

ATTACHMENT I

December 13, 2018

Planning and Development Board Staff Report

**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:

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<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.

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** 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

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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.

ATTACHMENT A

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

Print

City of Hollywood Zoning and Land Development Regulations

§ 4.1 Single Family Districts.

A. Purpose and uses:

District Purpose	Main Permitted Uses	Special Exception	Accessory Uses
These districts are designed to protect the character of the single family neighborhoods.	Single family detached dwelling.	Educational facilities Places of worship, meeting halls and similar nonprofit uses and ham radio antennas (See Section 4.1.G).	Those uses customarily associated with single family homes (See Section 4.1.E).

B. Development Regulations:

1. Alterations and additions to existing structures shall be subject to review for consistency with the criteria listed below regarding the appearance and compatibility of the proposed construction with the site:

The design of the proposed construction shall be compatible with the original design and scale of the building. The structure may be redesigned, but in a manner which is consistent in design and material throughout. Appeal of a decision shall be to the Planning and Development Board.

2. New construction and additions: At least 20% of the required front yard area shall be sodded or landscaped pervious open space.

a. Landscape Requirements: See Article 9.

Min. Lot Area (sq.ft.)	Min. Lot Width* (ft.)	Min. Unit Size (1 story/2 story)(sq.ft.)	Max. Bldg. Height (ft.)	Required Parking Spaces
RS- 1 = 4000	RS- 1 = 40	RS- 1 = 800	30 feet, not to exceed 2 stories	2 Each parking space shall be 8.5 ft. wide; 19 ft. deep & spaces may be tandem. Construction materials as approved by City Engineer.
RS- 2 = 4800	RS- 2 = 40	RS- 2 = 850/750		
RS- 3 = 5000	RS- 3 = 50	RS- 3 = 1300/1000		
RS- 4 = 5800	RS- 4 = 50	RS- 4 = 1650/1250		
RS- 5 = 6000	RS- 5 = 50	RS- 5 = 1100/ 950		
RS- 6 = 6000	RS- 6 = 60	RS- 6 = 1000		
RS- 7 = 7500	RS- 7 = 75	RS- 7 = 1000		
RS- 8 = 10000	RS- 8 = 100	RS- 8 = 1500		
RS- 9 = 15000	RS- 9 = 75	RS- 9 = 1660/1250		
RS-10 = 15000	RS-10 = 100	RS-10 = 2000/1650		
* 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.				

C. Setback Requirements: Main Structure.

Front	Side/Interior	Side/Street	Rear
25 ft.; except lots in the Lakes Area-For lots with a lot line adjacent to a lake, setback is 80 ft.	The sum of the side yard setbacks shall be at least 25% of the lot width, but not to exceed 50 ft. with no side yard less than 7.5 ft.; except, platted and recorded lots of 50 ft. or less in width may have a 5 ft. setback (only applies to one story additions and new construction of one story buildings). Any construction in excess of one story must meet the 25% rule with a minimum 7.5 ft. setback.	15 ft.	15% of the lot depth; 15 ft. min. 50 ft. max.; except Lots in the Lakes Area - For lots with a lot line adjacent to a lake, setback is 25 ft.

D. Detached and Attached Parking Garages:

1. Minimum Size (clear dimension)

- a. One Car Space Garage: 10.5 ft. wide by 19 ft. long
- b. Two Car Space Garage: 21.0 ft. wide by 19 ft. long.

2. Setbacks: Front - 25 ft.

Sides - same as main permitted use

Rear - 20 ft.; except, for lots which are less than or equal to 100 ft., setback is 10 ft.

E. Permitted accessory uses. Those uses which are customarily associated with single family homes, such as but not limited to: decks, swimming pools, spas, sheds, ornamental features and tennis courts (See § 4.23 for setbacks). The Director may approve other accessory uses if the Director finds that the proposed use is consistent with the following criteria:

1. It is located on the same lot as the permitted use.
2. It shall be incidental and subordinate to and customarily associated with single family homes.
3. That the necessary safeguards are provided for the protection of surrounding property, persons and neighborhood values.
4. That the public health, safety, morals and general welfare of the community will not be adversely affected.
5. It is consistent with the Comprehensive Plan and Neighborhood Plan if one exists.

6. In making the above determinations, the Director shall require the applicant to provide evidence that the proposed use meets the criteria. The Director may also require the applicant to provide planning reports, studies and other evidence to support the applicant's request. Appeal of the Director's decision is to the Planning and Development Board as an appeal of an Administrative Decision.

F. Cooking or kitchen facilities. No more than one set of cooking or kitchen facilities is permitted, except, the Director may approve an additional set of facilities if the applicant meets the following criteria:

1. The residence shall contain at least 3,600 sq. ft. of floor area, excluding the garage and accessory structures.
2. The arrangement of such facilities or conditions on the property shall not result or lend themselves to the creation of an apartment unit.
3. No more than one electric or water meter shall be allowed on the property.
4. That portion of the residence having a second set of cooking facilities shall not be rented, nor have a doorway to the exterior.

5. A covenant, in a form approved by the City Attorney, shall be recorded in the public records of Broward County which sets forth the above conditions and/or any other restrictions that were associated with an approval. The covenant shall be recorded prior to the issuance of a building permit.

G. Special exceptions - setback requirements.

1. If the use is adjacent to a residential district:
 - a. Front: 50 ft.
 - b. Side: 25 ft.
 - c. Side facing a street: 15 ft.
 - d. Rear: 15% of lot depth.
2. If the use is adjacent to a non-residential district:
 - a. Front: 25 ft.
 - b. Side and side facing a street: 20 ft.
 - c. Rear: 15% of lot depth.

H. Ely Boulevard Residential Overlay District.

1. Purpose and use. The purpose of this overlay district is to permit only single family and townhome development for properties located on the west side of North 22nd Avenue (Ely Boulevard) between Farragut and Forrest Streets and between Cody Street and Columbus Place in the Liberia Subdivision pursuant to Plat Book 1, Page 34 and in the New Liberia Subdivision pursuant to Plat Book 6, Page 43 of the Public Records of Broward County, Florida; specifically defined as follows:

Lot(s): 2, 29, 30 Block: 4

Lot(s): 3-5, 45 - 48 Block: 5

Lot(s): 3-5, 44 - 48 Block: 6

Lot(s): 29, 30 Block: 9

Lot(s): 1, 2, 29, 30 Block: 10

Lot(s): 14, 15, 16, 17 Block: 35

Lot(s): 7, 8 Block: 32

2. Development standards.

	Single-Family Homes Facing Ely Boulevard	Townhouses Must Face Ely Boulevard
Minimum lot area (sq. ft.)	3,750	7,500
Minimum lot width (ft.)	40	100

Minimum unit size (sq. ft.)	1,200	1,200
Maximum building height	30 feet, not to exceed 2 stories	30 feet, not to exceed 2 stories
<i>Setback requirements</i>		
Front	25 feet (for garage)	25 feet (for garage)
	15 feet (principal structure)	15 feet (principal structure)
Side	7.5 feet (adjacent to alley)	10 feet (adjacent to alley)
	5 feet (interior)	10 feet (building separation)
Side (street)	15 feet	15 feet
Rear	15 feet	15 feet
<i>Density</i>	1 dwelling unit per platted lot	As permitted by the land use plan.

* All other requirements of the RS-1 Zoning District continue to apply.

(Ord. O-94-14, passed 4-16-94; Am. Ord. O-2001-16, passed 5-16-2001; Am. Ord. O-2003-39, passed 11-19-2003; Am. Ord. O-2011-14, passed 5-4-11; Am. Ord. O-2012-05, passed 3-7-12)

§ 4.2 Multiple Family Districts.

A. Purpose and uses.

District Purpose	Main Permitted Uses	Special Exceptions	Accessory Uses
These districts are designed to provide standards for the development and maintenance of multiple family residential buildings and hotels, where such uses are permitted (See no. 2 below).	See chart on next page.	Places of worship, meeting halls, social halls, institutional uses, day care facilities, commercial and non-commercial parking lots, and educational facilities. (See chart below)	Those uses which are customarily associated with one of the main permitted uses (See § 4.20).

