

CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

AGENDA • JUNE 28, 2016

City Commission Chamber

Work Session

7:30 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448



City Commission Chamber
City Hall
1065 Ridgewood Avenue
Holly Hill, FL 32117

CITY COMMISSION MEMBERS

Mayor
John Penny

District 1 - Commissioner
Arthur J. Byrnes

District 3 - Commissioner
John F. Capers

District 2 - Commissioner
Penny Currie

District 4 - Commissioner
Elizabeth Albert

CITY MANAGER
Joseph Forte

CITY CLERK
Valerie Manning

I. CALL TO ORDER**II. R1 SETBACK AMENDMENTS****1. R1 Setback Amendments**

(Requested by Valerie Manning, City Clerk)

III. ADJOURNMENT

Website Address – www.hollyhillfl.org (City Clerk)

NOTICE – If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.



For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 248-9441



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office no later than three (3) days prior to the proceedings.

**City Commission**

1065 Ridgewood Ave
Holly Hill, FL 32117

SCHEDULED**WORKSHOP DISCUSSION (ID # 1365)**

Meeting: 06/28/16 07:30 PM
Department: City Clerk
Category: Workshop Item
Prepared By: Valerie Manning
Initiator: Valerie Manning
Sponsors:
DOC ID: 1365

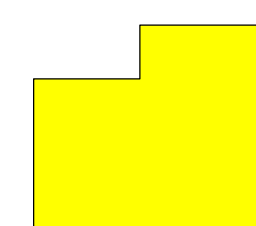
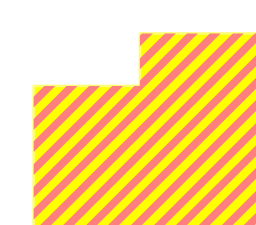
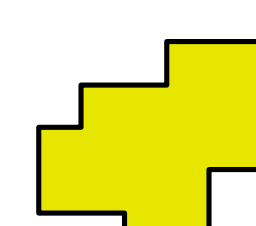
R1 Setback Amendments

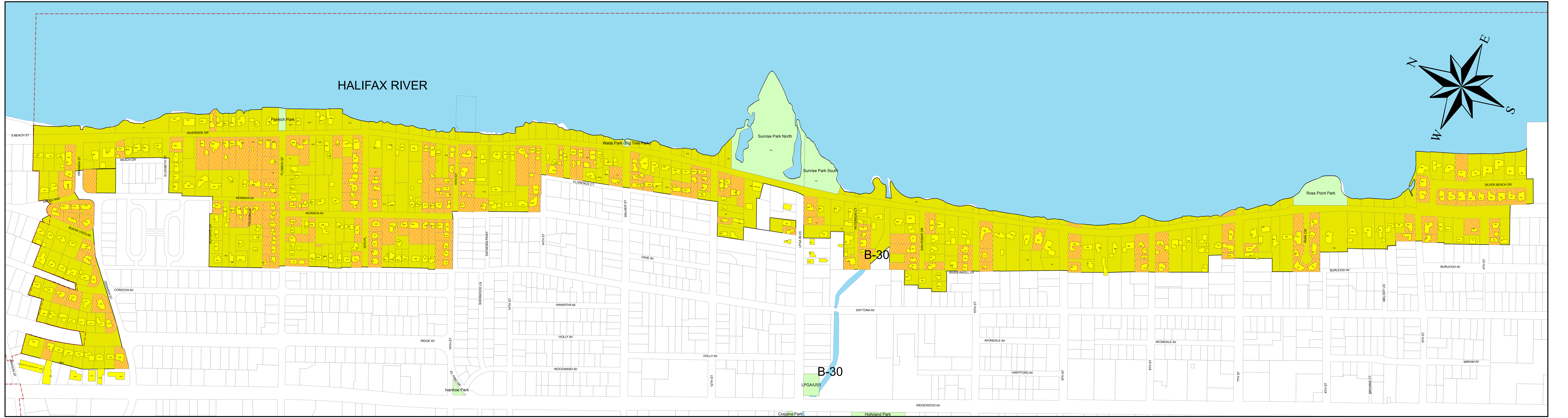


CITY OF HOLLY HILL, FLORIDA

RIVERSIDE DRIVE COMPLIANCE STUDY

LEGEND

-  BUILDING FOOTPRINTS
-  SETBACK VIOLATIONS
-  STUDY AREA





STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: March 7, 2016
SUBJECT: R-1 Front Yard Setbacks
APPLICANT: City of Holly Hill
NUMBER:
PLANNER: Thomas Harowski, AICP

