildings as set forth in the resolution. If the Board denies the Special~~

~~Exception, the Board shall adopt a resolution setting forth, with specificity, the reasons for denial.~~

~~b. Time limit. The same time limits set forth in § 5.3.F.3.b. above, apply to Special Exceptions.~~

~~H. Procedure for revocation of a Variance or Special Exception. In the event that property is not used in conformance with the applicable regulations or provisions of an approved Variance or Special Exception, such Variance or Special Exception is subject to revocation. Revocation of a Variance or Special Exception shall be effected as follows:~~

- ~~1. Upon finding that a property is not being used in conformance with the applicable regulations or provisions of the Variance or Special Exception, the Director shall notify the occupant of the property and the property owner of such nonconformance. Upon receiving such notice, the applicant and property owner shall have 30 days in which to comply with the applicable regulations or provisions of the Variance or Special Exception;~~
- ~~2. If after 30 days, the applicant fails to comply with the applicable regulations or provisions of the Variance or Special Exception, the Director shall request that the Board schedule a public hearing for purposes of determining whether the Variance or Special Exception should be revoked; and~~
- ~~3. Upon receiving a request for a public hearing, the Board shall set such hearing date and hold a public hearing to consider the revocation of the Variance or Special Exception. The Director shall provide written notice to the occupant of the property and to the property owner of the scheduled public hearing. The applicant will have the opportunity to appear and be heard by the Board at the public hearing.~~

~~I. Design Procedures.~~

- ~~1. Director's authority. The Director, after consulting with the respective Executive Director of the CRA if the application is within a CRA District, shall have the authority to approve, approve with conditions or deny an application for Design for the following applications:~~
 - ~~a. Rehabilitation of existing facades;~~
 - ~~b. Residential Developments of four units or less (except in Historic Districts or Sites);~~
 - ~~c. Landscape projects including decks and patios that contain less than 10,000 sq. ft.;~~
 - ~~d. Construction, repair, or rehabilitation of new or existing walls, fences, at-grade parking lots, signs, including change of copy, canopies, and awnings;~~
 - ~~e. Installation of any mechanical or plumbing equipment that is visible from the public right-of-way. This review is limited to methods of screening the~~

~~equipment from public view; and~~

~~f. Any other construction, which in the discretion of the Director, is similar in size and impact as the work listed above, except in Historic Districts or Sites.~~

~~2. Joint meeting of the Planning and Development Board and Historic Preservation Board. For projects in local Historic Districts or Historic Sites, which are not located in single family districts, that require Site Plan approval and a Certificate of Appropriateness for Design, there shall be a joint meeting of the Planning and Development Board and the Historic Preservation Board. The membership of the joint board shall consist of five (5) Planning and Development Board members and four (4) Historic Preservation Board members. A quorum of the combined Planning and Development Board and Historic Preservation Board shall be five persons regardless of the Board on which they serve.~~

~~3. Applicability and exemptions.~~

~~a. Applicability. All building permits for new construction, alterations, or additions to existing buildings, including fences, parking lots, walls and signs, whether new or change of copy, shall be subject to review under the Design Procedures except as provided herein. No building permit shall be issued without the written approval of the Planning and Development Board or staff, as provided for in these regulations. The Historic Preservation Board, or staff, shall review the applicable building permits under the Design Procedures for projects that are within single family districts that are locally designated historic districts or historically designated sites.~~

~~b. Exemptions. Exemptions to these regulations include all of the following provided no new construction or additions to existing buildings are required:~~

~~(1) All permits for plumbing, heating, air conditioning, elevators, fire alarms and extinguishing equipment, and all other mechanical and electrical equipment when such work is entirely within the interior of the building; however, the Director may approve such building permit applications for minor work on the exterior of buildings;~~

~~(2) Any permit necessary for the compliance with a lawful order of the Chief Building Official, City Engineer or Fire Marshall related to the immediate public health or safety; and~~

~~(3) All permits for demolition, interior alterations and repairs not affecting a building listed as a Historic Structure in the City's Historic Property Database or which is designated as an Historic Site.~~

~~4. Design criteria. The Board and the Director shall review plans based upon the criteria below. If the Board or the Director (as applicable) determines that an application is not consistent with the criteria, reasons shall be set forth in writing substantiating the finding.~~

~~a. General criteria. All plans/architectural drawings shall be reviewed based upon the evaluation of compatibility with the City's Design Guidelines, including the following elements:~~

~~(1) Architectural and design components. Architecture refers to the architectural elements of exterior building surfaces. Architectural details should be commensurate with the building mass. Design of the building(s) shall consider aesthetics and functionality, including the relationship of the pedestrian with the built environment. The design should consider architectural elements that are characteristic of the surrounding neighborhood.~~

~~(2) Compatibility. The harmonious relationship between existing architectural language and composition and proposed construction, including how each building along the street relates to the whole and the pattern created with adjacent structures and the surrounding neighborhood, and with the established and adopted vision for the area.~~

~~(3) Scale/massing. Buildings shall be proportionate in scale, with a height which is consistent with the surrounding structures, and with the established and adopted vision of the area. Building geometries shall reflect a simple composition of basic architectural details in relation to its length, width, height lot coverage, and setting of the structure in context with adjacent buildings.~~

~~(4) Landscaping. Landscaped areas should contain a variety of native and other compatible plant types and forms, and be carefully integrated with existing buildings and paved areas. Existing mature trees and other significant plants on the site should be preserved.~~

~~b. Design Guidelines Manual. A Design Guidelines Manual has been adopted which contains recommended approaches to design issues and which is incorporated herein. The Board shall only approve amendments to the Design Guidelines Manual after a public hearing has been held. Public notice requirements shall be by notice in a newspaper of general paid circulation in the city with the notice appearing at least ten days in advance of the public hearing.~~

~~c. Neighborhood specific design review criteria. The Planning and Development Board is authorized to approve specific design review criteria for identified neighborhoods in the city and to apply the criteria in its review of plans for design approval. The Board shall only approve Neighborhood Specific Design Review Criteria after a public hearing has been held. Public notice requirements shall be by notice in a newspaper of general paid circulation in the city with the notice appearing at least ten days in advance of the public hearing. This process shall also apply to amendments.~~

~~5. Decision of the Board.~~

- ~~a. The Board shall approve, approve with conditions or deny applications. The Board may require such changes in said plans and specifications that in its judgment may be requisite and appropriate to the maintenance of a high standard of architecture, as established by the criteria contained in § 5.3.I.4. herein and as specified in the City's Comprehensive Plan and other specific plans adopted by the city and the Board.~~
- ~~b. Upon a decision on an application by the Board, the Department of Planning and Development Services shall send a letter along with the Board's resolution setting forth its decision to the applicant.~~
- ~~c. Clarification hearing. Should a question arise as to compliance with the conditions as outlined by the Board, a clarification hearing before the Board may be called at the request of the Planning and Development Services Department. The issue at such hearing shall be limited to a clarification of the Board's decision.~~

~~6. Building permit application.~~

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

~~J-K.~~ Text Amendments of the Zoning and Land Development Regulations.

1. Filing of petition. A petition for an amendment to the text of the City's Zoning and Land

Development Regulations ~~shall be submitted to the Department of Planning and Development Services on a form provided by the Division. A petition~~ may be filed by any of the following:

...

- c. City Manager or ~~his/her~~ designee.

Upon receipt of a completed petition, the petition shall be scheduled before the ~~Secretary of the Board~~ Liaison as a public hearing and the public shall be given notice according to the notification procedures set forth in this section. The Secretary of the Board Liaison may request written commentary relating to the said petition by the responsible enforcing official and request the attendance of such official or ~~his/her~~ qualified representative at such hearing.

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L. ~~K.~~ Petition for cChange of Zoning District (Rezoning).

1. Filing of petition. Petitions for change of zoning district (rezoning) shall be submitted to the ~~Department of Planning and Development Services on a form provided by the Division. A petition~~ Division of Planning and Urban Design on forms provided by the Department. Such petitions may be filed by the following:

- a. Property owners. The owner or owners of any parcel of land in the City ~~city~~ may file a petition for change of zoning district. No petition shall be accepted without the actual legal and beneficial ownership of the subject property indicated on the petition, and any petitions acted on without such information shall be null and void.
- b. City. The City Commission, the City Manager or designee, or and the Planning and Development Board, may file a petition for change of zoning district with respect to any land within the City~~city~~.

