

**CITY OF HOLLYWOOD, FLORIDA  
DEPARTMENT OF DEVELOPMENT SERVICES  
PLANNING AND URBAN DESIGN DIVISION**

**DATE:** December 13, 2018 **FILE:** 18-T-51

**TO:** Planning and Development Board/Local Planning Agency

**VIA:** Leslie A. Del Monte, Planning Manager

**FROM:** Deandrea Moise, Planning Administrator

**SUBJECT:** The City of Hollywood requests a Text Amendment to the Zoning and Land Development Regulations amending Article 4 to clarify the suitability of non-conforming lots; to remove duplicate parking requirement language; and to provide additional standards for carports and temporary trailers and similar structures.

**REQUEST:**

Text Amendment to the Zoning and Land Development Regulations amending Article 4 to clarify the suitability of non-conforming lots; to remove duplicate parking requirement language; and to provide additional standards for carports and temporary trailers and similar structures.

**RECOMMENDATION:**

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

**REQUEST**

Staff proposes a text amendment to various sections within Article 4 in order to update the Code to remain relevant with current trends, provide clarity on issues that have recently arose, and remove and collapse duplicate requirements. As uses and development trends begin to evolve, the City must amend the regulations from time to time to be forward-thinking and consistent with changing times. Each proposed text amendments seeks to either clarify existing regulations, remove duplicate regulations, or revise the code in a manner that is consistent with current development patterns. Furthermore, the proposed text amendment allows greater administrative ability with regard to variances and other requests that the Board has customarily granted or found to be minor in nature.

The request proposes to amend Article 4 in the following manner:

***§ 4.1. Single Family Districts.***

\* \* \*

***B. Development Regulations:***

\* \* \*

<i>Min. Lot Area (sq.ft.)</i>	<i>Min. Lot Width* (ft.)</i>	<i>Min. Unit Size (1 story/2 story)(sq.ft.)</i>	<i>Max. Bldg. Height (ft.)</i>
<i>RS- 1 = 4000</i>	<i>RS- 1 = 40</i>	<i>RS- 1 = 800</i>	<i>30 feet, not to exceed 2 stories</i>
<i>RS- 2 = 4800</i>	<i>RS- 2 = 40</i>	<i>RS- 2 = 850/750</i>	
<i>RS- 3 = 5000</i>	<i>RS- 3 = 50</i>	<i>RS- 3 = 1300/1000</i>	
<i>RS- 4 = 5800</i>	<i>RS- 4 = 50</i>	<i>RS- 4 = 1650/1250</i>	
<i>RS- 5 = 6000</i>	<i>RS- 5 = 50</i>	<i>RS- 5 = 1100/ 950</i>	
<i>RS- 6 = 6000</i>	<i>RS- 6 = 60</i>	<i>RS- 6 = 1000</i>	
<i>RS- 7 = 7500</i>	<i>RS- 7 = 75</i>	<i>RS- 7 = 1000</i>	
<i>RS- 8 = 10000</i>	<i>RS- 8 = 100</i>	<i>RS- 8 = 1500</i>	
<i>RS- 9 = 15000</i>	<i>RS- 9 = 75</i>	<i>RS- 9 = 1660/1250</i>	
<i>RS-10 = 15000</i>	<i>RS-10 = 100</i>	<i>RS-10 = 2000/1650</i>	
<i>* Platted lots or lots of record as of April 6, 1994 are considered as legal non-conforming and may be developed consistent with these regulations; <u>provided such lots also comply with Sections 3.8 and 3.9.</u></i>			

\* \* \*

#### **§ 4.2. Multiple Family Districts.**

\* \* \*

##### **B. Development regulations.**

\* \* \*

*\* Platted lots or lots of record which contain less than the minimums are considered as legal non-conforming and may be developed consistent with these regulations; provided such lots also comply with Sections 3.8 and 3.9.*

*\*\* Includes landscaped open space located at-grade or at higher elevations such as on pool decks, parking decks, roof decks and similar uses.*

\* \* \*

#### **§ 4.22. Supplemental Use Regulations**

\* \* \*

##### P. Modular buildings, trailers, cargo containers, or other similar structures.

1. Modular buildings, trailers, cargo containers or other similar structures shall be pursuant to all applicable provisions of this section; and the following:

a. No person, firm, association, partnership or corporation shall occupy or use modular buildings, trailers, cargo containers, or similar structures except as provided for in this section. For purposes of this section, uses such as mobile home communities, mobile diagnostic/therapeutic centers and portable storage units that otherwise provide separate regulations shall be excluded from this section.

b. Modular buildings, trailers, cargo containers, or similar structures shall comply with all applicable state and federal agencies.

c. When intended for human occupation, such structures shall be treated as a building, and all applicable life safety requirements for the particular occupancy shall be complied with.

d. Uses within such structures shall be pursuant to the zoning district in which they are located; and shall be subject to Certificate of Use requirements.

e. Provision shall be made to insure that adequate water supply shall be available based upon the additional fire load resulting from the placement of such structures.

f. There shall be no storage or maintenance of hazardous materials within any such structures permitted pursuant to this section. For purposes of this section the term **HAZARDOUS MATERIAL** shall mean those materials which are liable to burn with extreme rapidity or from which poisonous gases or flame or explosions are likely to occur in the event of a fire.

g. The City shall have the right to make periodic fire inspections of the premises as deemed necessary by the Fire Marshal. The Fire Marshal shall have the right to order the temporary premises applicable licenses revoked at any time for failure to comply with a lawful order.

h. Spacing shall be provided, which in the opinion of the Fire Marshal, provides adequate access for both Fire Department personnel and equipment. Spacing shall mean the distance between such structures and adjacent structures. The Fire Marshal shall consider the materials to be stored within the structure when determining the required spacing.

i. All such structures shall require a permit.

j. Applicants shall be required to execute an agreement in a form acceptable to the City Attorney which provides that, the owner, operator, lessee or individual in charge of the entity seeking use of a such structures pursuant to this section shall hold the city harmless for any personal or bodily injury or any property damage which may arise from the use of the structure and to indemnify the city for any and all costs or fees incurred as a result of any enforcement action or evacuation procedures that may arise out of the use of the structure.