District (Multiple Family MF)	Main Permitted Uses						
	Maximum Density, units per acre*	Single Family	Duplex	Town house	Apt. Bldg.	Hotel	Commercial
(1) RM-9 (Low -Med MF)	9	Yes	Yes	Yes	Yes	No	No
(2) RM-12 (Med MF)	12	Yes	Yes	Yes	Yes	No	No
(3) RM-18 (Med-High MF)	18	Yes	Yes	Yes	Yes	No, except east of I-95 permitted.	No
(4) RM-25 (High MF)	25 for Apt. Bldg.; 50 for Hotel, except if Comprehensive Plan land Use designation is Commercial**	Yes	Yes	Yes	Yes	Yes	No
(5) BRT-25 (Beach Resort MF)	25 for Apt. Bldg. 50 for Hotel, except if Comprehensive Plan land Use designation is Commercial **	Yes	Yes	Yes	Yes	Yes	Special Exception for eating and drinking uses if east of AIA, otherwise they are a Permitted Use; pawn, thrift, consignment shops, psychic help uses, tattoo shops and office are prohibited; all other commercial uses are permitted.

District (Multiple Family MF)	Main Permitted Uses						
	Maximum Density, units per acre*	Single Family	Duplex	Town house	Apt. Bldg.	Hotel	Commercial
(6) See § 4.2.D for RM-WET Multiple Family Wetlands District Regulations.							
(7) See § 4.2.E for NBDD North Beach Development District Regulations.							
<p>* When residential uses are permitted, at least two units per platted lot are permitted regardless of the maximum permitted density.</p> <p>**Maximum density for parcels with Comprehensive Plan designation of General Business is outlined under "Permitted Uses in Areas Designated General Business" in Future Land Use Element of the Comprehensive Plan.</p> <p>MF = Multiple Family</p>							

B. Development regulations.

District	Min. Lot Area (sq. ft.)*	Min. Lot Width* (ft.)	Max. Height (ft.)	Land- scape, open space**	Minimum Unit Size (Sq. Ft.)				
					Single Family (SF)	Duplex (Dup)	Townhse.	Apt.	Hotel
(1) RM-9	6000	60	2 stories not to exceed 30 ft.	40%	1000	500	800	500 Min 750 Avg	Not Allowed
(2) RM-12	6000	60	3 stories not to exceed 35 ft.	40%	1000	500	800	500 Min 750 Avg	Not Allowed
(3) RM-18	6000	60	4 stories not to exceed 45 ft., except if adjacent to sing. fam. district, then height 30 ft for first 100 ft of lot.	40%	1000	500	800	500 Min 750 Avg	Not Allowed
(4) RM-25	6000	60	<p>Oceanfront - 80% of the distance from Erosion Control Line. Non- Oceanfront 65 ft or 6 stories.</p> <p>Development east of A-1-A, south of Harrison Street: no greater than 50 feet where there is already an existing high density multi-family residential project developed east of A-1-A and whose oceanfront views would otherwise be severely restricted and/or blocked by any such proposed development to be located east of the existing building and on the same block.</p>	40%	1000	500	800	500 Min 750 Avg	15% of units 300-335; 85% of units 335+

District	Min. Lot Area (sq. ft.)*	Min. Lot Width* (ft.)	Max. Height (ft.)	Land- scape, open space**	Minimum Unit Size (Sq. Ft.)				
					Single Family (SF)	Duplex (Dup)	Townhse.	Apt.	Hotel
(5)BRT-25	6000	60	<p>North of Tyler to Sherman Street - 50 feet.</p> <p>South of Harrison St. - 65 ft. and North of Balboa Street - 150 ft.</p>	40%	1000	500	800	500 Min 750 Avg	15% of units 300-335; 85% of units 335+
(6) See Section 4.2.D for RM-WET Wetlands District Regulations.									
(7) See Section 4.2.E for NBDD North Beach Development District Regulations.									
<p>* 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.</p>									

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

C. (1) Setback requirements main structure: RM-9, RM-12 and RM-18.

Front	Side/Interior	Side/Street	Rear
20 ft. for structures; 5 ft. for at-grade parking lots.	The sum of the side yard setbacks shall be at least 20% of the lot width, but not to exceed 50 ft. with no side yard less than 7.5 ft.; except, platted and recorded lots of 50 ft. or less in width may have a 5 ft. setback. When an existing Building has a 5 ft. side yard setback, the setback of new construction may also be 5 ft. This applies to the linear or vertical extension of a single story building.	15 ft.; except at-grade lot 5 ft.	1 story bldg. - 20 ft. 2 story bldg. or higher - 15% of the lot depth; 20 ft. min.

Cross-reference:

For parking lots, see § 4.22

(2) Setback requirements main structure: RM-25, BRT-25.

	Front	Side/Interior	Side/Street	Rear
(1) Pedestal	25 ft.; except Retail uses shall provide 0 ft. setback.	The sum of the side yard setbacks shall be at least 25% of the lot width, but not to exceed 50 ft. with no side yard less than 10 ft., whichever is greater. Retail uses shall provide 0 ft. setback.	15 ft. minimum; except retail uses shall provide 0 ft. setback.	1 story bldg. - 20 ft. 2 story bldg. or higher - 15% of the lot depth; 20 ft. min. 50 ft. maximum.
(2) Tower	25 ft. + 1 ft. increase for each ft. of height above 50 ft. Setback not to exceed 50 ft.	The required pedestal setback plus 20% of the height of the tower portion of the bldg. The total required tower setback shall not exceed 50 ft.	The required pedestal setback plus 15% of the height of the tower portion of the bldg. The total required tower setback shall not exceed 50 ft.	Oceanfront lots* - 25% of lot depth. Non-oceanfront lots - 15% of lot depth. No setback less than pedestal setback.

(3) Setbacks are measured from the base building line pursuant to Article 3.

(4) See § 4.2.D for RM-WET Multiple Family Wetlands District Regulations.

(5) See § 4.2.E for NBDD North Beach Development District Regulations.

* Oceanfront Lots are properties that have the erosion control line as a property line.

D. RM-WET Multiple Family Wetlands District.

1. Purpose and uses:

Purpose	Permitted Uses	Special Exception	Prohibited Uses	Retail Uses
This district is designed to permit multiple family developments which are compatible with environmentally sensitive wetland areas as designated in the Comprehensive Plan Land Use Element.	Single Family, duplex, multiple family dwellings; attached or detached.	Height Applications to increase height up to 5 stories or 55 ft. may be granted if the Development Review Board finds that: a. The surrounding development will not be adversely affected by the additional height, and b. The additional height shall result in an increase in open space and preservation of environmentally sensitive lands.	Any Use which is not listed as a Permitted Use.	Any Use allowed in C-1 District. Maximum retail floor area: 2% of site. Retail area must be approved as part of site plan by the City Commission.

Accessory uses:

a. Recreational and maintenance uses that are customarily associated with the main permitted use and which are available for use by all residents of the development.

b. Developments with 240 or more units: Service oriented uses such as convenience stores, personal grooming, etc. located entirely within the multiple family structures and designed to be used only by the residents of the building; no exterior signage is permitted (See Retail Uses above).

2. Development standards:

Min. Site Area	Min. Lot Width	Maximum Density	Maximum Height	Max. Lot Coverage
6500 sq. ft.; except any platted lot may be used for single family home.	None	14.7 units per acre	3 stories or 35 ft.	70% of the entire site

3. Setback Regulations:

a. Front, side facing a street and distance between buildings: 20 ft. plus 10 ft. per story above the first.

b. Interior side yard: 1 and 2 stories = 20 ft.

3 stories and above = 20 ft. + 5 ft. per floor for each floor above the second; except lots with area of 6500 sq. ft. or less, then setback is 5 ft.

c. Rear yard: 1 and 2 stories = 20 ft.

3 stories = 25 ft.

4 stories = 30 ft.

5 stories = 35 ft.

d. Any yard adjacent to Single Family District: min. 25 ft.

E. NBDD North Beach Development District (NBDD-DD and NBDD-CZ).

1. District purpose: to provide for and encourage appropriate residential, resort, hotel, motel, tourist uses (including ecotourism), and accessory uses within a coastal environment with unique natural, physical and man made features.