2. Procedures. In reviewing a request for a change of zoning district, the Board shall consider the following criteria:

...

- c. That conditions have substantially changed from the date the present zoning district classification was placed on the property that ~~which~~ make the ~~passage of the~~ proposed change necessary;

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...

4. Further petitions after withdrawal or denial of initial petitions.

- a. Except as set forth in division § 5.3.F.1.b. ~~herein~~, when any petition for change of zoning district is withdrawn after the initial public hearing by the petitioner or is

denied by the City Commission, no other identical petition for change of zoning district on the same property shall be considered within one year from the date of such withdrawal or denial.

...

~~L.~~ M. Appeal from administrative decisions. The Planning and Development Board shall hear, decide and rule upon appeals filed by any party in interest aggrieved by an order, decision or interpretation by the pertinent officials of the Citycity, in the enforcement of the terms and provisions of any of the Zoning and Land Development Regulations, as amended from time to time. Any appeal of an administrative decision shall be made pursuant to § 5.7 of this Article.

~~M.~~ N. Appeal of Planning and Development Board decisions. Any appeal of a decision by the Planning and Development Board shall be made pursuant to § 5.7 of this Article.

~~N.~~ O. Zoning in progress. During the period of time that a petition for either a text amendment to the Zoning and Land Development Regulations or change of zoning district is under consideration, no permit(s) of any kind shall be issued if such permit would result in the nonconforming or unlawful use of the subject property should the petition for change be finally enacted by the City Commission, subject to the following conditions:

...

§ 5.4. Administrative Decisions Variance.

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

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

A. Division Authority. The Director of Development Services or designee, after consulting with the Community Redevelopment Agency ("CRA"), if the application is within a CRA District, shall have the authority to approve, approve with conditions, or deny an application for the requests listed in this subsection.

The Historic Preservation Board, or staff, shall review the applicable building permits under the Design Procedures for projects that are within single family districts that are locally designated historic districts or historically designated sites.

B. Notice. All owners of property within 300 feet of the parcel upon which a variance is requested are notified of the application and their right to protest such request in writing within ten calendar days of the mailing of such notice. The protest letter shall state the reasons and justification for the protest.

A Summary Notice sign, as per Section 5.1(D), Shall be posted and affixed to the property in a visible location to the public for the duration of the application request.

C. Appeal from an administrative decision. Any appeal of an administrative decision by the Director relating to administrative variances or site plan approval shall be made pursuant to § 5.7 of this Article.

1. Any protest received in response to such notice within ten calendar days of the date of mailing shall prohibit any administrative approval pursuant to this section. Receipt of a written protest in response to the notice within the time limit shall allow the applicant to file an application, together with the required fee, for a regulatory variance and be placed on the next available Board agenda. Notice is required to be provided only to the person(s) who protested the administrative decision.

D. In instances where conflicts arise between the Zoning and Land Development Regulations and the Code of Ordinances, where substantial compliance is unattainable without a variance, the Director of Development Services or their designee is authorized to render an Administrative Decision. This decision, made with consideration of the less restrictive measure, is permissible provided that conformity is maintained with either the Zoning and Land Development Regulations or the Code of Ordinances.

1. Administrative Variance. A variance of no more than 25 percent, not to exceed five feet, of the minimum site area, minimum plot width, minimum setback, maximum coverage, horizontal encroachments, vertical projections, requirements applicable to a parcel may be approved by the Director of Development Services or designee without review by the appropriate Board, provided that:

a. The applicant files an application for Administrative Variance with the Division of Planning and Urban Design as set forth in this article.

b. The petition is only associated with Administrative Decisions and not associated with any other requests, including but not limited to Design and Site Plan.

c. The Director of Development Services or designee finds, following review that

a specific development plan illustrating the request for such proposal is consistent with already existing development patterns within the surrounding area and with the standards listed in the Zoning and Land Development Regulations.

2. Administrative Site Plan. Site plans for minor development projects entirely in compliance with the Zoning and Land Development Regulations shall be reviewed and a decision for approval or denial shall be made by the Director of Development Services or designee. Applications for Administrative Site Plans review may, at the discretion of the Director or designee, include a full or scoped review from the Development Review Committee.

a. Applicability.

(1) The following development projects shall be required to receive an administrative decision and may include conditions at the discretion of the Director or designee as to site plan review:

(a) Rehabilitation of existing facades.

(b) New and existing residential. All residential development projects that involve construction of more than 4 units up to 10 dwelling units on a single parcel (except in Historic Districts or Sites).

(c) Construction or reconfiguration of new or existing at-grade parking lots.

(b) Nonresidential. All development projects exempt under Article 2, § 6.19 or resulting in a change of 10 percent or less of the site area; or projects where there are changes to the on-site traffic circulation patterns.

(e) Additions to existing building(s) when on-site traffic circulation patterns are not impacted.

(f) Installation of any mechanical or plumbing equipment that is visible from the public right-of-way. This review is limited to methods of screening the equipment from public view.

(g) Installation of outdoor dining, seating, and covered/uncovered patio areas in association with a legally established nonresidential use, including modifications and expansions of existing rooftop terrace areas.

(h) Any automobile oriented uses or developments or accessory uses or structures including automobile repair (major or minor), automobile wrecking, or salvaging.

(g) Temporary uses including Farmer's market or pop-up installations.

pursuant to the conditions of Chapter 100, §100.06 of the City of Hollywood Code of Ordinances.

(h) Any other construction that in the discretion of the City Manager or designee is similar in size and impact as the work listed above, except in Historic Districts or Sites.

b. All other development projects fully in compliance with the Zoning and Land Development Regulations and exceeding the thresholds in a.1. above or found to be substantial in nature, at the discretion of the Director of Development Services or designee, shall be reviewed through the Development Review Committee Site Plan review process, pursuant to the criteria in this subsection.

c. Exemptions. Exemptions to the Administrative Site Plan regulations include all of the following:

(1) New projects of four units or less on one parcel;

(2) Modifications/additions to existing developments that result in a total of four or less units;

(3) Construction and/or change of use affecting required parking:

(a) Existing non-residential developments: Interior remodeling that results in an increase of less than ten parking spaces.

(b) A change of use within an existing building that results in an increase of less than 25% of the number of required parking spaces.

(a) Exterior remodeling to existing non-residential building that results in ten parking spaces or less being required;

(4) Rehabilitations and additions.

(a) Rehabilitation of an existing building when on-site traffic circulation patterns are not impacted.

(b) Additions containing less than 50% of the gross floor area of main existing building when on-site traffic circulation patterns are not impacted;

(5) PEDD Port Everglades Development District. Uses allowable within § 4.17 of the Zoning and Land Development Regulations are exempt from complying with the site plan review procedures;

(6) All permits for new or upgrading, replacing of existing plumbing, electrical, heating, air conditioning, elevators, burglar or fire alarms,

sprinklers and extinguishing equipment, and all other mechanical and electrical equipment when such work is entirely within the interior of the building; however, staff may approve such building permit applications for minor work on the exterior of buildings;

(7) Any permit necessary for voluntary life safety responsive projects or for the compliance with a lawful order by the Chief Building Official, City Engineer or Fire Marshall related to the immediate public health or safety; and

(8) All permits for demolition, interior alterations and repairs not affecting a building listed as a Historic Structure in the City's Historic Property Database or which is designated as a Historic Site.

d. Review criteria. The Division of Planning and Urban Design shall review Administrative Site Plans based upon the requirements of the zoning district and the design criteria below. If the Director of the Department of Development Services or designee determines that an application is not consistent with the criteria, reasons shall be set forth in writing substantiating the finding.

(1) General criteria. All plans/architectural drawings shall be reviewed based upon the evaluation of compatibility with the City's Design Guidelines, including the following elements:

(a) *Architectural and design components.* Architecture refers to the architectural elements of exterior building surfaces. Architectural details should be commensurate with the building mass. Design of the building(s) shall consider aesthetics and functionality, including the relationship of the pedestrian with the built environment. The design should consider architectural elements that are characteristic of the surrounding neighborhood.

