

ORDINANCE NO. C-23-41

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-18.33 OF THE CITY OF FORT LAUDERDALE, FLORIDA, UNIFIED LAND DEVELOPMENT REGULATIONS ENTITLED "SINGLE FAMILY DWELLING, ATTACHED: TOWNHOUSES," TO REQUIRE EASEMENTS ALONG THE PROPERTY LINES IN TOWNHOUSE DEVELOPMENTS TO BE UNOBSTRUCTED AND TO ADD LANGUAGE RESTRICTING THE LOCATION OF SOLID WASTE, YARD WASTE, AND RECYCLING CONTAINERS USED FOR TOWNHOUSE DWELLING UNITS; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, wishes to amend Section 47-18.33 of the City of Fort Lauderdale, Florida Unified Land Development Regulations (ULDR), entitled "Single family dwelling, attached: Townhouses" to require easements along the property lines of townhouse developments to be unobstructed and to add language restricting the location of solid waste, yard waste, and recycling containers used for townhouse dwelling units; and

WHEREAS, the Planning and Zoning Board, acting as the local planning agency, at its meeting of July 19, 2023 (PZ Case No. UDP-T23004), reviewed the proposed text amendments for consistency with the City of Fort Lauderdale Comprehensive Plan and recommended the City Commission adopt the amendments to the ULDR; and

WHEREAS, notice was provided to the public that this ordinance would be considered at the City Commission meeting to be held on Tuesday, October 3, 2023, at 6:00 o'clock P.M., or as soon thereafter as possible, and on Tuesday, October 17, 2023, at 6:00 o'clock P.M., or as soon thereafter as possible, in the Mary N. Porter Riverview Ballroom at the Broward Center for the Performing Arts, 201 SW 5th Avenue, Fort Lauderdale, Florida.

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

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

SECTION 2. Section 47-18.33 of the City of Fort Lauderdale, Florida, Unified Land Development Regulations entitled "Single family dwelling, attached: Townhouses" is hereby amended as follows:

Sec. 47-18.33. - Single family dwelling, attached: Townhouses.

- A. For the purposes of this section, a townhouse development shall include three (3) or more attached single family dwelling units where each individual single family unit and land thereunder is owned in fee simple. A townhouse development shall include one (1) or more townhouse buildings.
- B. *Site design criteria.* A single family dwelling: townhouses (Herein referred to as townhouse development) shall meet the following site design criteria:
 - 1. *Minimum lot size.* The parcel upon which the group is located shall contain a minimum area of seven thousand five hundred (7,500) square feet and shall provide an average of two thousand (2,000) square feet per dwelling unit, including driveways and areas held in common ownership.
 - 2. *Density.* The density is determined by the regulations governing the zoning district where the townhouse development is located.
 - 3. *Group limit.* A townhouse group shall be limited to a maximum of eight (8) dwelling units. A minimum of twenty-five (25) percent of the townhouse group's front facade shall be set back an additional five (5) feet from the rest of the front facade. Attached units may have a common wall or individual sidewalls separated by a distance of not more than one (1) inch or as determined reasonable by the building inspector. If individual walls are used, the buildings shall have adequate flashing at the roofline.
 - 4. *Access to townhouse developments shall meet the following requirements:*
 - a. Each townhouse dwelling unit shall have vehicular access to a public right-of-way, paved driveway or parking area serving the group. Private driveways shall be provided in accordance with Section 47-20.5.D. Provisions satisfactory to the city attorney shall be made for a recordable easement over the driveway for all public utilities and for use by owners within the group.

- b. Townhouse developments that abut a platted alley are encouraged to provide access from the platted alley.

5. *Yard requirements.*

- a. *Front yard.* The minimum front yard shall be the same as that required for the zoning district where the townhouse development is located. A five (5) foot unobstructed easement along the front property line of the townhouse development shall be required if the fee simple lot of each unit does not directly abut the public right-of-way. Provisions satisfactory to the city attorney shall be made for a recordable easement along the front property line of the development for use by the owners of the units.
- b. *Corner yards.* A townhouse building abutting two (2) or more public rights-of-way shall provide a minimum corner yard of twenty (20) feet. A five (5) foot unobstructed easement along the corner property line of the group shall be required if the fee simple lot of each unit does not directly abut the public right-of-way. Provisions satisfactory to the city attorney shall be made for a recordable easement along the corner property line of the townhouse development for use by the owners of the units.
- c. *Side yard.* The side yard shall be a minimum of ten (10) feet from the side property line of the townhouse development. A five (5) foot unobstructed easement which extends from front to rear lot lines along a side lot line of the townhouse development not abutting a public street shall be required for use by owners within the development. Provisions satisfactory to the city attorney shall be made for a recordable easement along the side property line of the townhouse development for use by the owners of the units.
- d. *Rear yard.* The rear yard shall be a minimum of twenty (20) feet from the rear property line. A five (5) foot unobstructed easement along the rear property line of the townhouse group shall be required if the fee simple lots of each unit does not directly abut the public right-of-way. Provisions satisfactory to the city attorney shall be made for a recordable easement along the rear property line of the development for use by the owners of the units within the development.

...

16. *Solid waste, yard waste, and recycling requirements.* Each townhouse dwelling unit shall have incorporated into the design a designated area to locate containers that meet the requirements of Chapter 24 of the city's Code of Ordinances. The designated container area cannot infringe upon a designated parking space. The size of the containers and alternatives to these requirements may be permitted subject to approval of the public works department, sanitation division.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed, only to the extent of such conflict.

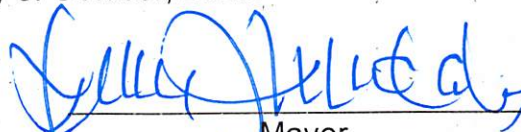
SECTION 4. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 5. CODIFICATION AND SCRIVENER'S ERRORS. The City intends that this Ordinance will be made part of the Code of Ordinance; that sections of this Ordinance can be re-numbered or re-lettered to accomplish codification and, regardless of whether this Ordinance is ever codified, the Ordinance can be re-numbered or re-lettered, and typographical errors that do not affect the intent can be corrected with the authorization of the City Manager, or his designee, without the need for a public hearing.

SECTION 6. That this Ordinance shall be in full force and effect on the date ten (10) days from the date of final passage and adoption.

PASSED FIRST READING this 3rd day of October, 2023.

PASSED SECOND READING this 17th day of October, 2023.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN