

(18-T-51)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLE 4 ENTITLED "SCHEDULE OF DISTRICT, USE AND SETBACK REGULATIONS" BY AMENDING SECTIONS 4.1 AND 4.2 TO CLARIFY THE SUITABILITY OF NON-CONFORMING LOTS; AMENDING SECTION 4.22 TO INCLUDE ADDITIONAL STANDARDS RELATING TO TEMPORARY TRAILERS AND SIMILAR STRUCTURES; AMENDING SECTION 4.3. TO PROVIDE FOR ADDITIONAL STANDARDS RELATING TO CARPORTS; PROVIDING FOR A REPEALER PROVISION AND A SEVERABILITY CLAUSE.

WHEREAS, the Planning and Urban Design Division ("Staff") has reviewed various sections of Article 4 of the Zoning and Land Development Regulations and have determined that the development regulations relating to the suitability of non-conforming lots within single family and multi-family districts need to be revised to be consistent with current development trends and to clarify the existing regulations; and

WHEREAS, in reviewing Article 4, staff further determined that additional standards for carports, temporary trailers and other similar structures need to be implemented; and

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

WHEREAS, on December 13, 2018, the Planning and Zoning Board, local planning agency, reviewed the proposed text amendments at a duly noticed public hearing and recommended approval of the text amendments to Article 4 of the Zoning and Land Development Regulations; and

WHEREAS, the City Commission, following review and public hearing, accepts such recommendations set forth herein and finds them to be in the best interest of the citizens of Hollywood.

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

Coding: Underscored text are additions to existing text; words ~~stricken-through~~ are deletions from existing text; any text that is both underscored and stricken through represents text that was newly presented on first reading but that is being deleted on second reading; and **shaded** text represents changes between first and second readings.

Section 1: That the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Article 4 of the Zoning and Land Development Regulations, entitled “Schedule of District, Use and Setback Regulations”, is hereby amended as follows:

## **ARTICLE 4: SCHEDULE OF DISTRICT, USE AND SETBACK REGULATIONS**

### **§ 4.1 Single Family Districts.**

#### **A. Purpose and Uses.**

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#### **B. Development Regulations.**

\* \* \*

Min. Lot Area (sq.ft.)	Min. Lot Width* (ft.)	Min. Unit Size (1 story/2 story) (sq.ft.)	Max. Bldg. Height (ft.)
RS- 1 = 4000	RS- 1 = 40	RS- 1 = 800	30 feet, not to exceed 2 stories
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; provided such lots also comply with Sections 3.8 and 3.9.			

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

\* \* \*

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)	Town hse.	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	Oceanfront - 80% of the distance from Erosion Control Line. Non-Oceanfront 65 ft or 6 stories. 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	40%	1000	500	800	500 Min 750 Avg	15% of units 300-335; 85% of units 335+

			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.						
(5)BRT-25	6000	60	North of Tyler to Sherman Street - 50 feet.  South of Harrison St. - 65 ft. and North of Balboa Street - 150 ft.	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; <u>provided such lots also comply with Sections 3.8 and 3.9.</u></p> <p>** Includes landscaped open space located at-grade or at higher elevations such as on pool decks, parking decks, roof decks and similar uses.</p>									

\* \* \*

## § 4.22 Supplemental Use Regulations.

\* \* \*

~~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 a 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.~~

K. L.      Satellite dish antennas.

\*           \*           \*

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

\*           \*           \*

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

\*           \*           \*

N. O.      Suites hotel.

\*           \*           \*

~~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 or similar mobile units may be permitted by the Director and the 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 semitrailer and to indemnify the city for any and all cost 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.~~

O. 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 provide for in this section. For purposes of this subsection, 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 regulations.

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 apply.

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

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

f. There shall be no storage or maintenance of hazardous materials within any such structures permitted pursuant to this subparagraph. 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 indemnification agreement in a form acceptable to the City Attorney.

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 to all applicable regulations for such use. Timeframe limitations for temporary uses may be established by the Board.

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

a. Use as a residence for the purpose of 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 that may have been displaced as a result of the construction in conjunction with an active Building Permit and subject to the following:

1. Such structures shall be permitted during construction as long as the associated Building Permit remains active. The structure shall be removed immediately following the issuance of a Certificate of Completion of Certificate of Occupancy.

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 structure's removal.

3. 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.

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

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

6. Stacking of cargo containers shall be prohibited unless in the PEDD District.

b. Seasonal sales. Administrative site plan approval shall be required for structures used for storage and warehousing in connection with seasonal sales as permitted pursuant to Section 4.3.J.7.

c. Such structures in 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, be adequately landscaped and screened to minimize any detrimental impact on the adjacent property or public rights-of-way, and shall require a Special Exception. ~~Special Exceptions shall not be required in districts where outdoor storage is permitted.~~

6. The permanent installation of such structures is permitted in districts where outdoor storage is permitted. Such structures shall conform to all applicable regulations for the zoning district and be adequately landscaped and screened to minimize any detrimental impact on the adjacent property or public rights-of-way. Up to two cargo containers may be stacked on an acceptable hard surface, provided the containers are adequately tied and secured together. The stacking of cargo containers may require a Building Permit.

~~6-7.~~ For purposes of this subsection, uses such as mobile home communities, mobile diagnostic/therapeutic centers and portable storage units that otherwise provide separate regulations shall be excluded from this subsection.

P. 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:

\* \* \*

Q. 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:

\* \* \*

R. S. Drive-thru Facilities.

\* \* \*

S. 7. Microbreweries, Microdistilleries, and Microwineries shall be subject to the following:

\* \* \*

**§ 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. ~~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 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.~~

a. Location. ~~No more than one carport is permitted on any singly 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 the 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 the maximum dimensions as set forth above, 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 his/her 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 visible from the street, any construction material that is compatible with the construction of the principal building is permitted.

\* \* \*

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

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

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

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLE 4 ENTITLED "SCHEDULE OF DISTRICT, USE AND SETBACK REGULATIONS" BY AMENDING SECTIONS 4.1 AND 4.2 TO CLARIFY THE SUITABILITY OF NON-CONFORMING LOTS; AMENDING SECTION 4.22 TO INCLUDE ADDITIONAL STANDARDS RELATING TO TEMPORARY TRAILERS AND SIMILAR STRUCTURES; AMENDING SECTION 4.3. TO PROVIDE FOR ADDITIONAL STANDARDS RELATING TO CARPORTS; PROVIDING FOR A REPEALER PROVISION AND A SEVERABILITY CLAUSE.

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

Advertised \_\_\_\_\_, 2019.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

RENDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY for the use and reliance of  
the City of Hollywood, Florida, only.

\_\_\_\_\_  
DOUGLAS R. GONZALES  
CITY ATTORNEY