

ORDINANCE NO. \_\_\_\_\_

(16-T-59)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLE 5 AND 6 OF THE ZONING AND LAND DEVELOPMENT REGULATIONS TO REVISE THE PUBLIC NOTICE REQUIREMENTS; PROVIDING FOR A REPEALER PROVISION; A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article 5 of the City's Zoning and Land Development Regulations sets forth public notification requirements to property owners relating to variances, special exceptions, design and Site Plan requests to be considered by the Planning and Development Board; and

WHEREAS, Article 5 also provides for public notice requirements to property owners for matters that are considered by the Historic Preservation Board; and

WHEREAS, Article 6 of the City's Zoning and Land Development Regulations sets forth the regulations for Plats and Subdivisions, and the Technical Review Process for Site Plans which expressly states that notification shall of Site Plan review shall be in accordance with Article 5; and

WHEREAS, on June 15, 2016, the City Commission directed City staff to evaluate the notice requirements for public hearings relating to land development applications, rezonings, and text amendments to the Zoning and Land Development Regulations; and

WHEREAS, the proposed text amendment revises the current notification to property owners for the aforementioned matters; and

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

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

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

WHEREAS, on September 8, 2016, the Planning and Development Board reviewed the proposed text amendment at a duly noticed public hearing and have forwarded a recommendation of approval of the text amendment to the Zoning and Land Development Regulations with the following suggestions; (1) that for commercial applications, there should be a public participation process requiring applicants to meet with civic associations and the general public early in the process; and (2) that a radius of 300 feet for notices to single family homes, including specified homeowner associations, be maintained; and

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

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

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

#### **ARTICLE 5: DEVELOPMENT REVIEW PROCESS**

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#### **§5.3 Planning and Development Board.**

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##### **C. Meeting Procedures.**

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##### **6. Public notice.**

- a. Notice of the Board's scheduled hearing shall be in accordance with F.S. Chapter 166 and/or F.S. Chapter 163, ~~as amended from time to time.~~
- b. Notice of any meeting of the Board shall be posted on the Sunshine Board.
- c. Notification of property owners.

(1) Variance, Special Exception, Design and Site Plan. Notice of said petition and hearing shall be mailed to all owners of properties subject to said petition and to all owners of properties lying wholly or partly within 500 ~~300~~ feet of the parcel(s) subject to said petition, at least fifteen (15) ~~ten~~ days prior to the date of the public hearing by the Board. The addresses for the property owners shall be obtained from the Broward County Property Appraiser's records. Such notice shall contain the date, time and place of the hearing, description of the subject property location, and description of the proposed petition. At least fifteen (15) ~~ten~~ days prior to the scheduled meeting, the subject property shall be posted by the applicant with a suitable notice of the request including the date, location and time of the hearing on such matter.

(2) Changes of zoning classification initiated by private entities or owners of private property. Notice of said petition and hearing shall be mailed to all owners of properties subject to said petition and to all owners of properties lying wholly or partly within 500 ~~300~~ feet of the parcel(s) subject to said petition, at least fifteen (15) ~~ten~~ days prior to the date of the public hearing by the Board. The addresses for the property owners shall be obtained from the Broward County Property Appraiser's records. Such notice shall contain the date, time and place of the hearing, description of the subject property location, the existing zoning classification and the proposed zoning classification. The petitioner may post the subject property with a suitable notice of the requested change and hearing on such change, which shall include the date, time and location of the hearing.

(3) Changes of zoning classification initiated by the City of Hollywood. Notification requirements shall be as provided by F.S. § 166.041, ~~as may be amended from time to time~~. However, City initiated site specific changes of zoning classification relating to a specific, individual, identified project shall also comply with the notification requirements indicated in division C.D-6.c.(2) above.

(4) Changes of Future Land Use Designation. Notification requirements shall be as provided by F.S. Chapter 163, ~~as may be amended from time to time~~.

(5) Notification to Owners of properties located on US 441/SR 7 corridor. For any Variance 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 shall send by certified mail, return receipt requested, notice of such request to the property owner of record at least 30 days prior to the Planning and Development Board hearing.

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### **§5.3 Historic Preservation Board and Historic District Regulations.**

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C. Historic Preservation Board.

4. Meeting procedures of the Historic Preservation Board.

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- e. Public notice/Notification of property owners. Notifications of Certificate of Appropriateness, Variance and Special Exception petitions shall be mailed to property owners lying wholly or partly within 500 ~~300~~ feet of the property of the petitioner and to all owners of land subject to the petition at least fifteen (15) ~~ten~~ days prior to the date of the scheduled meeting. The addresses for the property owners shall be obtained from the Broward County Property Appraiser's records. At least fifteen (15) ~~ten~~ days prior to the scheduled meeting, the subject property shall be posted by the applicant with notice, in a form approved by the city, of the required Certificate of Appropriateness, Variance or Special Exception including the date, location and time of the hearing on such matter. Such posting shall be done by the applicant.