2. District objectives:

a. To provide for a development pattern and intensity that allows reasonable use of land considering the environmental resources and limitations that constrain development of the district;

b. To ensure that public access, both physical and visual, to the beach and associated natural resources, is maintained or enhanced;

c. To ensure that the environmental quality of the area is maintained and is not degraded by potential development;

d. To maintain or enhance the ocean, beach, dune and natural vegetation systems and to minimize any detrimental or adverse effects to these systems that might be occasioned by potential development;

e. To encourage a desirable mix of development uses, types and intensities that are harmonious with each other and with the natural characteristics of the area;

f. To utilize land efficiently and to promote high quality design and development;

g. To provide for adequate open space areas; and

h. To provide adequate transportation and circulation systems to meet the needs of the area, while preventing the overburdening of internal and through streets, including Highway A1A.

3. Establishment of zones: In order to achieve the above objectives and intent of the district, the NBDD is divided into two zones:

a. The North Beach Development District Development Zone (NBDD-DZ); and

b. The North Beach Development District Control Zone (NBDD-CZ).

4. Transferable development rights. Any owner of property in the North Beach Development District Control Zone may, in lieu of developing their property, dedicate it to the city for maintenance as public open space in exchange for which the owner may sell or transfer their unused development rights to property in the North Beach Development District Development Zone; however, the minimum parcel size to be dedicated and for which development rights may be transferred shall be one lot. Unused development rights for purposes of transfer or sale will be computed according to the following:

a. Property dedicated to the city for maintenance as public open space: 32.5 dwelling units per acre. In order to make use of this provision, the owner of property in the Control Zone must dedicate the property to the city in accordance with procedures and legal requirements designated by the City Attorney and on forms prescribed by the Attorney. All documents must be recorded with the Clerk of the Circuit Courts of Broward County, Florida;

b. Development rights pursuant to this section shall be deemed to "run with the land"; shall survive condemnation by the city; and shall be transferable by the city or by private property owners. The City Commission shall formulate and adopt appropriate regulations to guide the implementation of this provision consistent with the language herein and the intent of this article; and

c. Any owner of property in the Development Zone who is the recipient of transferred development rights, may thereafter develop his/her property at the maximum density permitted including the amount of acquired dwelling units. In all cases, however, the property owner in the Development Zone must conform with the development standards in this section.

5. Planned unit development. Any owner of property in excess of two acres, in the Development Zone only, may develop pursuant to the Planned Unit Development District (See § 4.16). Where any provision of these regulations imposes restrictions different from those imposed by the Planned Unit Development ordinance, whichever provisions are more restrictive or impose higher standards shall control. An application for Planned Unit Development in the development zone shall include all contiguous holdings of the applicant under the same ownership with an indication of the portion proposed to be subdivided, re-subdivided or developed immediately and that proposed for later phases of development. A general plan shall be submitted for all such contiguous land at the time of initial application. For the purpose of this section, land separated only by public right-of-way shall be deemed to be contiguous.

6. Control zone: Development standards.

Main Permitted Uses	Maximum Density	Special Exception	Accessory Uses	Prohibited Uses
Single-Family Dwelling Bed and Breakfast Inn	One Single-Family Dwelling per site. Bed and Breakfast Inn - 32.5 units acre	None	Any Use that is customarily associated with the Main Permitted Use.	Any Use that is not listed as a Main Permitted Use.

Minimum Lot Area	Minimum and Maximum Lot Area*	Maximum Bldg. Height
5800 sq. ft., or as platted	Minimum: 1 lot Maximum: 2 lots	33 ft. not to 3 stories

* Sites which are platted and developed prior to the effective date of this ordinance shall be considered as legal non-conforming.

Setback regulations.

Front	Rear	Side/Interior or facing a street or right-of-way
25 ft. (Surf Rd.)	15 ft min, 15% of lot depth whichever is greater	7.5 ft. The setback area shall provide an unobstructed view of the ocean.

Sites shall not exceed one platted lot. However, those sites which exceed one platted lot at the effective date of this ordinance shall be considered as legal non-conforming and may be developed in accordance with these regulations.

7. Development zone regulations.

A. Main permitted uses.

Main Permitted Use	Max. Density (units per acre)	Min./Max.Lot Area*,***	Min Floor Area (sq. ft.)	Maximum Height (ft.)*
Single Family Dwelling	1 dwelling unit per site	Minimum: 1 platted lot Maximum: 3 platted lots	1,000	33 ft. but not to exceed 3 stories
Multiple Family (Apt., Duplex, Townhouse)	18	Minimum: 1 platted lot Maximum: 3 platted lots	Apt. 500 min. 750 avg. Duplex 500 Townhouse 1,200	33 ft. but not to exceed 3 stories
Hotel or Motel	32.5	Minimum: 1 platted lot Maximum: 3 platted lots	15% of units=300-335 sq. ft. 85% of units=335+ sq. ft.	33 ft. but not to exceed 3 stories
Bed and Breakfast Inn				
Restaurant with frontage on the Intracoastal	N/A	Minimum: 1 platted lot Maximum: 3 platted lots	N/A	33 ft. but not to exceed 3 stories
Any combination of above	Combined density shall not exceed the prorated maximum density for each main permitted use	Minimum: 1 platted lot Maximum: 3 platted lots	Apt. 500 min. 750 avg. Duplex 500 Townhouse 1,400 Hotel Units: 15% of units=300-335 sq. ft.	33 ft. but not to exceed 3 stories

			85% of units= 335+ sq. ft.	
Lots facing A1A between Franklin and Cambridge: in addition to the above permitted uses may include parking garages with retail on the ground floor or retail with hotel or multiple family above	See above	Minimum: 1 platted lot Maximum: 4 platted lots	See above	33 ft. but not to exceed 3 stories

* Developments may contain no more than 4 platted lots if the project is double fronted with no more than 2 platted lots on each street.

** Note: See subsection (d) for existing height regulations

*** Sites which exceed the maximum set forth above at the effective date of this ordinance shall be considered as legal non- conforming and may be developed in accordance with these regulations.

B. Accessory uses.

1. Any use that is customarily associated with a Main Permitted Use.
2. Satellite parking lots and garages.
 - a. Permitted pursuant to regulations listed in § 4.22.

b. May be located outside of the city, and have parking spaces that are counted towards the required parking for main permitted or accessory uses located in the NBDD. This exception is subject to (1) the approval of a shuttle plan by the Community Planning Director prior to the issuance of a building permit, occupational license, certificate of use or other governmental approval, whichever is required first during the permitting process; and (2) a covenant running with the land on forms approved by the City Attorney that unifies the use that requires the parking and the land on which it is located; or if the land is leased, a covenant recorded against the main permitted uses, or accessory use property placing future purchases on notice that some or all of the required parking is being provided through the subject lease.

c. The design solution for garages shall utilize elements that are typically found in multiple family buildings, offices and hotel structures. These elements may include architectural treatments, such as but not be limited to, the placement of windows, screens, silhouettes, roofing materials (concrete tile, barrel tile, mansard or gabled roofs), and moldings defining the various levels. The landscape plan shall be designed to provide heavy screening of blank walls and unattractive areas of a site or building. A foundation planting shall be designed to create a landscaped separation between pavement and building walls and to consist of landscape vertical elements, transition shrubs and groundcovers. Pedestrian connections from the garages to the public sidewalk shall be landscaped.

- d. Development regulations for parking lots and garages are listed in § 4.22.I.

C. Special exceptions: None.

D. Sites that exceed the maximum number of lots and size requirements and which are owned by one entity prior to the effective date of this ordinance are considered as legal non-conforming with regard to lot size and number.

E. Setback regulations.

Number of Platted Lots	Front (ft.)	Each Side* (ft.)	Rear (ft.)
1 lot	25	5	15.0
2 lots	25	10	17.5
		15.0**	
		* add 5 ft. if facing a street	
		** For legal non-conforming lots as to the maximum number of lots, add 5 additional ft. at each side for every lot above 3 lots, however the total setback for any one side yard shall not exceed 30 ft.	
3 lots or more	25	Sideyard setback areas along the intracoastal shall provide an unobstructed view of the water.	20.0

F. Visual Access to the Public Beach and Intracoastal waterway. Each development shall be designed to provide visual access through the property to the public beach and intracoastal waterway in the setback areas. Improvements, including but not limited to opaque fences, sheds and canopies shall not be placed in the setback areas in such a manner that prevents the visual access through the property to the beach or intracoastal waterway.