INTRODUCTION: The Board of Planning and Appeals has been reviewing proposals to amend the regulations governing front yard setbacks in the R-1 zoning classification. The Board discussed the issue at both the January and February meetings, and this report is intended to provide additional data for the discussion.

BACKGROUND: The staff has attached the previous BOPA reports dated October 5, 2015 and February 1, 2015. The October report presents the findings from our review of existing conditions and suggestions of potential options for Board consideration. The February memo presents proposed language and additional analysis on two options; reduced setbacks for the secondary front yard on corner properties and the averaging of setbacks where existing units sit forward of the minimum required front yard setback. This report provides proposed language for an averaging process to serve as a starting point for discussion.

DISCUSSION: Should the Board wish to pursue an averaging program, staff is suggesting that Section 114-33 Scope be amended to include a new paragraph four. Attachment A presents the proposed amendment. This amendment would be accompanied by a definition of block face which is the area between intersecting streets on the same side of the street. Please note that the draft language does not include a decision on several issues that we discussed at the February meeting including:

- Should the waiver apply to all residential districts or just the R-1 zone? (The option is limited to R-1.)

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- Should there be a minimum percentage of lots with violations of the front yard setback to initiate the averaging process? (No minimum is proposed.)
- Should the resulting setback adjustment round fractional portions of a foot? (No rounding is proposed.)

The proposal may be modified for any or all of these conditions. We assume that an applicant for a building permit desiring to use the setback waiver would be required to provide survey data showing the actual building setback for all principal structures within the block face.

During our discussion at the February meeting, it was pointed out that using an ongoing average could result in a gradual reduction of the front yard setback as new, closer structures are averaged with current existing structures. One option suggested was that the averaging process be done once for each block face and that first average would essentially become the new fixed setback for that block.

RECOMMENDATION: Continue discussion of proposed revisions to the code and direct staff as appropriate.

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ATTACHMENT A

Sec. 114-33. Scope.

The regulations set out in this chapter shall apply uniformly to all premises.

- (1) *Zoning affects all premises.* No premises shall hereafter be used or occupied, and no principal building or accessory structure shall be hereafter erected, constructed, moved or altered, except in conformity with this chapter.
- (2) *Interpretation of permitted uses and structures.* A requested use or structure that is not expressly permitted in a classification shall be prohibited in that classification.
- (3) *Applicability of yard, lot coverage, floor area and building height requirements.* Every principal or accessory structure to be erected upon a lot shall meet all yard, lot coverage, floor area and building height requirements of its classification unless otherwise expressly permitted by this subpart.
- (4) *Exception to yard requirements:* The front yard setback requirements of the R-1 zoning classification shall not apply on any lot where the average setback of existing buildings located within the same block face and same zoning district is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback but no less than the average of the existing buildings within the stated block face.
- (5) *Multiple use of required space prohibited.* No part of a yard, or other required open space, or of the off-street parking or loading spaces for one structure, shall be included as part of a yard, open space or off-street parking or loading space requirements for any other structure.
- (6) *Reduction of lot area or width.* No lot existing on the effective date of the ordinance from which this chapter is derived shall be reduced in area and width below the minimum requirements of its classification, except lots made up of combinations of nonconforming lots (refer to section 114-34(a)(1)) or cluster subdivision lots (refer to the definition of cluster subdivisions).