(b) *Compatibility.* The harmonious relationship between existing architectural language and composition and proposed construction, including how each building along the street relates to the whole and the pattern created with adjacent structures and the surrounding neighborhood, and with the established and adopted vision for the area.

(c) *Scale/massing.* Buildings shall be proportionate in scale, with a height which is consistent with the surrounding structures, and with the established and adopted vision of the area. Building geometries shall reflect a simple composition of basic architectural details in relation to its length, width, height lot coverage, and setting of the structure in context with adjacent buildings.

(d) *Landscaping.* Landscaped areas should contain a variety of native and other compatible plant types and forms and be carefully integrated with existing buildings and paved areas. Existing mature

trees and other significant plants on the site should be preserved.

(2) Design Guidelines Manual. A Design Guidelines Manual has been established containing recommended approaches to design issues, which shall be adhered to. Amendments to the Design Guidelines Manual shall only be approved after a public hearing has been held. Public notice requirements shall be by notice in a newspaper of general paid circulation in the City with the notice appearing at least ten days in advance of the public hearing.

3. Building permit application.

a. No building permit, Certificate of Occupancy or Certificate of Completion, shall be issued unless all of the plans, including amendments, notes, revisions, and modifications, are consistent with all approved plans. All modifications have to be approved in advanced by the City Manager or designee.

E. Filing of petitions.

1. Application. Application(s) shall be filed on forms provided by the Division of Planning and Urban Design and signed by the owner(s) of the subject property. No application shall be accepted unless the actual legal and beneficial ownership of the subject property is indicated on the application.

2. Application fee.

a. Amount. There shall be an application fee for each application. The amount of the application fee shall be set by resolution of the City Commission as that amount required to reimburse the City for all expenses associated with the petition plus the costs incurred by the City in public notice and property owner notification as required under the Zoning and Land Development Regulations. Before any such application is processed by the City, the application fee shall be paid and the fee is not refundable after the application request has been advertised by the City.

b. Time of payment. The application fee shall be paid at the time the application is filed.

F. Amendments to Administrative Decisions.

1. If the applicant wishes to change the development from the approval of an Administrative Decision Plan in accordance with this section, the amendment will be required to be reviewed as a new development in accordance with the procedure for such development.

G. Time limit. Approvals granted in accordance with the regulations set forth in this section shall become null and void unless the appropriate principal building, or other permit or license is applied for within 24 months of the date of such decision. However, an extension of up to 24 months may be granted in the same manner as the initial request

upon a showing that there has not been a significant change in the circumstances influencing the original approval. Any such application for extension must be filed prior to the expiration of the initial 24 month period. If an extension has been granted, and the applicant has not applied for the appropriate building or other permit or license, or the extension request has been denied, then the approval shall become null and void and the applicant will be required to re-apply for any and all necessary approvals.

H. Procedure for revocation of approval. In the event that property is not used in conformance with the applicable regulations or provisions of an approved petition, such approval is subject to revocation. Revocations shall be made pursuant to § 5.3.E.6.

B. I. Appeal from an administrative decision. Any appeal of an administrative decision by the Director or designee relating to administrative ~~variances~~ decisions shall be made pursuant to § 5.7 of this Article.

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

A. If an application for a development permit is approved or denied by the Development Review Committee or a Board appointed by the City Commission, the City Commission may initiate a CRR to set a hearing to review the application if it is found that the project is in an area that which, due to characteristics of the project and the surrounding area, requires additional review in order to ensure that development standards and criteria have been met and to ensure that the area surrounding the development is protected from the impacts of the development. The process for a CRR is initiated in one of the following ways: (1) if three or more City Commissioners request a review during City Commission comments at a City Commission meeting, ~~which is~~ within 17 days of the Committee or Board's action, then a de novo hearing shall be set in accordance with subsection 5.6B. below; or (2) if three or more City Commissioners file a request for review in writing with the City Clerk within 17 days of the Committee or Board's action, then a de novo hearing shall be set in accordance with subsection 5.6B. below.

B. A de novo hearing for a CRR shall be set no later than the next four City Commission meetings from either the City Commission meeting date where three Commissioners requested such review or no later than the next four City Commission meetings from the date that the City Clerk receives the third Commissioner's request as set forth in subsection 5.6A above. Notice of the hearing shall be given to the applicant and to the public by posting a sign at the subject property at least fifteen (15) days before the hearing in accordance with the requirements of the original request. Review by the City Commission shall be by a de novo hearing supplemented by the record below, and the same standards and criteria applicable to the development permit shall be applied. At the conclusion of the hearing, the City Commission shall take action by either approving, approving with conditions or denying the application.

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§ 5.7. Appeal Procedures relating to Decisions of the Planning and Development Board, Historic Preservation Board, the Development Review Committee, and Administrative Decisions.

A. Appeal of a Planning and Development Board, Historic Preservation Board, or Joint Board decision. Except as provided in § 5.6 above, any appeal of a decision by the ~~Planning and Development Boards~~ must be made as follows:

1. The City Manager, or the Executive Director of the CRA when the decision involves a project within ~~a the Executive Director's said~~ CRA District, may file an appeal within ten days of the date of such decision or ruling. In computing the prescribed period of time ~~prescribed~~, the day of the Board's decision or ruling from which the designated period of time begins to run shall not be included. If the tenth day falls on a Saturday, Sunday, or legal holiday, the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. On the day following the Board meeting, the ~~Department of Planning and Development Services~~Division of Planning and Urban Design shall notify each member of the City Commission of a decision of the Board. Should the City Manager or the Executive Director of the CRA wish to appeal a decision of the Board, a notice must be filed with the ~~Department of Planning and Development Services~~Division of Planning and Urban Design within the aforementioned ten-day period. Upon receipt of such notice, the ~~Department of Planning and Development Services~~Division of Planning and Urban Design will notify the City Clerk who shall schedule the appeal before the City Commission. Public notice requirements shall be the same as those set forth in § 5.7.F. of this Article. ~~Should a~~Any member of the City Commission wishing to review a Board's decision, ~~he/she~~ shall follow the CRR procedure set forth in § 5.6 above.
2. Any person who appeared on the record at the Board meeting and who has filed written notice of his/her position prior to the Board's ruling may file an appeal of an adverse ruling as set forth in ~~division-subsection~~ A.5. below.
3. Any appeal filed pursuant to ~~division-subsection~~ A.1 or A.2 above must be made on a form provided by the ~~Department of Planning and Development Services~~Division of Planning and Urban Design and, if filed pursuant to ~~division-subsection~~ A.2 above, be accompanied by the applicable filing fee as established by resolution of the City Commission.
4. In the absence of any CRR or timely appeal pursuant to ~~division-subsection~~ A.1 or A.2 above, the decision or ruling of the Board shall be final.
5. Appeals brought pursuant to ~~division-subsection~~ A.2 above shall be processed as follows:
 - a. An appeal of a ruling of the Board ~~that-which~~ results in the requested development being allowed to go forward as requested in the application shall be to a court of competent jurisdiction by petition for writ of certiorari within 30 days of the Board's decision.
 - b. An appeal relating to a ruling of the Board ~~that-which~~ results in the requested development not being allowed to go forward shall be to the City Commission and must be filed within ten days of the date of such decision. In computing the prescribed period of time ~~prescribed~~, the day of the Board's decision or ruling from which the designated period of time begins to run shall not be included. If the tenth day falls on a Saturday, Sunday, or legal holiday, the period shall run until the end

of the next day which is neither a Saturday, Sunday or legal holiday.

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~~B. Appeal of decisions by the Planning and Development Board relating to Variances. Any appeal of a decision by the Planning and Development Board relating to Variances shall be in accordance with the procedures set forth in § 5.7.A. of this Article.~~

~~C. Appeal of decisions by the Historic Preservation Board. Any appeal of a decision of the Historic Preservation Board shall be in accordance with the procedures set forth in § 5.7.A. of this Article.~~

~~D.B.~~ Appeals of an Development Review Committee decision or administrative decision by the Director. Any party in interest aggrieved by an administrative decision by the ~~an~~ Development Review Committee or administrative decision by the Director of the Division of Planning and Urban Design authorized under this Article, may file an appeal to the applicable Board. Such appeal must be filed within 30 days of the administrative decision, shall be in writing, on a form provided by the ~~Department of Planning and Development Services~~Division of Planning and Urban Design, and shall specify the grounds for such appeal. The appeal form shall be accompanied by the applicable fee as established by resolution of the City Commission. Upon receiving an appeal from an administrative decision, the ~~Department of Planning and Development Services~~Division of Planning and Urban Design shall schedule a public hearing before the applicable Board. Notice of the public hearing shall be as prescribed in § 5.7.F. of this Article.