(Ord. O-94-14, passed 4-16-94; Am. Ord. O-97-28, passed 6-25-97; Am. Ord. O-99-26, passed 9-8-99; Am. Ord. O-2000-10, passed 2-2-2000; Am. Ord. O-2001-16, passed 5-16-2001; Am. Ord. O-2002-20, passed 4-10-2002; Am. Ord. O-2003-01, passed 1-22-2003; Am. Ord. O-2005-10, passed 6-15-2005; Am. Ord. O-2007-34, passed 12-18-2007; Am. Ord. O-2012-05, passed 3-7-12)

§ 4.22 Supplemental Use Regulations.

A. Amusement Devices such as video games, pinball and similar mechanical devices, as an accessory uses subject to the following regulations:

1. Must be accessory to lawfully established Main Permitted Use.
 2. All devices shall be located inside a wholly enclosed building.
 3. Limited to an area not to exceed 10% of the floor area on the floor in which they are located.
- B. Bed and Breakfast Inns are subject to the following regulations.
1. The building must be located in a NFHR-12 (only from Johnson Street to Sheridan Street between Dixie Highway and Federal Highway), RM-18, RM-25, BWK-25 or BRT-25 multiple family residential or commercial district or in the Community Redevelopment Area, and originally constructed as a single family residence. The structure may have original auxiliary structures such as a detached garage or servant's residence.
 2. The use shall only be permitted in existing buildings and/or additions thereto, if the building is restored to its original appearance.
 3. The owner of the bed and breakfast inn shall permanently reside in the building.
 4. The structure shall maintain public rooms (living room/dining room) for use of the guests.
 5. The size and number of guest rooms in a bed and breakfast inn shall conform to the following:
 - a. The structure shall be allowed to maintain (or restore) the original number and size of bedrooms which, with the exception of rooms occupied by the owner may be rented to guests.
 - b. Historic auxiliary structures, such as detached garages and servants' residences may be converted to guest rooms. New bedrooms constructed shall have a minimum size of 200 sq. ft. and shall have a private bathroom.
 - c. Architecturally compatible additions not exceeding 25% of the floor area of the building shall be permitted to accommodate emergency stairs, other fire safety requirements and new bathrooms. Additions shall be consistent with required setbacks and shall not be located on primary or highly visible elevations.
 - d. If there is evidence of interior alterations and original building plans are not available, the guest rooms shall be restored to their probable original size and configuration.
 6. There shall be no cooking facilities/equipment in guest rooms. One small refrigerator with maximum capacity of 5 cu.ft. shall be permitted in each guest room. All cooking equipment which may exist shall be removed from the structure with the exception of a single main kitchen of the house.
 7. Breakfast shall be the only meal served on the premises and shall only be served to registered guests. No other meals shall be provided. The room rate shall be inclusive of meal(s) if they are to be made available; there shall be no additional charge for any meal. Permitted meals may be served in common rooms, guest rooms or on outside terraces (see division 8 below). The meal service is not considered an accessory use and is not entitled to an outside sign.
 8. Permitted meals may be served in areas outside of the building under the following conditions:
 - a. Existing paved patios shall be restored but not enlarged. If no paved surface exists, one consistent with neighboring properties may be installed.
 - b. The area shall be landscaped as approved by the Department. Landscape design shall effectively buffer the outdoor area used for meals from adjacent properties.
 - c. Any meal served outdoors shall be carried out from inside facilities. Outdoor cooking, food preparation, and/or serving/buffet tables are prohibited.
 9. The entire building shall be substantially rehabilitated and conform to the South Florida Building Code, Property Standards (Code of Ordinances), the Fire Prevention and Life Safety Code and the U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Buildings, as amended, if it is a Historic Building (built prior to 1949).
 10. Building identification sign for a bed and breakfast inn shall not exceed 3 sq. ft.
 11. The building shall have central air conditioning.
 12. The required off-street parking for a licensed Bed and Breakfast Inn shall be the same as for a single family residence. There shall be no designated loading zones on any public right-of-way and required parking spaces shall not be constructed on swales, public easements or rights-of-way. The Director may require additional parking only if the single family character of the property is maintained with adequate landscaping and open space. Tandem parking is allowed.
- C. Commercial and Wholesaling Uses:
1. When a Commercial Use is involved in wholesaling and the property is in a Commercial district, the Commercial Use shall include a display or show room open to the public and 50% of the frontage shall be storefront windows (clear) that face a street.
 2. Commercial and wholesaling uses may assemble prefabricated parts but not manufacture any parts or materials.
 3. Storage of motor vehicles is only permitted in the Industrial and Manufacturing Districts.
 4. Storage of automobiles and/or trucks shall be enclosed by an opaque masonry wall not less than 6 feet in height. Such wall or fence shall totally screen the garage and work area from public view (See §§ 4.3.J.1. and 4.4.E.1. and 3.)
 5. Storage of vehicles on used or new car sales lots is permitted; however, vehicles with exterior damage shall be stored behind a 6 ft. CBS wall or opaque fence.
- D. Communication towers: It is the intent of the City of Hollywood to regulate the installation of cellular communication towers so as to limit possible adverse economic, aesthetic, and safety impacts from such installations, and thereby promote the health, safety, and general welfare of the community. Consistent with this intention, cellular communication towers are permitted as follows:
1. Monopole towers, three sided towers and cellular communication towers:

a. Not permitted in Single Family Districts, RM-9, RM-12 and RM-18 Districts. Further, no tower shall be within 400 ft. of a single family district.

b. All other districts: Special Exception and Site Plan Review required.

2. Special exception review criteria:

a. The specific location which is proposed for the tower must be necessary to provide service to a particular geographical area; and

b. The tower may not adversely affect the existing character of the surrounding area; and

c. Approval of the tower will not be detrimental or injurious to the health, safety, and general welfare of persons working or residing within its vicinity.

3. Setbacks. The following minimum setbacks shall apply to all communication towers and accessory buildings:

a. Front - 25 feet.

b. Rear - 10 feet.

c. Interior side - 10 feet.

d. Street side - 25 feet.

e. Property line adjacent to single family zoning district:

1. Monopole tower - 50 feet.

2. All others - 200 feet.

4. Maximum height. No building or structure shall exceed a height prescribed by the Federal Aviation Administration. In addition, the following height limits apply:

a. Tower structure - 150 feet.

b. Accessory building - 12 feet.

5. Required off-street parking. Each tower shall have one paved parking space with a surface approved by the City Engineer.

6. Required landscaping. All pervious areas shall be landscaped as follows:

a. Trees. One native species broadleaf tree shall be planted for each 1,000 square feet of pervious area. Trees shall be a minimum of 8½ feet in height, and have a minimum caliper of 2 inches measured 4½ feet above ground level at time of planting.

b. Perimeter landscape requirements. The exterior perimeter of the site shall be landscaped with an approved hedge material having a minimum height of 24 inches at time of planting, installed at 24 inches on center. Whenever the perimeter of the site abuts property zoned for residential purposes, a hedge, fence, or wall shall be provided to screen against direct view. Such hedge, fence, or wall shall be a minimum of 5 feet high.

c. Ground cover. Approved ground cover shall be provided for all pervious areas.

d. Maintenance. A sprinkler system shall be installed to provide a permanent water supply to all landscaped areas. All landscaping shall be maintained in good condition so as to present a healthy, neat and orderly appearance.

7. Security. All tower sites shall be secured by an 8 ft. high chainlink fence.

8. Maintenance. All tower sites shall continue to be maintained in accordance with the final approved plan.

E. Height exemptions (all districts): The height regulations as set forth in the zoning district, shall not apply to the following:

1. Airplane beacons.

2. Belfries.

3. Broadcasting and receiving towers, but not those listed in § 4.22 as Communication Towers.

4. Chimneys.

5. Church spires.

6. Conveyors.

7. Cooling towers.

8. Cupolas.

9. Elevator bulkheads.

10. Fire towers.

11. Flag poles.

12. Monuments.

13. Ornamental towers and spires.

14. Radio and television towers less than 125 feet in height.

15. Scenery Lofts, if less than 10% of the floor area of the ground floor.

16. Stacks.
17. Steeples and Domes less than 30% of the roof area.
18. Smoke stacks.
19. Stage towers.
20. Tanks.
21. Television Antenna, but not satellite dishes.
22. Water towers.
23. Windmill.