STAFF REPORT

City of Holly Hill Community Development Department

DATE: MAY 10, 2016
SUBJECT: SINGLE-FAMILY ZONE SETBACK REQUIREMENTS
APPLICANT: CITY OF HOLLY HILL
PLANNER: THOMAS HAROWSKI, AICP

INTRODUCTION: After a series of variance applications were received for relief from front yard setbacks in the R-1 zoning classification, the Board of Planning and Appeals asked staff to review the current R-1 setbacks to determine if revisions should be suggested to the City Commission. The staff prepared a series of reports that were considered by the BOPA at meetings beginning in late 2015 and concluded that changes should be recommended for the City Commission's consideration. The discussion eventually included the R-2 and R-3 residential districts with regard to corner lots.

The Board of Planning and Appeals recommendation is to reduce the minimum front yard setback in R-1 from 35 to 30 feet and to add a new yard classification of Side Corner Yard for R-1, R-2 and R-3 with recommended minimum yard requirements of 18-feet for R-1 and 15 feet for R-2 and R-3.

BACKGROUND: The Board of Planning and Appeals considered variance requests in 2015 seeking relief from the front yard setback requirements in the R-1 zone. While the BOPA ultimately recommended the relief, which was granted by the City Commission, the cases in question were decided more on equity considerations rather than the strictest hardship criteria. The BOPA asked staff to prepare information to allow the Board to discuss the current regulations and determine if changes to the rules might be appropriate.

The Initial Study

The staff undertook a comprehensive review of all R-1 zoned properties to determine how many of these properties failed to meet the current front yard setbacks. The current setback is 35-feet and on corner properties the front yard setback applies to all yards abutting a public roadway. To be compliant a corner lot would have to meet a 35-foot setback from both roads.

On October 5, 2015 the staff presented the initial report to the BOPA. (A copy of this report is attached.) Within the limits of the data available, the study showed that approximately 50% of the R-1 zoned properties do not meet the minimum

setback requirements. A map of the compliant and non-compliant properties is provided as well. The report lays out a series of potential options:

1. Blanket reduction of the required setback
2. Create a lesser corner lot setback for one street-front yard
3. Use an averaging process based on actual development to get a consistent frontage in a given block
4. Rezone some properties from R-1 to R-2 or R-3 where lot sizes are smaller
5. Make no change and allow the variance process to address setbacks on a case-by-case basis

Detail of Selected Options

Following this discussion, the BOPA asked staff to prepare a more detailed analysis of two options; creating a side corner lot and using an averaging process. This information was presented in a report dated February 1, 2016 (copy attached). This report offers a definition of a side-corner yard and a schedule of proposed setbacks for the side-corner yard. While this information is in the attached report, the definition and suggested schedule are repeated here for ease of reference.

A proposed definition is as follows:

On a corner lot the street on which the property is addressed is considered the front yard for determination of setbacks, and the yard adjacent to the secondary street shall be the side corner yard. For properties abutting Riverside Drive, the yard adjacent to Riverside Drive shall always be considered the front yard.

TABLE OF PROPOSED YARD REQUIREMENTS			
YARD	R-1	R-2	R-3
Front	30	30	25
Side Corner	18	15	15
Side	10	8	7.5
Rear	30	20	20

Side corner yards were maintained at about 60% of the minimum front yard requirement which yields a corner side yard that is approximately twice the width of a standard interior side yard.

The BOPA spent a significant amount of time discussing an averaging process which is used in a number of communities with older development that pre-dates

current zoning. The intent of this process is to allow the setback to be fixed based on the setbacks of existing development within a block or within a given distance of road frontage. The goal is to use this process to create a setback line that is relatively consistent along a given stretch of buildings without relying on a minimum setback. The BOPA asked for a more detailed proposal on the averaging process which was presented in a report dated March 7, 2016 (copy attached). Ultimately the BOPA elected to abandon the use of the averaging process based on its complexity and less certain results.

DISCUSSION: After several months of meetings and considering the research staff was able to provide, the Board offered the recommendation summarized above. The Board did believe that some action to modify the R-1 setbacks is appropriate to forestall future variance requests and to make it easier to construct additions, replacement units and in-fill housing development. The recommendation responded to two trends that emerged from the data.