1. Stay of proceedings. An appeal of an administrative decision by a party of interest, other than the City-city, shall not automatically stay proceedings in furtherance of the action appealed. However, an appellant may file a request to stay proceedings pending the appeal. Upon receiving such request for a stay, the Board, in its discretion, may grant, modify or deny such relief. The Board may in its discretion require the applicant to post a bond ~~that which~~ complies with the requirements set forth in Rule 9.130, Florida Rule of Appellate Procedure, during the pendency of the appeal.
2. Decision of the Board. The applicable Board shall hold a public hearing on an appeal of a Development Review Committee or administrative decision by the Director of the Division of Planning and Urban Design or designee from an administrative decision, and may reverse or affirm, wholly or in part, or may modify the ~~administrative~~ decision appealed as is deemed to be proper, and to that end shall have all the powers of the official from whom the appeal is taken. The Board shall adopt a resolution setting forth the action of the Board, including any requirement or interpretation made by the Board relative to the mattercase. A copy of the resolution shall be mailed to the appellant and submitted to the City Clerk. Such resolution shall be authorization for any approval, permit or license incidental to any use of the land or building as set forth in the resolution. The decision of the Board may be appealed to the City Commission pursuant to § 5.7.A. of this Article.

~~E.C.~~ Development approval challenges.

1. Purpose. To provide for a limited extension of the effective period of development approvals issued by the City-city when third parties file challenges to such approvals, or file challenges to other permits or approvals issued for the development project, which challenges, if upheld, would prevent the developer from proceeding with the development as approved, in order to enable the property owner to have a reasonable time to develop the project after the third party challenge is concluded.
2. Definitions. For ~~the~~ purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEVELOPMENT APPROVALS. Approvals for the development of real property in the City of Hollywood granted by the City-city, through its City Commission, Planning and Development Board, Historical Preservation Board, Development Review Committee, or other committee or individual with the authority under the Zoning and Land Development Regulations or Code of Ordinances to issue such approvals, including, without limitation, site plan approvals, variances, special exceptions and design review approvals, which approvals have an Effective Period as defined below.

EFFECTIVE PERIOD. That period for which a Development Approval is valid as set forth in the City of Hollywood Zoning and Land Development Regulations, Code of Ordinances or in a ~~R~~resolution or ~~R~~ordinance granting a Development Approval.

THIRD PARTY CHALLENGES. Challenges to permits or approvals by the City-city or state or federal or local agency, or the South Florida Water Management District, filed by a party other than the City-city, or the developer or owner of the property for which such permit or approval has been granted, which challenges are prosecuted by writ of certiorari, by administrative judicial appeal, or by original action.

3. Extension of the effective period of development approvals. When a third party challenge is filed, the Effective Period of the Development Approval for the property that is the subject of the challenge, shall be extended for a time period ~~which is~~ equal to the number of days of the time period beginning on the date that the third party challenge is filed and ending on the date that all appeal periods expire with respect to a final determination of the third party challenge.

...

F.D. Public notice of appeals. When an appeal from a decision of a Board or the Director of the ~~Department of Planning and Development Services~~Division of Planning and Urban Design is filed, the following notice procedures shall be followed:

1. When notice and notification are required, the following shall apply:
 - a. Notice of the public hearing shall be published at least ten days prior to the date of the public hearing in a newspaper of general circulation in the City-city.

...

- d. The mailing of notice to individual property owners, whose addresses are indicated

on the records of the tax assessor to be within Broward County, as set forth in this Article, shall not be required in any change of zoning district involving 500 or more parcels, as indicated on the records of the assessor, provided that the City-city, in addition to publishing the required notice, shall publish, in conjunction with the required notice, in a newspaper of general circulation within the City-city, a map of the entire area affected by the petition with the existing and proposed zoning classification clearly indicated therein.

§ 5.8. Zoning Relief Procedures. Reserved

~~In order to comply with federal and state laws in implementing this Code and to avoid the possibility of costly litigation, zoning relief from this Code may be granted by the City Commission pursuant to this Section. This zoning relief shall include, but not be limited to, reasonable accommodations under the Fair Housing Act and Americans with Disabilities Act.~~

- ~~A. Application. A person or entity shall request relief under this Section prior to filing a lawsuit, by completing a General Application form, which is available from the City's Department of Planning and Development Services. The form shall contain such Questions and requests for information as are necessary for evaluating the relief requested.~~
- ~~B. Notice. The city shall display a notice in the city's public notice bulletin board and shall maintain copies available for review in the Department of Planning and Development Services and the City Clerk's Office. The notice shall advise the public that a request for zoning relief under a federal or state law is pending. The location, date and time of the applicable public hearing shall be included in the notice. Notice shall also be provided to property owners within 500 feet, if the request for relief is site specific.~~
- ~~C. Hearing and determination. The City Commission shall have the authority to consider and act on requests for zoning relief submitted to the City Manager or his/her designee. A public hearing shall be held at the next available regular or special City Commission meeting. A decision on the request for relief shall be made no later than seventy-five (75) days following the receipt of the request. During the public hearing, the City Commission shall solicit comment and information from the public, to be taken under advisement, and shall decide whether to grant the requested relief. A written determination shall be issued by resolution no later than seven (7) days after the hearing on the request for relief. The determination may: (a) grant the relief requested, (b) grant a portion of the request and deny a portion of the request, or impose conditions upon the grant of the request, or (c) deny the request. Any determination denying the requested relief shall be final, shall be based on substantial competent evidence, shall be in writing, and shall state the reasons the relief was denied. The final written determination shall be sent to the requesting party by certified mail, return receipt requested.~~
- ~~D. Additional information. If necessary prior to the public hearing, the city may request additional information from the requesting party, specifying in sufficient detail what information is required. In the event a request for additional information is made to the requesting party by the city, the seventy-five (75) day time period to issue a written determination shall be extended to ninety (90) days, to include the time necessary to seek~~

~~the additional information. The requesting party shall have fifteen (15) days after the date the information is requested to provide the needed information. If the requesting party fails to respond to the requested additional information within fifteen (15) days after the city's request for additional information, the city shall notify the requesting party and proceed with the hearing and issuance of its final written determination regarding the relief requested.~~

~~E. Criteria. In determining whether the zoning relief request shall be granted or denied, the applicant shall be required to establish:~~

- ~~1. The applicant is a potential claimant under a federal or state law; and~~
- ~~2. The applicant believes in good faith that the city through implementation of its Zoning and Land Development Regulations has intentionally or unintentionally violated federal or state law for the reasons stated in the Zoning Relief Request. The law(s) the city has allegedly violated shall be identified, and the ways in which they have been allegedly violated by the City's Zoning and Land Development Regulations shall be explained with specificity.~~

~~F. Exhaustion required. Completion of the zoning relief procedures shall be a supplement to, and not a substitute for, any other pre-litigation dispute resolution processes available by law to the city or the applicant. Completion of the zoning relief procedures shall evidence the exhaustion of all administrative remedies available from the city.~~

~~G. Fees. An application fee of \$300 shall be provided with the request for zoning relief. The fee is intended to defray administrative costs incurred to review the request, including costs of notice. The city shall have no obligation to pay a requesting party's attorney fees or costs in connection with the request for zoning relief.~~

~~H. Effect while pending. While an application for zoning relief, or appeal of a determination of same, is pending before the city, the city will not enforce the subject zoning ordinance, rules, policies, and procedures against the requesting party, except the city may seek injunctive relief if an imminent threat to the health, safety and welfare of the public is present.~~

Section 7: That Article 6 of the Zoning and Land Development Regulations entitled "Article II: Technical Review Process for Site Plans" is hereby amended as follows:

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

ARTICLE II - TECHNICAL DEVELOPMENT REVIEW PROCESS FOR SITE PLANS

* * *

§ 6.18. Purpose.