D. Historic Preservation Sites and Districts, including Multiple Property Resource Listing Overlay Districts.

- 4. Joint meeting of the Historic Preservation Board and Planning and Development Board. A public hearing on a proposed historic preservation designation shall be by a joint meeting of the Historic Preservation Board and the Planning and Development Board. The membership of the joint board shall consist of five (5) Historic Preservation Board members and four (4) Planning and Development Board members. A quorum of the combined Historic Preservation Board and Planning and Development Board shall be five persons regardless of the Board on which they serve.

Public notice. The property owners of record within the proposed designation area shall be notified by mail of the public hearing at least fifteen (15) ten days in advance of the hearing. The addresses for the property owners of record shall be obtained from the Broward County Property Appraiser's records. In lieu of the foregoing, for applications involving individual site designations, the site shall be posted, which includes a summary of the request, within ten days of the public hearing.

- E. Certificate of Appropriateness for demolition, repair or new construction. A Certificate of Appropriateness issued under the authority of the Historic Preservation Board shall be required prior to the issuance of any permit for new construction, demolition, alteration, repair, signage or other physical modification or development affecting any property designated under the provisions of this section unless the permit applied for is exempted pursuant to § 5.5.B.2.A. Certificate to Dig shall be required prior to the initiation of any development involving the excavation or fill on a site or in a district designated as archaeologically significant pursuant to the provisions of this section. The procedure to obtain a Certificate to Dig, or to designate a site as archaeologically significant, shall be the same as indicated below for a Certificate of Appropriateness.

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2. Review procedure.

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- c. A Certificate of Appropriateness for the Demolition of designated Historic Buildings, structures, improvements or Historic Sites, as listed in the Historic Properties Database, shall only be considered by the Board following a public hearing. Historic status shall be determined by the Board finding that the structure meets at least one of the review criteria for Historic Designation as set forth in Section 5.5.D.3.b. At least ten days prior to the public hearing date, a description of the request with the time and place of such hearing shall be posted on the property by the property owner, and notice shall be given by mail to the owners of record of land lying within 500 ~~300~~ feet. The addresses for the property owners of record shall be obtained from the Broward County Property Appraiser's records. If the Historic Preservation Board determines the status of the property to be Non-Historic, no further action is required and a Certificate of Appropriateness for Demolition shall be issued.

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F. Decisions on Certificates of Appropriateness.

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4. Certificate of Appropriateness for Demolition.

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- c. A Certificate of Appropriateness for Demolition of designated Historic Buildings, structures, improvements or Historic Sites, as listed in the Historic Properties Database, shall only be considered by the Board following a public hearing. At least fifteen (15) ~~ten~~ days notice prior to the public hearing date, a description of the petition request, with the time and place of such hearing, shall be posted on the property by the property owner and mail notice shall be given to all the owners of properties lying wholly or partly within 500 ~~300~~ feet of the land subject to said petition. If the Board determines the status of the property is Non-Historic, no further action is required and a Certificate of Appropriateness for Demolition shall be issued. If the Board determines that the status of the property is Historic, a recommendation by the Board shall be forwarded to the City Commission. The Board's recommendation shall be based upon the evaluation criteria set forth in subsection e. below.

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

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- 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 Commissioners 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) ~~ten~~ 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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Section 2: That Article 6, specifically Section 6.22 of the Zoning and Land Development Regulations entitled "Site Plan Review" is hereby amended as follows:

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

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## **§ 6.22 Site Plan Review.**

B. The Department of Planning and Development Services 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 Committee shall be created and composed of representatives from the following administrative departments/divisions of the city: Police Department, Fire Department, Public Utilities, Department of Planning and Development Services, Engineering Division, Public Works, Parks, Recreation and Cultural Arts, Code Enforcement, and other divisions of the city administration as determined by the City Manager. 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 shall chair, coordinate and administer the Technical Advisory Committee. In order to consider an application for site plan review, the Technical Advisory Committee shall hold a meeting with the applicant to review the proposed site plan. 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 ~~300~~ 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.

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

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

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

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

Advertised \_\_\_\_\_, 2016.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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PETER BOBER, MAYOR

ATTEST:

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PATRICIA A. CERNY, MMC  
CITY CLERK

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

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JEFFREY P. SHEFFEL, CITY ATTORNEY