- For properties fronting on Riverside Drive, the level of incursion into the required front yard tended to be smaller for many units than for R-1 properties on other streets. A reduction in the minimum front yard setback from the current 35 feet to the proposed 30 feet would make more properties conforming without measurably changing the character of development along Riverside Drive. This change would also benefit other R-1 units in the City, but probably to a lesser degree.
- Many of the violations noted along Riverside Drive and elsewhere in R-1 zoned areas arise from corner lots where one yard is compliant, but the second front yard is not. The creation of a side corner lot with a lesser minimum setback will make more of these properties conforming. For properties fronting on Riverside Drive, the Riverside Drive yard must always be considered the front yard by definition. This regulation will also help preserve the existing character of the housing along Riverside Drive. The smaller yard is about 60% of the primary front yard and about twice the size of the interior side yard. The BOPA thought this concept should be extended to the R-2 and R-3 zoning classifications as well.

With older communities such as Holly Hill where a substantial portion of the housing stock was developed before comprehensive zoning was applied, there will be a significant number of non-conforming situations. The Board of Planning and Appeals believes the recommendation presented here will help ease some of these nonconforming situations and reduce the number of variances that property owners may be required to seek.

RECOMMENDATION: Consider the Board of Planning and Appeals recommendation:

To reduce the minimum front yard setback in R-1 from 35 to 30 feet and to add a new yard classification of Side Corner Yard for R-1, R-2 and R-3 with recommended minimum yard requirements of 18-feet for R-1 and 15 feet for R-2 and R-3.

To add the following definition of side-corner lot:

On a corner lot the street on which the property is addressed is considered the front yard for determination of setbacks, and the yard adjacent to the secondary street shall be the side corner yard. For properties abutting Riverside Drive, the yard adjacent to Riverside Drive shall always be considered the front yard.



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: OCTOBER 5, 2015
SUBJECT: R-1 ZONE FRONT SETBACK ANALYSIS
APPLICANT: CITY OF HOLLY HILL
NUMBER: NONE
PLANNER: THOMAS HAROWSKI, AICP

INTRODUCTION: This report is a review of the current developed properties in the R-1 zoning classification with regard to the level of compliance with the required front yard setbacks.

BACKGROUND: As a result of variance applications heard by the BOPA earlier this year, staff was asked to review properties in the R-1 Single-Family Zoning District to determine the level of non-conformance with the required front yard setback. How many units fail to meet the setback? Staff was asked to report back to the Board with our findings. This report is offered in response to this request and provides an initial discussion of options for the Board's consideration.

DISCUSSION: The R-1 Zoning District requires a 35-foot front yard setback. According to the current code any yard abutting a street is considered a front yard, so a corner lot has two required front yards. Each front yard is required to meet the 35 foot setback to fully comply with the code.

Staff conducted an analysis of all R-1 zoned properties using aerial photographs and a limited amount of survey data that was available for the impacted area as a result of other projects that have been done on streets in the City. We did not do ground truthing of the data, so our conclusions are based purely on aerial analysis. The only method to know for sure the existing setback on any property is to do a survey of the property, but doing a survey of every R-1 parcel would be prohibitively expensive for the level of analysis required. There is certainly the potential for some level of error in the data due to tree cover that prevents a clear view of some lots and some registration offsets placing the lot lines on the aerial photos. Nevertheless, we think that there is sufficient information to allow for a reasonable analysis of the existing situation.

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Our examination found that about 50% of the R-1 zoned properties do not meet the required front yard setback in some fashion. The actual totals show 189 units meeting the front yard setback; 190 units that do not meet the setback requirements; and 13 vacant parcels. A map of the units is not particularly revealing with regard to an overall pattern.

- Riverside Drive, with a predominance of larger lots tends to have a higher level of compliance than many other neighborhoods, especially when it is considered that many of the corner lots meet setback on the Riverside Drive frontage but not the side street.
- Corner lots tend to show more violations throughout the study area as one or both corners fail to meet setbacks.
- On Riverside Drive lots, violations tend to be smaller than setback violations on streets in interior neighborhoods.
- On Riverside Drive, the number of violations of the setback increases the further north the property is located. About two-thirds of the total Riverside Drive violations are north of LPGA

Given the lack of a specific pattern to the front setback violations, it is difficult to focus in on one specific action that would cure a large volume of the violations. It is more likely that a number of options will need to be considered and that given the nature of development in the City that we will have to endure a higher level of variance requests to address individual problems. That said, the following listing offers a number of options for discussion.