Instead, the above listed items are allowed, provided the following criteria are met:

The height shall not exceed 25% above the maximum allowed height in the district in which the property is located; except for amateur ham radio antennas which can exceed the maximum allowed height only upon the approval of an application for a Special Exception.

Parapet walls may exceed the permissible height limit in any zoning district provided that they shall not extend more than 5 feet above the building upon which they are constructed.

Notwithstanding other provisions of these regulations, the height of all structures shall be limited by the requirements of the Federal Aviation Administration and any airport zoning regulations applicable to the structure.

F. Helistop landing areas:

1. It shall be unlawful for any person to land a helicopter within the corporate limits of the city without approval as hereinafter provided, with the exception of duly authorized law enforcement officers landing a helicopter during the conduct of official business.

2. With the exception of the above, the landing of a helicopter requires approval by the Federal Aviation Administration, the City of Hollywood Police Department, Fire Department and the City Manager. An application for a permit shall be submitted to the City Manager or his/her designee who shall process the request.

G. Mobile diagnostic/therapeutic centers are permitted as an accessory use to state licensed hospital subject to submittal of a site plan. They may be permitted in required parking areas if the hospital certifies that there is sufficient parking to serve the needs of the hospital.

H. Outdoor sales, temporary: See Section 4.3.J.

I. Parking garages and at-grade parking lots (including those operated on a valet basis): Parking Garages and At-Grade Parking Lots shall have the following setbacks:

1. Parking garage.

- a. Front and side facing a street - 10 feet; 0 feet for the entire structure if retail on the ground floor with storefront windows.
- b. Interior side and rear - same as abutting district.
- c. Alley (supersedes above) - if abutting a Single Family District 10 feet. In all other instances in which there is not access to the parking structure from the alley, 0 feet; 5 feet if there is access to the parking structure from the alley.
- d. Commercial Uses are required on the ground floor if they are allowed in the zoning district. The garage shall contain retail Uses located along the entire length of a public street, excluding entrance and exit drives and floor area of other uses that facilitate the operation of the garage. Garages that are built solely with public funds may be exempt from this requirement if meeting the requirement would affect the tax exempt status of the project.
- e. Height limit is as set forth in the district in which the project is located. If located in a Government Use (GU) District, the height shall not exceed the maximum allowed in the adjacent districts.

2. At Grade parking Lots shall have the following setbacks:

a. Lots which are equal to or less than 50 ft. wide with access to an alley shall have the following development regulations; and parking stalls are permitted to measure 8.5 feet by 19 feet:

1. Required setbacks:

a. Front: 90 degree parking - 10 feet; Angled parking - each corner of the lot shall have a landscaped area that is formed by an isosceles triangle that has a base of at least 19.5 feet.

Rear: within 15 ft. of the rear lot line, there shall be two landscaped areas each having an area of at least 200 sq. ft.

Sides: 2 feet on each side.

b. A perimeter wall or dense hedge of at least 3.5 feet in height is required, except where two parking lots are adjacent to each other. An in-ground irrigation system that covers 100% of the landscaped areas shall be provided.

b. Lot width/depth setback requirements.

Lot Width/Depth	Side or Rear Yard Setback	Front Setback
50 ft or less	5 ft.	5 ft.
More than 50 ft. but 100 ft.	5 ft.	10 ft. *
More than 100 ft. but 150 ft.	10 ft.	10 ft. *

Greater than 150 ft.	10 ft.	10 ft. *
* Except in O-1 Light Intensity Office Districts where a 5 ft. setback is permitted (See Performance Standards § 4.3.J.).		

c. Landscape and open space requirements set forth in this title shall apply.

d. At-grade parking lots, when an Accessory Use and located under a building shall comply with the setbacks as set forth for the Main Permitted Use. At-grade lots which are not under a building shall comply with the setbacks listed in division I.2. above.

J. Room additions to residential structures and conversions of garages or carports to living space are permitted subject to the following regulations:

1. The newly created living space shall be directly accessible through an interior doorway or doorways to the existing residence and must be completely integrated within the existing residence so that it is a logical extension of the residence.

2. Exterior doorways from the newly created living space shall not exit into the outdoor area lying to the front of the residential structure, unless the doorway is intended to replace an existing front entrance. Such exterior doorways shall not exit into the area adjacent to a secondary drive or parking area for the residential structure.

3. No cooking facilities, kitchen counter and sink combinations, or electrical or plumbing connections for such facilities shall be permitted within the newly created living space unless the building plans for such space demonstrate clearly that such facilities are to be used as an expansion or replacement of an already lawfully existing kitchen.

4. Conversion of detached garages or other accessory structures for the purpose of creating living space shall be permitted only if the newly created living space qualifies as an allowable dwelling unit within the applicable zoning district, and all municipal code requirements for its use as a dwelling unit are satisfied.

5. If required off-street parking is deleted or rendered unusable by a conversion or addition, it shall be replaced in a manner consistent with this Code.

6. If the Director determines that the plans indicate that future conversion may result in additional dwelling units, not in compliance with these Zoning and Land Development Regulations, he/she may deny the plans outright, or may approve the plans with a requirement that the property owner file in the public records of Broward County, a deed restriction in a form acceptable to the city acknowledging the specific limitation as to the number of lawful dwelling units and declaring an intent to comply with such limitations, as well as advising any successor in interest of such binding limitations.

K. Sales buildings (including trailers). Temporary. These are permitted with the following conditions:

1. A Building Permit shall be issued prior to the placement of the temporary sales building.

2. 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 building's removal.

3. It shall be removed prior to the issuance of the final Certificate of Occupancy or Certificate of Completion or Occupancy.

4. It shall be continuously occupied at least five days a week and five hours each day.

5. It shall be removed if a Building Permit for the complete construction of the main building is not issued within one year from the date the Building Permit for the sales building was issued unless extended by the Planning and Development Board. The sales building shall also be removed by the date on which the Building Permit expires. If the development involves more than one building, it shall be considered as a phased development. The temporary sales building may be permitted to remain on the property in between the construction period of the main buildings of the various phases. However, it shall be removed in one year if the Building Permit for the next phase is not issued. The one year period shall be measured from the date of the Certificate of Occupancy of the previous phase.

L. Satellite dish antennas:

1. Only ground or pole mounted dishes are permitted in single family districts.

2. Ground or pole mounted dishes shall conform to the following:

a. Maximum vertical height - 18 ft. measured from the ground adjacent to the antenna to the top of the dish at its maximum extension.

b. That it is separated from any adjacent residentially zoned or developed property or any public or private street by an opaque fence or a hedge capable of growing to a height of 5 feet within a 12 month period. If a freestanding dish which is equal to less than 12 ft. in height utilizes an umbrella covering then the hedge is not required.

c. Shall not be within a required yard (setback) that faces a public street (facing alley is allowed).

3. Roof top mounted dishes shall be placed in a location to minimize its view from any public street. The height shall not exceed 18 feet measured from the elevation of the roof to the highest point of the dish at its maximum vertical extension. The Director may place conditions on the location and screening devices to achieve this objective. Appeal of the Director's decision is to the Planning and Development Board.

4. That no part of the antenna dish shall be within 5 ft. of rear or interior side property line. It is not permitted within the front yard or yard facing a street.

5. That it employs to the maximum extent possible materials and colors that blend with the surroundings.

6. Dishes may be a solid, open mesh or bar-configured structure, up to 12 feet in diameter, in the shape of a shallow dish or parabola.

7. Dishes which are not consistent with the above standards or which exceed 18 ft. in height shall only be considered as Regulatory Variances.