The purpose of this review procedure is to encourage a more desirable and compatible character of development within the City-city and to promote logic, imagination, innovation and variety in the design processes related thereto.

§ 6.19. Applicability.

A. The following development projects shall be required to be submitted receive to the technical Development Review Committee for site plan review to evaluate the technical merits of the project of the site plan for the project as set forth in § 6.22 of this Article:

1. New residential. All new residential development projects ~~thatwhich~~ involve construction of ~~five or~~ more than ten (10) dwelling units on a single plot.

...

3. Existing residential. All modifications to existing residential development projects ~~thatwhich~~ result in a total of ~~five~~ten (10) or more dwelling units on a single plot.

4. Existing nonresidential. All ~~exterior~~ modifications to existing nonresidential development ~~projects which~~ involves the development of over 10 percent of the property; result in a change in the building footprint; or alterations to on-site traffic circulation patterns.

B. The following projects or developments shall be exempt from the provisions of this Article but may be subject to Administrative Site Plan review pursuant to Article 5, subsection 5.4, irrespective of cost, where such projects or developments are not required by City-city regulations or as a condition of specific City-city review:

...

5. Developments ~~thatwhich~~ meet the following criteria:

a. Residential exemptions.

~~(1) Single family or duplex residential.~~

~~(2)(1)~~ New development projects of ~~four units or less~~ ten (10) or less units on one parcel.

~~(3)(2)~~ Modifications/additions to existing developments ~~that~~**which** result in a total of ~~four-ten (10)~~ or less units.

b. Non-residential exemptions. Existing vacant commercial, office or industrial buildings containing less than 20,000 sq. ft. ~~or less~~ of floor area.

c. Construction and change of use ~~that,~~**which** affect required parking-:

~~(1) New non-residential projects: New construction requiring an increase of ten parking spaces or less.~~

~~(2)(1) Existing non-residential-protects developments: Interior remodeling which results in an increase of ten parking spaces or less. Modifications that involves development of ten (10) percent or less of the site area.~~

~~(3)(2)~~ A change of use within an existing building ~~that~~**which** results in an increase of less than more than 25 50% but less than 50% of the number of required parking spaces.

~~(3) At-grade parking lots.~~

~~(4) Exterior remodeling to existing non-residential building which results in ten parking spaces or less being required.~~

d. Rehabilitations and additions-:

(1) Rehabilitation of an existing building when ~~the cost of the work is less than 50% of the assessed value.~~ on-site traffic circulation patterns are not impacted.

(2) Additions ~~that~~**which** contain less than 50% of the gross floor area of main existing building when on-site traffic circulation patterns are not impacted.

...

§ 6.20. (RESERVED)

§ 6.21. Preapplication Conference.

A preapplication conference with the ~~Department of Planning and Development Services~~Division of Planning and Urban Design staff shall be required prior to the preparation and submission of any site plan required pursuant to this Article. The purpose of this conference shall be for the staff and applicant to discuss overall community goals, objectives, policies and codes ~~as~~ related to the proposed project and to discuss the technical review procedures of the site plan and development review process.

The pre-application conference shall include, at the discretion of the Director of Development

Services or designee, members of the Development Review Committee. Staff will prepare a checklist of required deliverables, materials, and plans that will constitute a complete application at the time of formal submission.

An application for a preapplication conference shall include:

A. An ALTA survey based on the current title work, dated after the Ownership and Encumbrance Report. The survey must be certified and extend to the centerline of all adjacent streets and alleys. The survey of the site shall include the following:

1. Angles and bearings, including light and utility poles, catch basins, manholes, and fire hydrants.
2. Natural features (topography: existing and proposed contours and/or spot grades)
3. The location of buildings, including the location and size of berms and walls.
4. The location of underground facilities.
5. The location of intersections, bridges, sidewalks, driveways, curbs and streets.
6. Abutting and internal streets and their widths, including existing curbcuts/driveways to the surrounding properties within 100 feet.
7. Easements and/or dedications with O.R. or plat book(s) and page number(s) provided.
8. In square footage and acreage, identify the net size of the property and if proposing residential or hotel include the gross size of the property.
9. If the project is in the Regional Activity Center, the survey shall include the existing number of residential units or hotel rooms and/or commercial or office square footage.

B. A location map shall be provided on the site plan sheet and/or cover sheet.

C. The site plan shall include the following categories and shall set forth the information required under each category:

1. Title block.

a. Development name, address or general location description, site plan date and all subsequent revision dates.

b. Architect's and/or Engineer's name, address and telephone number.

2. Tabular information.

a. Legal description of the subject property including but not limited to the

subdivision name, plat book and page number, lot and block, or metes and bounds information if unplatted.

b. Current Land Use and Zoning designations. If applicable, requested Land Use and Zoning designation(s).

c. Identify required and provided amounts for pervious and impervious areas in square footage, acreage and percentage. When applicable: buffer area, landscape area, building footprint, walkways, vehicular use area, recreation area, etc. (include calculations where necessary) shall be provided.

d. Height of structure(s) in accordance with § 6.22.D.5.

e. A note stating the maximum foot-candle level at all property lines.

f. A residential site plan shall include:

(1) Net and gross size of site including square footage and acreage;

(2) Total floor area of each type of residential unit including a breakdown of air conditioned and non-air conditioned space (i.e. balconies, garages, terraces, etc.);

(3) Number of dwelling units in each building including the number of bedrooms/bathrooms for each unit type;

(4) If the subject property is a zero lot line, site widths as measured along the chord at the frontage is required;

(5) Total square footage of each building or structure;

(6) Total floor area of any recreation building;

(7) Number of parking spaces provided and required, including loading, guest and handicapped spaces, and the methods of calculation; and

(8) Total number of allowed and proposed dwelling units and density per acre (including calculation).

g. A Non-Residential Site Plan shall include:

(1) Net size of site, including square footage and acreage;

(2) Total gross floor area of building including a breakdown of common areas such as restrooms, power equipment rooms, and meter rooms; and

(c) Number of parking spaces provided and required, including loading and handicap parking spaces and methods of calculation.

§ 6.22. Site Plan Review.

- A. A proposed site plan shall be submitted to the ~~Department of Planning and Development Services~~Division of Planning and Urban Design and that will be forwarded to the ~~Technical Advisory Development Review~~ Committee following the preapplication conference. The purpose of this submission shall be for review of the basic design quality of the proposed development.
- B. The ~~Department of Planning and Development Services~~Division of Planning and Urban Design shall be responsible for the overall coordination and administration of the development site plan review process, including site plan review.

For purposes of considering an application pertaining to review of a site plan, a ~~Technical Advisory Development Review~~ Committee shall be created and composed of representatives from the following administrative departments/divisions of the City-city:

1. Police Department,
2. Fire Department,
3. Public Utilities,
4. ~~Department of Planning and Development Services~~Division of Planning and Urban Design,
5. Engineering Division,
6. Public Works,
7. Parks, Recreation and Cultural Arts,
8. Code Enforcement,
9. and other divisions of the city administration as determined by the City Manager.
10. In addition, if the project is within a CRA District, the respective Executive Director of the CRA District will participate in the review process.

The ~~Development Review Coordinator~~Division of Planning and Urban Design shall chair, coordinate and administer the ~~Technical Advisory Development Review~~ Committee.~~In order to consider an application for~~ If required, as part of the Development Review Committee's site plan review process, the Technical Advisory Committee shall hold a meeting with the applicant to review the proposed site plan will be held prior to the approval of the application. ~~Upon a finding by the Development Review Coordinator that a complete final site plan application packet has been submitted, notification to the property owners within 500 feet of the proposed development in which the proposed project is located, shall be mailed and said notification shall inform all interested parties that they may review a copy of the proposed final site plan located within the Department of Planning and Development~~

~~Services and at other designated locations by the city.~~

The Development Review Committee is not a decision-making body and is to be created solely for the purpose of fact-finding and information gathering on proposed development proposals. Reviews are carried out based on the merits of an application with regard to the specific policies and codes governing the respective disciplines that make up the membership of the committee. The committee does not vote or weigh options to come to a decision, and a recommendation may be made with conditions to the Local Planning Agency or Director of Development Services or designee.