Blanket Reduction of the Required Setback:

One option is to reduce the minimum setback by a set amount, say from 35 feet to 30 feet. A change of this type will impact (benefit) every property in the district, but it will certainly not cure a large number of current violations. The data seems to indicate that the most impact would be felt on Riverside Drive where the existing deep lots have structures that have small intrusions into the required yard. This was the case with the two variance applications the Board addressed earlier this year.

Create a Corner Lot Setback:

It is common for many zoning classifications to apply a lesser setback to the second street abutting a corner lot. For example a corner lot on Riverside Drive could require a 30 or 35 foot setback on Riverside Drive and a setback of 50% of that dimension on a "side corner" yard. A rule of this nature could help many of the corner lots with violations and create

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opportunities for property owners to undertake additions that are extensions of the current house wall.

Use A type of Setback Averaging

Some jurisdictions offer an opportunity to base the setback of a new home or addition based on the existing setbacks of structures along a given length of the street. This allows new buildings to be placed "in line" with existing structures. Sometimes this is done using the average of existing setbacks along a given length of street. This method requires the selection of an appropriate length of street as the base unit and then determining whether an average is to be used or simply not placing a new structure closer than the closest structure or the average of the closest two or three structures. This system offers some benefits in neighborhoods where there is substantial development that preceded the zoning rule.

As an example, the City of New Smyrna Beach has a rule of this type. The rule reads as follows:

505.10 Nonconforming front yard setback. The front yard setback requirements of this LDR shall not apply on any lot where the average setback of existing buildings located wholly, or in part, within 100 of each side of such lot within the same block and zoning district, and fronting on the same side of the street, is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback, but no less than the average of the setbacks of the aforementioned existing buildings.

Given that the R-1 has a minimum lot frontage of 95 feet, we might want to consider a longer length of street as the base for averaging as 100 feet would basically be the lot on each side of the subject property. This process also requires some specific knowledge of existing building setbacks, but this data should be easily obtainable by survey. We would also want to count units with setbacks larger than the minimum as being at the minimum. This method would prevent one unit set well back from the road from skewing the average.

Consider Rezoning

In some locations it may be more appropriate to consider rezoning a block or block face to an R-2 or R-3 classification. If examination of the underlying lot pattern shows the lot width in a given area is less than the R-1 lot width minimum, then rezoning may be an appropriate answer. This option may also apply to locations such as Park Circle, where every

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house violates the setback rule. It may be better to base the zoning on the building setback rather than the lot size.

Make No Change

There is always a null option where no change is made. This option will continue to rely on the variance process to address issues on a case by case basis. One downside to this option is that it tends to be a little costly for property owners, and this is a system that is not designed to promote consistency from case to case. It is certainly possible that cases with similar fact patterns can have different outcomes. In the strict application of the variance process, the City and property owner also need to identify a "hardship" that underlies the need for the variance.

These options are not mutually exclusive. The Board may want to recommend actions in all of these areas to maximize the ability of property owners to comply with the zoning rules and produce a neighborhood design that is more consistent throughout.

RECOMMENDATION: Staff was asked to prepare and analysis of the issue for Board discussion, and we will be guided by the direction of the Board.



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: February 1, 2016
SUBJECT: R-1 Front Setbacks
APPLICANT: City of Holly Hill
NUMBER:
PLANNER: Thomas A. Harowski, AICP

INTRODUCTION: The Board asked staff to review front yard setbacks in the R-1 zoning district to determine if changes should be considered. The staff completed a study and submitted a report to the Board at the January 4, 2016 meeting. The Board directed staff to work on a proposed regulation regarding averaging setbacks and reducing setbacks for corner lots.