8. Poles shall be constructed in a manner that will not retain water (i.e. weep holes or filled with concrete).

M. Service stations are allowed subject to the following regulations:

1. Size of plot. shall be not less than 100 feet in width and 100 feet in depth.
2. Gasoline pumps:
 - a. Shall be located not less than 15 feet from any base building line.
 - b. Shall not be located within 25 feet of any property which is residentially zoned.
3. Protective wall. There shall be a solid masonry wall with a minimum of 3 feet 6 inches in height. The wall shall be between adjacent commercial properties and 6 ft. high between residential properties.
4. Lighting. All lights and lighting on a service station shall be so designed and arranged as to not cause a direct glare into residentially zoned property.
5. Storage of flammable liquids.
 - a. All gasoline, benzene, diesel fuel, naphtha or other volatile flammable liquids stored incidental to the operation of a service station shall be kept in underground tanks.
 - b. The total capacity of tanks and storage facilities for flammable liquids incidental to the operation of a service station shall be approved by the Fire Department.

N. Sidewalk cafes (located in the right-of-way) shall comply with the following regulations (See Chapter 124 of the Hollywood Code of Ordinances):

1. Shall be associated with an adjacent restaurant or retail tobacco shop or retail tobacco shop that is an enclosed indoor workplace dedicated to or predominantly for the retail sale of tobacco, tobacco products, and accessories for such products.
2. Shall provide insurance approved by the city's Risk Manager.
3. If it is located in the Community Redevelopment Area it shall obtain approval from the Community Redevelopment Agency.
4. Shall obtain a revocable permit issued by the City Engineer.
5. In instances where the location of the café extends into the right-of-way of another property owner, the owner of the proposed use shall be responsible for securing permission from the affected property owner prior to the issuance of a revocable permit.
6. A site plan showing the location of the proposed use shall be submitted prior to the issuance of a revocable permit.
7. Shall comply with any other requirements as set forth in the City Code.
8. Shall receive a local business tax receipt for the additional seating area.
9. The Department shall approve all furniture and related items that are placed in the right-of-way.

O. Suites hotel: When a hotel unit contains cooking facilities it shall be considered as a suite hotel unit and shall conform with the following:

1. The units shall only be permitted in new construction or in buildings which have been substantially rehabilitated or where the suites hotel units are part of a request for a Building Permit that will result in the building being substantially rehabilitated.
2. Cooking facilities in units of less than 500 square feet shall be limited to one microwave oven and one 5 cubic feet refrigerator.
3. The building shall be maintained and operated as a hotel.
4. A minimum of twenty percent of the total gross area of the building shall be maintained as common area. This provision shall not be waived or affected through the variance procedure.
5. The building shall contain a registration desk and a lobby.
6. The building shall have central air conditioning or flush mounted wall units, however no air conditioning equipment may face a street, bay or ocean.
7. The building shall not have unenclosed exterior walkways that provide access to the units.
8. Should the facility convert from a suites hotel to a Multi-Family Residential Building, the minimum average unit size and all other zoning requirements for the underlying district shall be met.

P. Trailers or semi-trailers used for storage, warehousing, business, office or security purposes.

1. No person, firm, association, partnership or corporation shall occupy or use a trailer, semi-trailer, mobile home, motor home or similar type mobile unit intended for either cargo carrying or dwelling purposes as a business premises or for storage, warehousing, office or security purposes except as provided for in this section.
2. The temporary use of semi-trailers for storage or warehousing may be approved by the Planning and Development Board as a Special Exception within the commercial zoning districts during the design, plan review, permitting and construction of a lawful permanent building or building expansion where the use is accessory to a permitted use within an existing building on the same parcel.
3. The permanent use of semitrailers for storage or warehousing which is ancillary to a lawful use within a permanent building located on the same property may be approved by the Board as a Special Exception on property within the Industrial and Manufacturing Districts provided a plot plan is submitted illustrating proposed screening and landscaping adequate to minimize any detrimental impact on adjacent property or public rights-of-way.
4. The temporary use of semitrailers for storage and warehousing in connection with seasonal sales is permitted following site plan approval where the use is accessory to any existing commercial facility. As used in this subsection seasonal means that the use shall not be permitted more than one time each year and for a period of time greater than 90 days.

5. The temporary use of semi-trailers, trailers, motor homes, mobile homes or similar mobile units as business premises for a use permitted within the zoning district where proposed may be approved by the Board a Special Exception during the design, plan review, building permit review and construction of a lawful permanent building on the same property.

6. Trailers, mobile homes or similar mobile units may be permitted by the Director and City Fire Marshal following plot plan approval for the following uses:

a. Use as a residence on the site of an existing public school or park facility when the use is for the purpose of the improved security of the facility.

b. Use for office, administration, or storage purposes by a nonprofit organization on property located within a city or regional park facility.

7. Following approval by the appropriate body of an application made pursuant to this section, a person shall obtain a temporary premises occupational license from the City Occupational License Division.

8. In addition to obtaining a temporary premises occupational license an applicant shall be required to execute an agreement in a form acceptable to the City Attorney which provides that:

a. The owner, operator, lessee or individual in charge of the entity seeking use of a trailer or semitrailer 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 trailer or semi-trailer 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 trailer or semitrailer.

b. The applicant shall apply for and obtain site plan approval pursuant to Chapter 162 of the Code of Ordinances.

c. 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 the trailer or semitrailer and adjacent structures as well as the distance between trailers or semitrailers. The Fire Marshal shall consider the materials to be stored within the trailer or semitrailer when determining the required spacing.

9. Any trailer or semi-trailer used for storage, warehousing or as a temporary business premises pursuant to this section shall comply with all applicable state agencies.

10. If individuals will regularly work inside the trailer or semi-trailer, then the trailer or semi-trailer shall be treated as a building, and all applicable life safety requirements for the particular occupancy shall be complied with.

11. Provision shall be made to insure that adequate water supply shall be available based upon the additional fire load resulting from the placement of said trailers or semi-trailers.

12. There shall be no storage or maintenance of hazardous materials within any trailer or semi-trailer 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.

13. 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 occupational license revoked at any time for failure to comply with a lawful order.

14. Applicants under this section shall apply for building permits for the permanent structure to be erected on the site within six months of the date of approval by the Planning and Development Board and commence construction thereof within one year of the same date.

a. The Board shall limit its approval to a period not exceeding 12 months from the date of its decision.

b. Every approval shall be conditioned upon application for a building permit for permanent construction within six months of the date of its decision. Upon reapplication the Board may grant an additional six month extension based upon evidence that substantial construction of the permanent structure is underway. Additional six month time extensions may be subsequently approved by the Board only upon a finding of continued and meaningful work towards completion and final occupancy of the permanent structure.

c. Each approval granted by the Board shall be limited to a period not exceeding two years from the date of its decision. Additional time extensions of two years each may be approved by the Department based upon evidence of initial and continued compliance with the terms and conditions of the original site plan approval allowing such semi-trailer use.

Q. Notwithstanding any other provision of the City's Zoning and Land Development Regulations, no person or entity shall propose, cause, or permit the operation of a Pain Management Clinic and/or Substance Abuse and Rehabilitation Center except in permitted districts and such uses are subject to the following regulations:

1. On-site dispensing of controlled substances that are identified in Schedule II, III, or IV in F.S. §§ 893.03, 893.035 or 893.036, unless otherwise expressly permitted by statutory or general law, is prohibited.

2. Any parking demand created shall not exceed the supply of parking spaces legally available within the shared guest or visitor parking areas allocated on the site as required by the Zoning and Land Development Regulations. An applicant may be required to demonstrate that on-site traffic flow and parking will be sufficient to accommodate parking demands generated based on a current traffic and parking study prepared by a certified professional, if requested by the city.

3. Any business legally in existence prior to the effective date of this Ordinance, but now in violation of its provisions, shall be considered a legal nonconforming use.

4. Enforcement of these supplemental regulations shall be as provided by law.

5. Exceptions. Services provided by Doctors, nurses, and pharmacists to patients at hospitals, nursing homes, and hospice are exempt from these regulations.

R. Notwithstanding any other provisions of the Zoning and Land Development Regulations, no person or entity shall propose, cause or permit the operation of a Convenience Store, except in permitted districts and such uses are subject to the following regulations:

1. Distance requirements set forth in Article 3 of the Zoning and Land Development Regulations.

2. Window signage shall provide a clear and unobstructed view from outside the building and in a normal line of sight of the cash register and sales transaction area. In addition, signage must comply with any and all applicable requirements set forth in the City's Code of Ordinances and Zoning and Land Development Regulations.

3. The principal entrance shall be oriented toward a public right-of-way and shall be in full view from a public right-of-way.