- C. An application for technical review of a site plan shall be in writing and in such form and content as prescribed below. Any such application must contain the consent of the property owner, or be submitted by the Florida Department of Transportation to address nonconformities that may result from a FDOT ~~US 441/SR 7~~ corridor improvement project. The application form may be obtained from the ~~Development Review Coordinator~~Division of Planning and Urban Design.

Within 15 days of receiving an application or a supplement to a pending application, the ~~Department of Planning and Development Services~~Division of Planning and Urban Design shall determine and notify the applicant whether the information in the application is sufficient to enable the Technical Advisory Committee to review the site plan or shall request any additional information needed. The applicant shall either provide the technical information requested or notify the ~~Department of Planning and Development Services~~Division of Planning and Urban Design in writing that the information will not be supplied and the reasons ~~thereof~~therefore. If the applicant does not respond to the request within 120 days, the application for technical review of the site plan approval will be deemed withdrawn. Within 35 days after acknowledging receipt of a sufficient application, or of receiving notification that the information will not be supplied, the ~~Technical Advisory Development Review~~ Committee shall make a recommendation to the Planning and Development Board to approve, approve with conditions, or deny the site plan, with the reasons thereof;or shall make a recommendation to the Planning and Development Board or Historic Preservation Board with respect to the proposed development. ~~Upon receiving the recommendation of the Technical Advisory Committee, the Director of the Department of Planning and Development Services shall set the site plan for a public hearing at the next available meeting of the Planning and Development Board. Notification of said meeting shall be in accordance with the notification procedures set forth in Article 5 of the Zoning and Land Development Regulations.~~

D. Decisions of the Development Review Committee.

1. In considering a final site plan of development projects fully in compliance with the Zoning and Land Development Regulations, the Development Review Committee may recommend approval, approval with appropriate conditions, stipulations and/or limitations deemed necessary to protect adjacent properties and the public interest, or recommend denial of the site plan to the Director of Development Services or designee. Such decisions shall be made through the Sign-off Process, where applicants shall satisfy all comments and applications are deemed substantially compliant by each discipline within the Development Review Committee.
2. In considering a final site plan for development projects requiring Board or City Commission consideration, the Development Review Committee shall make a

recommendation to the Planning and Development Board, Historic Preservation Board, or City Commission to approve the request, approve with condition(s), or deny the site plan.

3. If the Development Review Committee grants a petition, the Division of Planning and Urban Design shall send a letter setting forth the granted request along with any conditions, stipulations, safeguards, or limitations (including without limitation, covenants running with the land) prescribed by the Development Review Committee, as deemed necessary to further the purpose of the zoning district or compatibility with other property within the vicinity. A copy of the letter shall be mailed to the petitioner and to any enforcing official involved and a copy shall be recorded in the Public Records of Broward County, Florida. Such letter granting the request, in addition to the execution and recordation of any required covenant, shall be authorization for any approval, permit or license incidental to any use of land or buildings as set forth in the letter. If the Development Review Committee denies the request, the Development Review Committee shall send a letter setting forth the reasons for denial.

DE. Preliminary s~~Site plan requirements. At the time an application for site plan review is submitted to the Department of Planning and Development Services~~Division of Planning and Urban Design for review by the ~~Technical Advisory~~Development Review Committee, the site plan(s) shall be signed and sealed by the appropriate design professionals, shall be fully dimensioned and the following information shall be included in the site plan application packet: The Division of Planning and Urban Design, in consultation with the Development Review Committee, shall outline the specific studies/information required, noted below, that will be required to constitute a complete submission. The terms of reference for the required studies can be found with the Division of Planning and Urban Design. The Division of Planning and Urban Design may request additional special studies as required:

...

2. An ALTA survey based on the current title work, dated after the Ownership and Encumbrance Report. The survey must be certified and extend to the centerline of all adjacent streets and alleys. The survey of the site shall include the following:

...

- j. Provide location and description chart of all existing trees and palms on site, including those in the swale (ROW).

...

4. The site plan shall include the following categories and shall set forth the information required under each category:

...

- b. Tabular information.

...

- (4) Height of structure(s) in accordance with § 6.22.D.5—~~herein~~.

...

c. Zoning Information.

...

- (9) Appropriate regulatory signage and pavement markings ~~that~~**which** must comply with the standards set forth in the Manual of Uniform Traffic Control Devices;

...

d. General information.

(1) the overall site plan for the project showing:

(a) all existing elements, uses and properties adjacent to the site.

(b) features of City streets and alleys within full City right-of-way from property line to adjacent property lines (Including but not limited to swales, sidewalks, gutters along entire property frontage, edge of pavement and any adjacent features such as neighboring driveways etc. on both sides of the street or alley.

- ~~(1)-(2)~~ If the subject property is designated as environmentally sensitive (urban wilderness, LAPC or MNRA), provide a survey that has been prepared no more than 30 days prior to the date of submittal ~~that~~**and** is signed and sealed. Provide in tabular form, trees to remain, to be removed, relocated or ~~that~~**which** will incur dripline encroachment because of site development.

- ~~(2)-(3)~~ If the site has wetlands, provide applicable permits from outside permitting agencies.

- ~~(3)-(4)~~ If the subject property is not environmentally sensitive, a tree sketch identifying all trees that are two inches in diameter at breast height ("DBH") or more, shall be provided and must show the location of existing trees. In addition, information must be provided in tabular form (botanical name, common name and caliper measurement) showing the trees ~~that~~**which** are to remain, be removed, relocated or designating which trees will incur dripline encroachment due to the site development. Clumps of nuisance species trees can be located as clouded area on the sketch.

- ~~(4)-(5)~~ Placement of trees in the utility easements must be approved by the City's Engineering Division, Department of Public Utilities and the City's Arborist.

...

~~E. Final site plan review by the Technical Advisory Committee. After the preliminary site plan review and prior to submission of the site plan to the Planning and Development Board, the applicant shall submit the information required by the Technical Advisory Committee based upon the preliminary site plan review. Further, the following additional information shall be submitted to the Department of Planning and Development Services for final site plan review by the Technical Advisory Committee:~~

~~4.7.~~ Floor plans. Each room/parking area shall be completely dimensioned and all exterior dimensions shown. If floors/buildings are compatible, a typical floor plan or unit plan shall be provided (excluding parking areas).

~~2.8.~~ Landscape plan.

...

- d. ~~For irrigation~~ Irrigation systems, a note indicating 100% irrigation coverage will be provided.

3.9. Wildlife Protection.

- a. The development of any existing natural land areas in excess of one acre in the ~~City-city~~ requires the developer to be fully responsible for the safe capture and relocation of any established animal populations, and to ensure no negative impact upon surrounding properties and residents. The developer at their expense shall be required to:

...

- (2) A ~~City-city~~ approved action plan must be completed prior to issuance of any land clearing, demolition or construction permits being issued.
- (3) The total dollar amount identified in the consultant's report shall be placed in an escrow account to be held and utilized by the ~~City-city~~ to implement the animal relocation plan.
- b. The ~~City-city~~ shall utilize the escrow funds to contract with a qualified animal capture/relocation expert who will implement the described animal relocation plan under the direction and supervision of the ~~City'scity's~~ Animal Control Officer.
- c. All steps necessary will be taken by the developer, relocation contractor and ~~City city~~ to ensure both the animals' safe capture and relocation, as well as no detrimental impact upon surrounding residents and properties.
- d. Any additional required costs which arise during implementation of the animal relocation plan ~~thatwhich~~ were not identified in the original consultant's report, shall be described when recognized and paid for by the developer.