BACKGROUND: The staff report submitted to the BOPA at the January 4, 2016 meeting found that about 50% of R-1 properties did not meet the R-1 minimum front yard setback. The report outlined a range of options for consideration, and the Board requested a proposal on two options including a methodology for averaging and a proposal for lesser setbacks on corner lots.

DISCUSSION: This report will offer a proposal for a reduced setback on corner lots and an averaging process for R-1 properties. The Board may want to give consideration as to the applicability of these techniques to all single-family homes. To give the Board some information on the impacts of reduced corner lot setbacks, the data presented includes R-2 and R-3 districts. The R-3 setbacks will be the same as single-family setbacks in R-4a through R-8 zoning classifications.

Corner Lot Reductions

Before looking at some actual numbers for R-1, R-2 and R-3 zoning classifications, we should consider a definition for a Side Corner Yard. A proposed definition is as follows:

On a corner lot the street on which the property is addressed is considered the front yard for determination of setbacks, and the yard adjacent to the secondary street shall be the side corner yard. For properties abutting Riverside Drive, the yard adjacent to Riverside Drive shall always be considered the front yard.

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The Board recommended that any reduction in side corner yard setbacks not exceed a maximum of 40% of the required front yard setback. The following table details how a 40% reduction would apply to R-1, R-2 and R-3 zoning classifications.

COMPARISION OF CURRENT AND PROPOSED YARD REQUIREMENTS			
YARD	R-1	R-2	R-3
Front	35	30	25
Front Corner	20	15	15
Side	10	8	7.5
Rear	30	20	20

The numbers for the front corner yard are based on 60% of the front yard requirement with some rounding applied. Almost across the board the front corner setback would be twice the standard side yard setback. The question for the BOPA is whether the Board want to recommend this alternative and, if so, do the numbers presented above seem to be reasonable. If the BOPA wishes to extend the corner lot reduction to all single-family lots the dimensional requirements for all single-family units in R-4a and above will be the same as the R-3 numbers in the table.

Front Yard Averaging

In the discussion of averaging options, the BOPA presented two criteria in the discussion at the January 4th meeting. First, the averaging should be done along the length of the block face (one side of the street between intersections) and secondly any setbacks larger than the minimum will be factored using the minimum requirement. In examining how this process might work, staff developed a series of examples to test the application of an averaging process. The following table summarizes these test cases.

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FRONT YARD SETBACK AVERAGING EXAMPLES					
Test Case	Case 1	Case 2	Case 3	Case 4	Case 5
Setback	35	35	34	27	38
Setback	28	35	18	29	42
Setback	40 (35)	38 (35)	22	32	40
Setback	26	29	31	31	39
Setback	29	35	26	28	50
Total	153	169	131	147	209
Average	30.6	33.8	26.2	29.4	41.8 (35)

These test cases identify a few conditions that the BOPA might want to consider.

1. Note that Test Case 5 includes a section where all units exceed the minimum setback. A new unit could be permitted forward of every unit and forward of the average for all units on the block face. This is the current rule.
2. Several of the test cases create a fractional setback. Should the fractional setback be used or should we consider rounding the average to a set point such as the nearest half foot?
3. Test Case 2 has only one unit closer to the street than the minimum requirement. Should we consider a requirement that a minimum number or percentage of the existing units be forward of the minimum setback to allow the application of the averaging process? For example 10% or 20% of the units must violate the setback to allow the averaging to occur. This criterion would help forestall a situation where one unit or two units in a larger group of homes would work to reduce the setback when the large majority of units comply.
4. Test Case 3 has a wide variance in the actual unit setbacks, so the average still leaves a situation where two units will sit well forward of the new unit.
5. Test Case 4 has a much narrower range of actual setbacks so the result of the averaging process is a much more consistent line for the front of the units.

While we used five lots as the test case examples, actual block fronts on the west side of Riverside Drive range from four to 13 parcels not including flag lots. Four units was the most common total (five blocks) with the total number of lot per block increasing the further north along Riverside Drive.

RECOMMENDATION: Staff is seeking additional input from the Board on the two proposals discussed above.