2. The temporary or permanent use of such structures in any way associated with a school shall require a Special Exception; and shall be subject all applicable regulations for such use. Timeframe limitations for temporary uses may be established by the Board.

3. Such structures may be permitted by the Director and City Fire Marshal following administrative site plan approval, when located within a city or regional park facility, for the following:

a. Use as a residence when the use is for the purpose of the improved security of the facility.

b. Use for office, administration, storage, or recreational purposes.

4. The temporary installation and occupation of such structures shall be subject to the following:

a. In conjunction with an active Building Permit. Such structures may be used for storage; construction offices; sales offices and unit models; security purposes; or to accommodate uses which may have been displaced as a result of the construction, in conjunction with an active Building Permit; and subject to the following:

i. Such structures shall be permitted during construction, and for as long as the associated Building Permit remains active; and shall be removed immediately following issuance of Certificate of Occupancy or Certificate of Completion.

ii. The Building Official shall require a bond to be posted in an amount that, if necessary, shall be used by the City to ensure the structure's removal.

iii. Temporary structures shall be arranged in such a manner that does not cause a significant impact to the vehicular circulation and function of the site.

iv. Arrangement of temporary structures shall not reduce the amount of parking required by more than 30 percent, if site is to remain operational during time of construction.

v. Temporary structures shall be screened to the maximum degree possible.

vi. Stacking of cargo containers shall be prohibited unless in the PEDD district.

b. Seasonal sales. Such structures may be used, following administrative site plan approval, for storage and warehousing in connection with seasonal sales, as permitted by Section 4.3. J.7.

c. Such structures in the PEDD zoning district may be approved administratively.

d. All other temporary uses of such structures shall require a Special Exception.

5. The permanent installation and occupation of such structures shall conform to all applicable regulations for the zoning district; shall be adequately landscaped and screened to minimize any detrimental impact on adjacent property or public rights-of-way; and shall require a Special Exception.

6. For purposes of this section, uses such as mobile home communities, mobile diagnostic/therapeutic centers and portable storage units that otherwise provide separate regulations shall be excluded from this section.

\* \* \*

**§ 4.23. Supplemental Setback Regulations for Allowable Encroachments in Front, Side and Rear Yards.**

\* \* \*

**B. Allowable encroachments in front, side and rear yards:**

**4. Carports:**

*a. Location. No more than one carport is permitted on any single yard for single family homes.*

*b. Maximum Dimensions. Carports shall be used for shading and weather protection of not more than two automobiles; shall not exceed the roof line of the existing structure; and shall be pursuant to the following maximum dimensions:*

*(1) Side-by-side: 21 ft. wide by 19 ft. long.*

*(2) Tandem: 10.5 ft. wide by 40 ft. long.*

*(3) Carports may exceed maximum dimensions as outlined in this section, provided the placement and design of the carport integrates aesthetically and proportionately with the architecture of the existing structure, as determined by the City Manager or designee.*

*c. Design. The design of the carport shall be compatible in scale and character with the existing structure.*

*d. Construction. Carports may be supported by no more than eight metal poles not exceeding four inches in diameter.*

*e. Material. When located in the front yard, the covering of a carport shall only be constructed of cloth, canvas, or similar lightweight material, as approved by the Fire Department. When facing an alley, or interior side yard, or rear yard that is not visible from the street, any construction material that is compatible with the construction of the principal building is permitted.*

**SITE INFORMATION**

**Owner/Applicant:** City of Hollywood  
**Address/Location:** City-wide

**CONSISTENCY WITH THE 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 5:** *Encourage appropriate infill redevelopment in blighted areas throughout the City and economic development in blighted business and tourist areas by promoting improved architectural and streetscape design standards, code enforcement, economic development, neighborhood planning, and public information dissemination.*

The proposed text amendment is consistent with the City's Comprehensive Plan goal to enhance and improve various uses within the City as the proposed text amendment aims to clarify and improve the regulations for better application for the public.

#### **CONSISTENCY WITH THE CITY-WIDE MASTER PLAN**

The City-Wide Master Plan is a compilation of policy priorities and recommendations designed to improve the appearance, appeal, and economic tax base of the City. It establishes a format for future direction and vision for the City. The proposed text amendment is consistent with the City-Wide Master Plan based upon the following Guiding Principle:

**Guiding Principle:** *Promote the highest and best use of land in each sector of the City without compromising the goals of the surrounding 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 amendment is consistent with policies of the City's Comprehensive Plan, as the proposed text amendment aims to clarify and improve the regulations for better application for the public.

**FINDING:** Consistent

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

**ANALYSIS:** As uses and development trends begin to evolve, the City must amend the regulations from time to time to be forward-thinking and consistent with changing times. Each proposed text amendment seeks to either clarify existing regulations, remove duplicate regulations, or revise the code in a manner that is consistent with current development patterns.

**FINDING:** Consistent

## **ATTACHMENTS**

ATTACHMENT A: Existing Regulations: 4.1 Single Family District; 4.2 Multiple Family District; 4.22 Supplemental Use Regulations: Existing Regulations: 4.23 Supplemental Setback Regulations for Allowable Encroachments in Front, Side and Rear Yards.