10. A Civil Site Plan, including but not limited to indicating the following:

- a. Identification of all existing easements and referencing of recorded documents (i.e. OR book & page),**
- b. Right-of-way adjacent to parcel including labels, width, and referencing of recorded documents,**
- c. Concrete, pavers, and asphalt clearly identified,**
- d. Driveway connections that are dimensioned to established survey reference points (i.e. property corners),**
- e. Abbreviated legal descriptions for adjacent parcels,**
- f. Location of existing and proposed fire hydrants,**
- g. Finished floor elevation for all buildings, including all existing buildings referenced in NAVD 88,**
- h. Impervious and pervious areas, both in terms of area and percentage,**
- i. Dimensions from existing above-ground features to proposed site improvements,**
- j. Location of dumpsters and other waste receptacles with dimensions from and to easements and existing underground utilities,**
- k. Compliance with applicable accessibility code including:**
 - (1) accessible parking spaces and ramps**
 - (2) accessible path(s) from parking spaces and/or areas**
 - (3) accessible path(s) from adjacent ROW, such as sidewalks adjacent to the subject property**
 - (4) Location of accessible parking signs. These signs should be design to be located at the rear of sidewalks to the extent possible.**
- l. Sight triangles are identified and clear of obstructions,**
- m. Site related details located on a separate sheet(s),**
- n. Vehicular turning radii with adequate vehicular circulation for fire trucks,**
- o. All drainage must be maintained on site,**
- p. Accessible ramps on sidewalks adjacent to the property,**

g. Utilities, such that:

(1) Existing utility locations, on-site and off-site

(2) Proposed utility locations and connections, on-site and off-site

r. Sidewalk/pedestrian path connectivity,

s. Bike facilities,

t. Pavement restoration, such that all relevant streets/alleys adjacent to the development site are to be full width mill and resurfaced

4.11. Utilities Plan~~Public utilities requirements. A schematic drainage plan~~ shall show the following:

a. The location of existing and proposed potable water, **fire service**, and sewage collection facilities **onsite and offsite**.

b. ~~The p~~**P**roposed point of connections to existing water and sewer facilities.

c. Include limits of any existing City water main and/or sanitary sewer infrastructure to be removed and/or modified.

~~d. The estimated flows and calculations.~~

d. Show location of all existing utilities in vicinity of the proposed improvements.

e. Ensure the provision of the size and material of all existing/proposed Water & Sewer lines that service the parcel.

~~f. Delineate direction of drainage flow.~~

~~c.f. The p~~**P**roposed new utility**ies** easements, if applicable.

g. Tabulated summary of the estimated water and sewer demand flows calculations.

~~e.h.~~ Schematic Water Distribution, Sewage Collection and Drainage plans including proposed locations, materials and diameters of piping systems, manhole locations, lift stations, point of sewer connection to the **City'scity's** system, **water taps, backflow preventers, water meters, sewer laterals, sewer cleanouts, etc.,**
~~proposed drainage outfall connection.~~

~~i. Location and sizes of existing storm drain pipes and headwalls.~~

i. Standard Water and Sewer details.

~~j. Location of proposed manholes, drainage swales and catch basins.~~

...

5.12. Drainage Plan shall include the following: ~~Drainage information shall be provided pursuant to the requirements set forth in the City's Comprehensive Plan, as amended from time to time.~~

- a. Existing and proposed average site grades and private road grades, corners, and floor elevation of proposed buildings, elevations of decks, back of sidewalks, driveways, impervious areas, garages, parking areas, retaining walls, seawalls, etc.
- b. Existing and proposed drainage manholes, catch basins/inlets with rim and invert elevations, exfiltration trenches, drainage wells, outfall connections.
- c. Finished Floor Elevations of all enclosed areas on ground floor based on most stringent FEMA FIRM or Broward County Future Conditions Flood Maps in effect. All elevations shall reference NAVD 1988.
- d. Illustrate direction of proposed drainage flows, and delineated swales and retention areas.
- e. Demonstrate how stormwater runoff shall be retained on site and how the proposed project improvements will not adversely impact the adjacent properties, right-of-way and waterways.
- f. Provide typical cross sections across all perimeter property limits including transition areas meeting adjacent property grades with 4:1 slopes (maximum 3:1).
- g. Specify back of sidewalk elevation 1/10' above adjacent centerline/crown of road elevation.
- h. Note and illustrate roof drainage collected and connected to the on-site drainage system.
- i. Erosion and Sediment Control plan and details per FDEP Best Management Practices, including perimeter silt fence, washdown areas and inlet protection, as applicable.
- j. Coordinate landscape plans with drainage plans to accommodate drainage features. Proposed Landscaping shall not obstruct onsite stormwater runoff retention.
- h.k. Preliminary stormwater drainage report, signed and sealed by a Florida licensed Professional Engineer, demonstrating onsite stormwater retention for 24-year, 3-day storm event; including pre- and post-stage-storage

calculations complying with the South Florida Water Management District and Broward County Chapter 27 criteria-regulations.

13. Demonstration that the proposed development will be in compliance with the City's Green Building and other sustainability requirements.

6-14. Permits. Copies of driveway connection permits required by federal, state and local agencies. If permits have not been issued, but permit applications have been filed with the applicable agencies, then a copy of the permit application shall be provided.

7-15. Elevations reflecting the general character and relationship of surrounding properties.

8-16. Proof of Concurrency. All projects requiring site plan review, or development of regional impact review, are required to provide proof of concurrency, in accordance with the City's Comprehensive Plan and F.S. Chapter 163, prior to issuance of such site plan approval, or development of regional impact development order. In addition, for ~~the purposes~~ **purpose** of the issuance of development orders and development-related permits, the burden shall be placed upon the applicant to demonstrate compliance with the following.

Satisfaction of Broward County concurrency standards. If applicable, the development application shall be reviewed to ensure that the proposed development satisfies the Broward County Concurrency Standards for the Regional Road Network as outlined in Section 5-182(a) of the Broward County Land Development Code. The applicant shall provide the necessary documentation from Broward County demonstrating satisfaction of these requirements. The applicant may choose to satisfy the transportation concurrency requirement by making a proportionate share contribution to an eligible transportation project located within the Southeast Concurrency District, pursuant to the requirements set forth in Section 5-182(a)(5)(b) of the Broward County Land Development Code. In addition to satisfying the requirements in this subsection, the applicant may also need to provide a proportionate share contribution for its impacts on the ~~City's~~ **city's** roadway system as provided in § 6.23.F ~~herein~~.

17. Planning Justification Report. A planning justification report provides information to understand the proposed development; to demonstrate how it is consistent or conforms to applicable state statutes, county and municipal requirements and the planning rationale for a proposed development. This document is intended to help the applicant organize and substantiate the application and to assist staff in the review of the proposal.

18. Urban Design Brief. The Urban Design Brief will demonstrate how the application for Site Plan approval, Land Use Plan Amendment, Comprehensive Plan Text Amendment, and/or Rezoning meets the principles set out in the City's Development Design Guidelines. The Urban Design Brief will be used to rationalize design solutions that are context-sensitive and respond to urban design policy context.

19. Comment Response Matrix. Through the iterative review process. Applicants must demonstrate how they have addressed the City, agencies, and public feedback received through the public outreach meeting.

9-20. Optional information. The following information may be required, if deemed necessary by the ~~Technical Advisory Development Review~~ Committee.:

- a. At the time of approval of any development ~~that~~**which** includes structured parking, the ~~Technical Advisory Development Review~~ Committee may require designation of specifically delineated dimensions between columns and/or other structures. The ~~Technical Advisory Development Review~~ Committee may further require that following construction of footings and establishment of batter-boards for column construction at grade level, that the developer provide to the ~~Technical Advisory Development Review~~ Committee, a sealed survey establishing compliance with the previously designated critical dimensions.

...

- f. **Historic Impact Assessment. A Historic Impact Assessment (HIA) is a study to determine the impacts to known and potential cultural heritage resources within a defined area proposed for future development. An HIA is required for any proposed alteration, construction, or development involving or adjacent to a cultural heritage resource to demonstrate that it is not adversely affected and propose any mitigation measures.**

21. Pavement Marking & Signage Plan:

- a. **All pavement markings and signage plan, on-site and off-site.**
- b. **Signage details for nonstandard signs**
- c. **Include Manual on Uniform Traffic Control Devices (MUTCD) sign names (i.e. R1-1) and sign size**
- d. **Include note: "All traffic signage and pavement markings to be provided on the site plan in conformance with Broward County Traffic Engineering Division (BCHTED) and MUTCD Standards."**
- e. **All off-site pavement marking and signage shall be approved by BCHTED.**

22. Tree disposition plan

§ 6.23. Review Standards.

