

ORDINANCE NO. _____

(18-T-54)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLE 4, SECTION 4.1C. OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ENTITLED "SINGLE FAMILY DISTRICTS" TO REVISE THE FRONT SETBACK REQUIREMENTS FOR LAKEFRONT PROPERTIES LOCATED WITHIN THE LAKES AREA HISTORIC MULTIPLE RESOURCE LISTING DISTRICT.

WHEREAS, Section 4.1C. of the Zoning and Land Development Regulations establishes the regulations for setback requirements of main structures in single family districts; and

WHEREAS, Section 4.1C. currently provides that the front setback shall be 25 feet, except for lots in the Lakes Area, whereby for lots with a lot line adjacent to a lake, the setback is 80 feet; and

WHEREAS, in early 2018, the City's Historic Preservation Board requested that staff evaluate the current regulations for front setbacks in the Lakes Area after the Board's consideration of proposed lakefront projects and determining that the existing front setback requirement appears to be onerous in comparison with other lots and inconsistent with the existing fabric of the lakefront; and

WHEREAS, Planning and Urban Design Division staff conducted a visual evaluation of the Lakes Area and found that approximately 43% of lakefront properties do not comply with the existing minimum setback requirement, and staff concurs with the Board's observation regarding the inconsistency of the existing fabric of the area; and

WHEREAS, although the 80 foot setback is required for habitable portions of the home, garages have a minimum setback of 25 feet, and while technically compliant, there are a significant number of homes which take advantage of this allowable encroachment (approximately 38%); and

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

WHEREAS, the combination of the two above scenarios translates into approximately 84% of the lots having structures within the required 80 foot setback; however, staff found that in approximately 16% of the cases, the irregular configuration of the lot makes compliance with the existing setback unfeasible, therefore triggering the need for variances which have been heard by the heard and approved by the Historic Preservation Board; and

WHEREAS, staff has determined that it is necessary to revise the existing regulations for front setbacks in the Single Family District to remove the 80 foot setback requirement in the Lakes Area; and

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

WHEREAS, the Planning Manger recommends the proposed text change; and

WHEREAS, on October 11, 2018, a Joint meeting of the Historic Preservation Board and Planning and Development Board was held to review the proposed text amendment, and the Joint Board has forwarded its recommendation of approval to the City Commission; and

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

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

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, Section 4.1C. of the Zoning and Land Development Regulations is hereby amended as follows:

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

§4.1 Single Family Districts.

* * *

C. Setback Requirements: Main Structure.

Front	Side/Interior	Side/Street	Rear
<p>25 ft.; except lots in the Lakes Area For lots with a lot line adjacent to a lake, setback is 80 ft.</p>	<p>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.</p>	<p>15 ft.</p>	<p>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.</p>

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

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

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

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

Advertised _____, 2019.

PASSED on first reading this _____ day of _____, 2019.

PASSED AND ADOPTED on second reading 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