4. No outside display of goods and/or services is permitted nor shall there be any outside self-service vending machines.

5. All trash receptacles shall be regularly serviced and located within close proximity of the on-site pedestrian circulation system.

6. Landscaping/exterior building standards shall comply with all applicable regulations, including but not limited to Chapter 157 of the Hollywood Code of Ordinances relating to Property Standards.

S. Drive-thru Facilities. It is the intent of the City of Hollywood to govern the development and operational characteristics of drive-thru facilities in order to limit possible adverse impacts of this specific use, and as a result, promote a comfortable, vital and safe urban environment, through specific standards as they relate to drive-thru uses. Drive-thru facilities shall be permitted in non-residential districts, subject to the following regulations. The sale of alcoholic beverages is not permitted at the drive-thru facility.

1. Vehicular circulation.

a. Separate and distinct drive-thru lanes and stacking spaces shall be provided.

b. A separate and distinct escape lane shall be provided adjacent to drive-thru lanes and stacking spaces; unless the drive-thru lane is parallel and contiguous to a drive aisle of at least 24 feet in width. Neither a right-of-way nor alley shall be counted as an escape lane.

c. Drive-thru lanes and escape lanes shall not conflict, or otherwise hamper access, to or from any parking space.

d. Drive-thru facilities shall be designed and located in such a manner where the majority of the drive-thru lanes and stacking spaces are not visible from rights-of-way. Where possible, drive-thru lanes and stacking spaces should not be located between the building and rights-of-way.

e. Drive-thru lanes, escape lanes, and stacking spaces shall be designed and located in a manner in which the least conflict with pedestrians is created.

f. Drive-thru and escape lanes shall be a minimum of 9 feet wide. Drive-in bank facility lanes may be a minimum of 8 feet wide at the service position.

g. Stacking spaces shall be 22 feet in length.

h. Stacking spaces shall be pursuant to Article 7. Inbound stacking spaces shall be counted from the first stopping point. Outbound stacking spaces shall be counted from the last stopping point.

i. Where possible, drive-thru and escape lanes should be separated from parking areas and drive aisles by a landscape buffer of a minimum of 5 feet in width.

j. Vehicular use areas should be minimized and landscape and permeable areas should be maximized.

k. Curb cuts should be minimized in order to assure a safe, uninterrupted and inviting pedestrian environment. Where possible, one curb cut should be provided for interior lots; and a maximum of two curb cuts should be provided for corner lots.

2. Pedestrian circulation.

a. Separate and safe pedestrian walkways shall be provided. Walkways shall be clearly delineated by raised pedestrian crossings, decorative paving, bollards, signage, and landscaping to create separation from vehicular use areas. Where walkways intersect a vehicular use area, the walkway pavement shall be continued through the vehicular use area to clearly delineate the pedestrian network.

b. A direct and convenient pedestrian connection shall be provided between the right-of-way and the main building entrance.

3. Building and Site Design.

a. Menu boards shall not be visible from public rights-of-way. When not concealed from view by a building, menu boards shall be screened with landscape.

b. Weather protection devices shall be provided over drive-thru service points, openings, and menu boards. Lighting associated with weather protection devices shall be recessed and flush with the underside of such device.

c. Weather protection devices, menu boards, and other elements associated with drive-thru facilities shall be architecturally integrated and designed in harmony with the building.

d. Multiple drive-thru service points (e.g. order window, payment window, pick-up window) per drive-thru lane should be considered to promote reduced idling.

e. Garbage receptacles shall be provided after the service point or opening. Such trash receptacles shall be convenient and easily accessible from automobiles.

T. Microbreweries, Microdistilleries, and Microwineries shall be subject to the following:

1. Alcohol production for a calendar year shall not exceed those figures provided below:

MAXIMUM PRODUCTION FOR MICROBREWERIES, MICRODISTILLERIES, AND MICROWINERIES	
Use	Maximum Production per Calendar Year
Microbrewery	10,000 barrels One (1) barrel is equivalent to 31 gallons of beer.

Microdistillery	40,000 proof gallons A unit of measure defined as one (1) gallon of spirits that is 50% alcohol at 60 degrees Fahrenheit.
Microwinery	3,000 cases One (1) standard case is equivalent to 12 bottles with each bottle containing 750 ml.

2. All aspects of the process, production, and storage shall be conducted within an enclosed building. All materials, equipment, and ancillary components shall be located within an enclosed building.

3. Tasting and tap rooms shall occupy a maximum of 4,000 square feet or 40% of the total area of the use, whichever is largest. At least 60% of the gross revenue shall derive from the wholesale and distribution of products; not on-site consumption.

U. Artisan and Maker Manufacturing and Spaces shall be subject to the following:

1. The use may include gallery and exhibition space; and a retail component.

2. All aspects of the process, production, and storage shall be conducted within an enclosed building. All materials, equipment, and ancillary components shall be located within an enclosed building.

3. Outdoor areas may be used on a temporary basis, during hours of operation, subject to all applicable regulations.

(Ord. O-94-14, passed 4-16-94; Am. Ord. O-94-73, passed 11-23-94; Am. Ord. O-2001-16, passed 5-16-2001; Am. Ord. O-2004-21, passed 7-21-2004; Am. Ord. O-2009-03, passed 1-22-2009; Am. Ord. O-2010-12, passed 4-7-10; Am. Ord. O-2011-14, passed 5-4-11; Am. Ord. O-2012-05, passed 3-7-12; Am. Ord. O-2013-05, passed 1-16-13; Am. Ord. O-2013-12, passed 6-19-13; Am. Ord. O-2016-22, passed 10-19-16; Am. Ord. O-2017-23, passed 12-6-17)

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

A. General provisions:

1. Determination of yards: When the definitions of yards do not clearly determine the front, side or rear yard, the Director shall be guided by the pattern of development in the vicinity of the lot and the platting of the lots in question in determining what is the applicable yard.

2. Double frontage lots: The required front yard shall be provided on each street frontage. Accessory structures shall not be provided for in either yard.

3. Residentially zoned property minimum required side yard setback. Minimum 7.5 ft. unless district regulations require a larger setback; except for platted lots of 50 ft. or less then setback is 5 ft.

4. Cul-de-sac setbacks. The front setback shall be from the straight portion of the street right-of-way. The Director may reduce the setback requirements from the circular portion of the street cul-de-sac right-of-way reduced up to 40%.

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

1. Accessory buildings (all districts). All Accessory Buildings which are not a part of the main building may be constructed in a rear yard, provided such accessory building:

a. Does not occupy more than 30% of the area of the rear yard. Areas enclosed by screens shall be included in the computation of area occupied in a rear yard but an open uncovered swimming pool or deck (pervious or impervious) shall not be included in the 30% calculation.

b. Size: Shall not exceed 30% of the floor area of the Main Permitted Use.

c. Setbacks: As set forth in this section. If not listed in this section the setback shall be determined by using the setback requirements for a use or structure that is similar to the proposed construction.

d. Parking garages in Single Family Districts: See Section 4.1.D.

2. Awnings (all districts). Awnings attached to, and supported by a building wall may be placed over doors or windows in any yard, but such awnings shall not project closer than 3 feet to any lot line except; an awning associated with a Commercial Use shall be permitted to extend from the entrance door to the street line of any building and setback 18 in from the curb.

3. Canopies. A canopy shall be permitted to extend from an entrance door to the street line of any building except those located in a Single Family, RM-9, RM-12 or RM-18 districts. Where a sidewalk or curb exists, the canopy may extend to within 18 inches of the curb line. Such canopies shall not exceed 15 ft. in height and 12 ft. in height or be screened or enclosed in any manner and shall provide an unobstructed, clear space between the grade and the bottom of the canopy valance of at least 7 ft. The location of vertical supports for the canopy shall be approved by the Engineering Division.