The following standards shall be utilized by the ~~Technical Advisory Development Review~~ Committee ~~and~~, the Planning and Development Board, **the Historic Preservation Board, and the City Commission** in the review, evaluation, and approval of all required plans and exhibits:

- A. Natural Environment. All proposed development shall be designed in such a manner as to preserve, perpetuate and improve the existing natural character of the site. Existing trees and other landscape features shall, to the maximum extent possible, be preserved in their natural state,; and additional landscape features shall be provided to enhance architectural features, to

relate structural design to the site, and to conceal unattractive uses. In all instances, the ~~City's~~ tree protection, landscaping and all other applicable regulations shall be fully complied with as minimum standards.

- B. Open space. Adequate landscaped open space shall be provided ~~that~~~~which~~ meets the particular needs and demands of the proposed development and all specific zoning district requirements. Legal methods assuring the continued preservation and maintenance of required open space shall be submitted to and approved by the City Attorney. The type and distribution of all open space shall be determined by the character, intensity and anticipated residential or user composition of the proposed development.

...

- C. Circulation and parking. All circulation systems and parking facilities within a proposed development shall be designed and located in such a manner as to comply with the following:

1. A clearly defined vehicular circulation system shall be provided ~~that~~~~which~~ allows free movement within the proposed development while discouraging excessive speeds. ~~These~~~~Said~~ systems shall be separated insofar as practicable from pedestrian circulation systems. Pavement widths and access points to peripheral streets shall be provided ~~that~~~~which~~ adequately serve the proposed development and ~~which~~ are compatible and functional with circulation systems outside the development.
2. Whenever possible in proposed residential developments, living units should be located on residential streets or courts ~~that~~~~which~~ are designed to discourage nonlocal through traffic.
3. Off-street parking areas shall be provided ~~that~~~~which~~ adequately accommodate maximum vehicle storage demands for the proposed project and are located and designed in such a manner ~~so~~ as to conveniently serve the uses to which they are accessory and not create incompatible visual relationships.

...

5. Sidewalks shall be provided as required by ~~City~~~~the city~~ regulations.

...

- D. Community services and utilities. All proposed developments shall be designed and located in such a manner as to insure the adequate provision, use and compatibility of necessary community services and utilities.

1. An adequate sanitary sewer collection system, including all necessary extensions and connections, shall be provided in accordance with ~~City-city~~ standards for location and design. Where necessitated by the size of the development and/or by the unavailability of ~~City-city~~ treatment facilities, sanitary sewage treatment and disposal systems must be provided in accordance with ~~City-city~~ and state standards and regulations.
2. An efficient solid waste collection system, including the provisions of an adequate number

of properly screened local receptacles in locations ~~that~~**which** afford maximum use and collection convenience, shall be provided in accordance with all applicable ~~City-city~~ standards.

...

3. An efficient solid waste collection system, including the provisions of an adequate number of properly screened local receptacles in locations ~~that~~**which** afford maximum use and collection convenience, shall be provided in accordance with all applicable ~~City-city~~ standards.

E. Building and other structures. All buildings and structures proposed to be located within a development shall be oriented and designed in such a manner as to enhance, rather than detract from, the overall quality of the site and its immediate environment. The following guidelines shall be followed in the review and evaluation of all buildings and structures:

...

3. All permanent outdoor identification features ~~which are~~ intended to call attention to proposed projects and/or structures shall be designed and located in such a manner as to be an integral part of the total project and/or structural design and shall not exceed a size and scale necessary for the recognition from vehicles moving along adjacent streets at prescribed legal speeds.

F. Level of service standards. For ~~purposes the purpose~~ of the issuance of development orders and permits, the ~~City-city~~ has adopted level of service standards for public facilities and services ~~that~~**which** include roads, sanitary sewer, solid waste, drainage, potable water, and parks and recreation. All applicants are required to prove concurrency pursuant to the City's Comprehensive Plan and F.S. Chapter 163, as amended from time to time.

G. Other requirements. Requirements and recommendations as provided in the ~~City-city~~ tree and landscape regulations shall be observed as will the requirements of all applicable standards and regulations.

§ 6.24. Notification.

All applications requiring technical site plan review from the Development Review Committee shall require the posting of a Detailed Notice Sign, pursuant to Section 5.1, to provide notice of the Public Outreach Meetings to be facilitated by the applicant and subsequent Planning and Development Board meetings, as required.

The Division of Planning and Urban Design shall advise the applicant what information needs to be included on the sign (proposal description, appropriate graphic, planner information and file number).

The development notice sign shall be prepared and posted, by the applicant, along each public frontage of the development site within 15 days of submitting for site plan review.

Notification of the Planning and Development Board's public hearing shall be pursuant to the procedures set forth in Article 5 of the Zoning and Land Development Regulations. Any

~~interested party may review the associated site plan(s) which will be located within the Department of Planning and Development Services and at designated locations.~~

§ 6.25. Application for Building Permit.

Upon approval of a site plan pursuant to the provisions of this chapter, the applicant shall have up to 24 months to apply for a valid construction permit from the Department of ~~Planning and~~ Development Services. One additional extension of up to 24 months may be granted by the ~~Planning and Development Board~~ Development Review Committee. Any application for such extension must be filed prior to the expiration of the 24 month period. If the applicant fails to submit a valid application for a construction permit within ~~this said~~ period, all previous staff approvals shall be null and void and ~~the said~~ applicant shall be required to reinitiate the technical review and development review process.

§ 6.26. Modification to Approved Site Plans.

A. Minor modification. The ~~Director~~ Division of Planning and Urban Design shall administratively approve "minor" changes or amendments to a site plan that have been previously approved by the Development Review Committee, planning and zoning board, or the City Commission which are in compliance with the provisions and intent of this articleArticle and which do not depart from the principal concept of the approved plan. These amendments include the following:

1. Changes that reduce the floor area or height of a proposed or existing building.
2. Modifications to the interior of an existing building that do not affect its external appearance.
3. Minor cosmetic alterations to the external facade of an existing building, such as new or renovated signage, louvres, awnings, and architectural detailing, as long as the overall architectural character and the intent of the design remains unchanged.
4. Adjustments that increase yards or setbacks, provided that the zoning district does not have a "build to" requirement. If removing any part of a structure leads to an increase in yard or setback, the original architectural and site character must be preserved, and the department may set conditions of approval to ensure compliance with this requirement.

B. Major modification. The ~~Director~~ Division of Planning and Urban Design 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:

...

3. An alteration in traffic circulation patterns, at the discretion of the City Engineer.

...

C. Notification requirements. Public notice is not required for minor modifications to approved site

plans. Public notice requirements for major modifications to an approved site plan shall be the same as those that were required for the original application. For an application submitted by the Florida Department of Transportation to address nonconformities that may result from a FDOT ~~US 441/SR 7~~ corridor improvement project, the ~~City-city~~ shall send notice of such request to the property owner of record at least 30 days prior to administrative approval of the minor modification or the meeting at which the ~~Technical Advisory~~ Development Review Committee reviews the major modification.

§ 6.27. Application for Building Permit.

Appeal of a ~~Planning and Development Board~~ Development Review Committee decision shall be pursuant to the appeal procedure set forth in Article 5 of the Zoning and Land Development Regulations.

§ 6.28. Application for Building Permit.

All fees relating to the site plan review process, including but not limited to, the preapplication conference~~Preapplication Conference~~, Administrative Decisions, Development Review Committee technical reviews shall be established by the City Commission.

§ 6.29. Violation of Approved Site Plans.

The violation of any provision of a Site Plan, or condition placed upon a Site Plan, issued/approved by the ~~City-city~~ shall constitute a violation of the City Code. In the event that property is not used in conformance with the applicable regulations or provisions of an approved petition, such approval is subject to revocation. Revocations shall be made pursuant to § 5.3.E.6.

Section 8: That Article 10 of the Zoning and Land Development Regulations entitled "Legislative" is hereby amended as follows:

ARTICLE 10: LEGISLATIVE

* * *

§ 10.1. Provisions of Ordinance Deemed Minimum Requirements.

In their interpretation and application the provisions of these Zoning and Land Development Regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. It is not intended by these regulations to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of the law or ordinance or any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of building or premises; nor is it intended by these regulations to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where these regulations impose a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, the provisions of these regulations shall control.

Where these regulations conflict directly with provisions in the Code of Ordinances Chapter 155: Basic Land Improvement Code, the Administrative Decision procedures outlined in Article 5, Section 5.4 (D) shall apply.