



ATTACHMENT I

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

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

DATE: April 10, 2014 **FILE:** 14-T-23
TO: Planning & Development Board/Local Planning Agency
VIA: Jaye M. Epstein, AICP, Director 
FROM: Andria Wingett, Assistant Director 
SUBJECT: Text Amendment to the Zoning and Land Development Regulations to limit reconsideration of any development action—whether approved or denied—for one year.

REQUEST

Text Amendment to the Zoning and Land Development Regulations to limit reconsideration of any development action—whether approved or denied—for one year.

RECOMMENDATION

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

BACKGROUND

At the March 5, 2014 City Commission meeting, the Commission expressed concern regarding ensuring Hollywood's ordinances being robust enough; specifically when addressing applicants requesting modifications to projects shortly after garnering appropriate approvals. As such, the Commission has requested staff to initiate a text amendment precluding projects from being reconsidered, whether approved or denied, for one year after a development order is issued.

REQUEST

Currently the Zoning and Land Development Regulations (Code) addresses projects that have been denied by the Planning and Development Board, Historic Preservation Board (Board) and City Commission or withdrawn by the applicant. The Code does not address approved projects returning to the Board or City Commission. As a result, occasionally projects are proposing to be modified shortly after receiving approval. This consideration by applicants tends to lend itself to transformation of the originally intended project, as well as, causes apprehension and distrust from the community.

As such, the proposed text amendment prohibits applicants from requesting reconsideration of projects (on the same property), by staff (Technical Advisory Committee), a Board, or the City Commission, for one year from the previous approval. However, this provision may be waived by the City Commission. Development Orders affected by this are proposed to be Special Exceptions, Site Plans, Variances, Administrative Variances, Design, Certificate of Appropriateness for Design, Rezoning and Land Use Amendments. Requests excluded from this amendment include Historic Designations; Text Amendments; and Certificate of Appropriateness for Design, Variances, and Administrative Variances of single-family homes and multifamily of four or less units.

CONSISTENCY WITH COMPREHENSIVE PLAN

The proposed text amendment is consistent with the Comprehensive Plan, based upon the following:

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

Objective 4: *Promote improved architectural and street scape design standards, code enforcement, economic development, neighborhood planning, and public information dissemination to maintain and enhance neighborhoods, businesses and tourist areas.*

The proposed text amendment will not affect a property owner's ability to improve and maximize use of their property. However it will encourage the property owner to design a feasible and buildable project thereby enhancing the neighborhoods and not creating false expectations.

CONSISTENCY WITH CITY-WIDE MASTER PLAN

The proposed text amendment is consistent with the following policies and guiding principle in Sub-Area eight of the City-Wide Master Plan:

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

Policy CW.44: Foster economic development through creative land use, zoning and development regulations, City services and City policies.

Not encouraging revisions to approvals will push applicants to ensure projects being proposed are truly able to come to fruition after approvals, thereby fostering appropriate economic development while protecting the community.

APPLICABLE CRITERIA

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

CRITERIA 1: The proposed change is consistent with and in furtherance of the goals, objectives and policies of the adopted Comprehensive Plan as amended from time to time.

ANALYSIS: The proposed change is consistent with objectives and goals of the Comprehensive Plan as it will not be detrimental to redevelopments efforts of the City. Instead it will encourage developers better evaluate their project on the front end rather than waiting until after the Board or City Commission takes action on the project.

FINDING: Consistent.

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

ANALYSIS: With the the national economy slowing rebounding development is also on the rise. Although development is starting to take place, financing for construction is being heavily scrutinized. As a result, some projects are morphing from their original intent subsequent to issuance of a development order being issued by a Board or City Commission. This late consideration by applicants causes apprehension and distrust from the community.

FINDING: Consistent.

ATTACHMENT II
Minor/Major Modifications (ZLDR Section 6.26,
Article 6)

§ 6.26. Modification to Approved Site Plans.

➡ A. Minor modification. The Director shall administratively approve "minor" changes and deviations from an approved site plan which are in compliance with the provisions and intent of this Article and which do not depart from the principal concept of the approved plan.

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

1. A change in the use, character, or intensity of the proposed development.
2. An increase in overall coverage of structures.
3. An alteration in traffic circulation patterns.
4. A reduction in required open space.
5. Significant changes affecting drainage design concepts and details due to:
 - a. A decrease in site storage capacity.
 - b. A decrease in site retention or detention area.
 - c. An increase of impervious area or decreased of pervious area.
 - d. A change in the method of stormwater runoff disposal.

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(Ord. O-2011-13, passed 5-4-11)