4. Carports:

a. The automobile carport shall only be constructed of cloth, canvas or similar fabric material on the top of a material approved by the Fire Department. The structure may be supported on not more than eight metal poles not exceeding 2 inches in diameter, and shall be used for shading and weather protection of not more than two automobiles. The Director may approve the use of other materials as support structures if the Director determines it will result in a structure that is substantially open on all sides and is architecturally compatible with the Main Permitted Use. Appeal of the Director's decision is to the Department as an Appeal of an Administrative Decision.

b. When a carport faces an alley or interior sideyard or rear yard that is not visible from the street, then any construction material that is compatible with the main construction of the principal building is permitted; however, metal is restricted to a metal pan roof. This determination shall be made by the Director. An appeal of his/her decision is to the Planning and Development Board.

c. Canvass and cloth carports: The structure shall be supported on not more than eight metal poles not exceeding two inches in diameter, and shall be used for shading and weather protection of not more than two automobiles. The Director may approve the use of other materials as

support structures if the Director determines it will result in a structure that is substantially open on all sides and is architecturally compatible with the Main Permitted Use. Appeal of the Director's decision is to the Planning and Development Board.

- d. No more than one carport is permitted on properties that are zoned single family or duplex.
5. Decks and Screen Enclosures (whether or not associated with a pool):
 - a. Maximum elevation: 30 inches above grade.
 - b. Front setback: at-grade only, area not to exceed 10% of Main Permitted Use or 500 sq. ft. whichever is less.
 - c. Side setback: 3 ft., 0 ft. adjacent to water.
 - d. Side setback facing a street: 12 ft.
 - e. Rear setback: 13 ft. If adjacent to water then setback for deck is 0 and setback for screen enclosure is 10 ft.
 - f. Townhomes: Deck setback is 1/2 of the above (a - e) and measured from the line separating the property of each unit. Screen may enclose the area that is owned or exclusively used by owner.
 - g. Arbor: At least 50% of the roof structure shall be open to the sky. Setback as listed above for deck.
 - h. Properties in developments which have Condominium Associations or other forms of Associations which govern the Use of land may reduce the above required yards. Substantiation must be submitted to the Office of Planning.
6. Driveways and sidewalks on private property: 3 ft. from side lot line.
7. Fences and walls: For height regulations related to residential zones refer to § 155.12 of the City Code of Ordinances.
 - a. General:
 1. All vertical posts, horizontal rails, or support systems of wood fences must face to the inside of the property.
 2. The exterior of wood fences or any portion of the exterior of wood fences that face away from the property must have a finished surface.
 3. When a wood fence is located in the front yard setback or each side of a wood fence is visible from a street, then the wood fence shall be finished on both sides.
 4. Any portion of a wood fence that abuts an existing fence or other construction barrier may be installed with vertical posts, horizontal rails, or support systems to the outside of the property upon proper determination by the Zoning Administrator that an obstruction exists and that access has been denied.
 - b. Barbed wire or similar materials. Prohibited in all districts except in Industrial and Manufacturing. The height of the barbed wire is included in the maximum height allowed.
 - c. Ornamental fixtures or lamps (on walls, fences) are allowed in all districts subject to the following:
 1. Permitted to be placed on walls or fences when they are adjacent to a public street, alley, golf course or waterway. The total height of the combined structure shall not exceed the required fence or wall height by more than 2 feet.
 2. Located with a minimum separation of 8 feet on center with a maximum width of 2 feet.
8. Hedges. For height regulations related to hedges refer to § 155.12 of the City Code of Ordinances.
9. Lightpoles: In single family districts only; otherwise height limit as established in zoning district.
 - a. 10 feet maximum height. Lightpoles shall be located 7 1/2 from any property line except that when such property line abuts a public right of way, or Waterway there shall be no required setback.
 - b. All light shall be contained on site or on any public right-of-way.
10. Marine structures: All districts - seaward side yard setbacks for boat slips, decks, wharves, dolphin poles, mooring piles, davits, or structures of any kind shall not be less than 7.5 feet. This requirement pertains to the enlargement of existing structures as well as to the construction of new structures. It is further provided that any boat, ship, or vessel of any kind shall not be docked or moored so that its projection extends into the required seaward side yard setback. Land side decks may extend to the deck associated with the marine Structure.
11. Mechanical equipment: Accessory to a permitted use, such as air conditioning, water pumps, and the like, provided that no such equipment encroaching into a required yard (not allowed in front yard) setback shall be located closer than 3 feet to any plot line and further provided that in no case shall the noise level of any operating mechanical equipment be in violation of the City Code.
12. Porte-Cochere: Shall be permitted to extend from an entrance door to the street line of any building except that Porte-Cocheres shall not be permitted in a Single Family or Townhome District. Where a sidewalk or curb exist, the Porte-Cochere may extend to within 18 inches of the sidewalk. The Porte-Cochere shall not exceed 30% of building core frontage in width or 16 feet in height or be screened or enclosed in any manner. It shall provide an unobstructed, clear space of not less than 9 ft. between the grade and the underside of the roof of the Porte-Cochere.
13. Projections (all districts): Every part of a required yard shall be open to the sky, except as authorized by this title. The following may project into a required yard for a distance not to exceed 25% of the required yard up to a maximum projection of 6 ft.
 - a. Belt courses;
 - b. Chimneys;
 - c. Cornices;
 - d. Exterior unenclosed private balconies;

- e. Ornamental features;
- f. Porches, platforms and terraces;
- g. Roof overhangs;
- h. Sills;
- i. Window or wall air conditioning units;
- j. Bay windows;
- k. Walkways: maximum 3 ft.

14. Shed regulations:

- a. Not permitted in the front yard. Not allowed in the required street side yard unless surrounded by a fence and the shed is lower than the height of the fence.
- b. Rear and side yard setback - 5 ft. If adjacent to alley rear setback is 0 ft.
- c. Maximum of one allowed per property.
- d. Maximum size - 200 sq. ft.

15. Swimming pool, hot tubs, spas - setbacks measured to water's edge (See § 4.23 for setbacks for decks and screen enclosures).

- a. Not permitted in front yard setback, in a utility or drainage easement.
- b. Enclosed or unenclosed: Rear setback - 6 ft., side setback - 6 ft., Side facing a street - 15 ft.
- c. Swimming pool shall be surrounded by a fence with a self-closing and locking gate all of which shall be at least 42 inches high.
- d. The Building Official may make modifications individual cases upon a showing of good cause with respect to the height, nature or location of the fence, wall, gate or latch or the necessity thereof, provided the protection as shown hereunder is not reduced thereby. The Division may permit other protective devices or structures so long as the degree of protection afforded by the substitute device or structure is not less than the protection afforded by the wall, fence, gate and latch described in division 15.c. above.

16. Tennis courts and similar court games: The following regulations shall apply for fences, lightpoles or other accessory structures associated with court games in all districts.

- a. Front yard - Not permitted.
- b. Required side and required rear yard - maximum height of fences shall be 10 feet and the fences shall be set back at least 7.5 ft. from the interior side or rear property line. When the fence faces a street, the maximum height shall be 10 ft. and the fence shall be set back at least 15 ft. from the property line.
- c. Accessory lighting fixtures when customarily associated with the use of court games, shall be erected so as to direct light only on the premises on which they are located. The maximum height of light fixtures shall not exceed 10 feet when located in a required yard; otherwise, the maximum height shall not exceed 20 ft. light is permitted to be cast on any public right-of-way.
- d. All chain link fences shall be coated with green or black materials.
- e. When fences are located within 7.5 ft. of a lot line, they shall be substantially screened from view from adjacent properties, public right-of-ways, and waterways by landscape materials.
- f. Any play surface, whether paved or unpaved, when associated with said court games, shall have the following minimum required yards: front - 20 feet; interior side - 7.5 ft., any side facing on a street - 15 ft., rear - 7.5 ft.
- g. Landscaping, when associated with tennis courts, shall be allowed to equal the height of the fence. The area between the tennis court fence and the front lot line shall be landscaped and approved by the Director prior to the issuance of a Building Permit.

17. Vending machines. Permitted as an accessory use if the machine(s) is located inside a building at least 10 ft. from a window that faces a street or in a courtyard when the machine(s) cannot be seen from a street.

(Ord. O-94-14, passed 4-16-94; Am. Ord. O-2001-16, passed 5-16-2001; Am. Ord. O-2003-14; Am. Ord. O-2003-31; Am. Ord. O-2004-21, passed 7-21-04; Am. Ord. O-2011-05, passed 2-2-11; Am. Ord. O-2011-14, passed 5-4-11; Am. Ord. O-2012-05, passed 3-7-12)

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