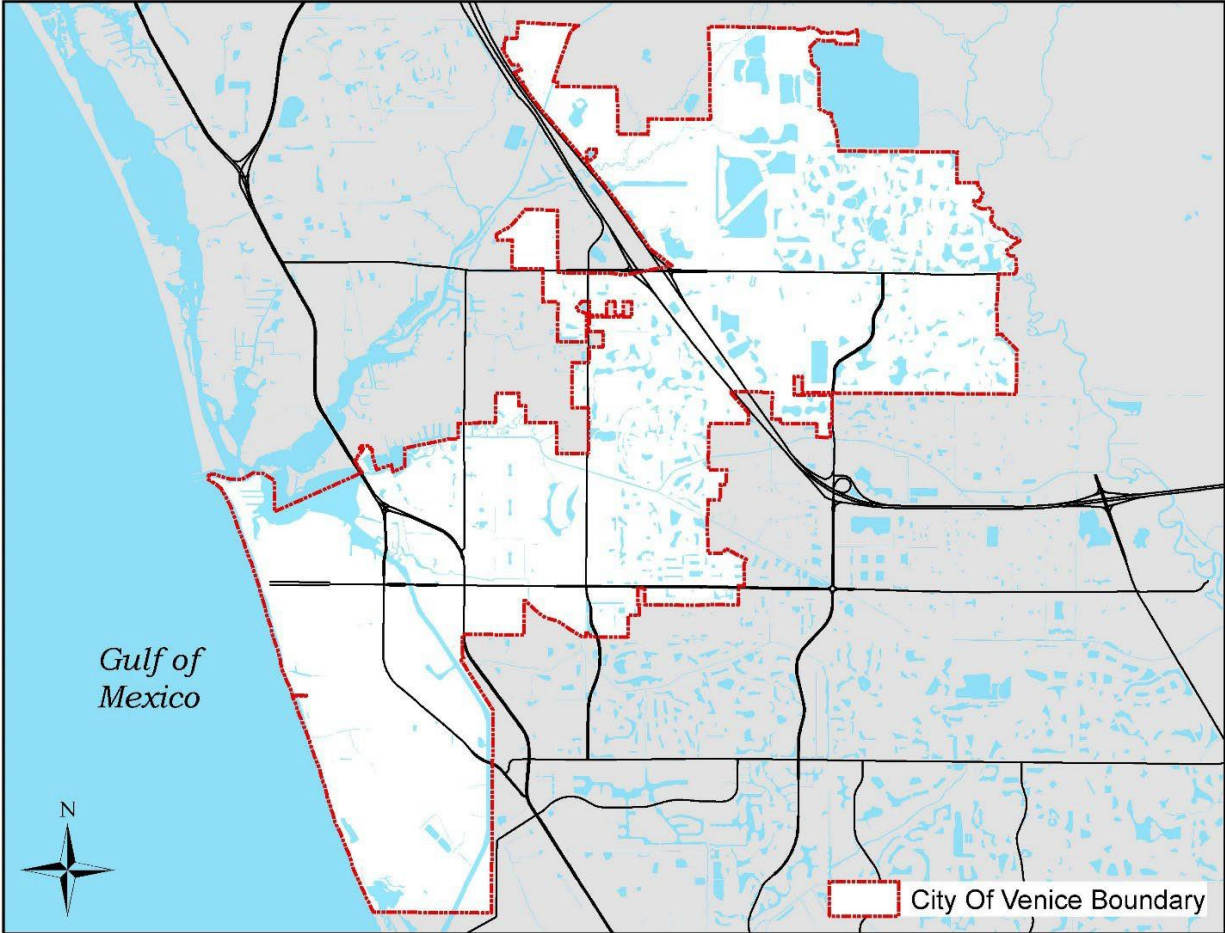


# 24-34AM – City-Initiated Text Amendments to the Land Development Regulations #5

## Staff Report

### I. PROJECT DESCRIPTION

Since adoption of Ordinance No. 2022-15, Planning Staff has used the LDRs contained in Chapters 87 and 89 and has uncovered some necessary changes. Some of these are minor clerical errors, including incorrect references or misnumbered sections. Others are necessary clarifications, such as wording to explain how landscaping and square footage measurements should be taken. Still other changes are revisions to items that cause an issue or impose undesirable regulations, such as height of accessory structures compared to primary structures or conflicting expiration date provisions for development orders. The table in this document will lay out the changes and includes the need and/or justification for each. Page numbers in the first column correspond to the strikethrough-underline version of the changes provided with this application.



List of Changes

Page Number	Code Section	Change	Reason
1	87-1.2.J.3	Make variance expiration dependent on building permit issuance, not whether work has begun	This is consistent with site plan expirations and the process to request extension. It is also a clearer method of measurement.
1	87-1.1.7	Move section from 2.2.5.B and expanded to “inactive and repealed” instead of just “inactive”	Some properties are not in the inactive districts listed in the code but are in repealed districts (especially CG), and they are still applying for development petitions. Staff needs to be able to apply the most similar current process to those applications, too.
1	87-1.7.3.B.6(a)(xvi)	Add a functional open space resource management plan requirement to Planned District zoning amendments	This is consistent with Comp Plan Strategy OS 1.11.1(2)(B)(iii) and is more appropriate as an application requirement in the LDC.
2	87-1.9.3.B.1(k)	Add requirement to provide flood zone overlay map	This is part of TRC review, and it will aid the reviewers to require these maps up front.
2	87-1.9.3.B.14	Remove repeat statement about transportation analysis	B.16 is the same, but more specific (“Sarasota County” instead of “county”) and is consistent with other petition types.
3	87-2.2.5.B	Move this section to 1.1.7 – see change on page 1	See description of associated change above
4	87-3.1.1.B.1	Define active rooftop uses more clearly to exclude single-family	The intent of this provision was not to apply to single-family homes, but without clarifying language, it is uncertain how it should be used.
4	87-3.1.9.C.5(b)	Add “living” to “square footage”	This clarifies how to apply the square footage maximum for permit reviewers looking at ADUs.
4	87-3.1.9.D	Remove this provision	This is unreasonably restrictive on older homes and homes with flat roofs in general, particularly when accounting for changes in screened enclosure construction since many existing ranch-style homes were built.

4	87-3.2	Update citation in C. and D.	Citations in these paragraphs include a subsection 3.2.11, which may have been part of an earlier draft of the code but does not exist today.
5	87-3.4.A.2	Update citation for traditional streets	There is no such table as the one referenced here, and the correct section is 3.4.1.E.
5	87-3.4.2.B.2	Add size requirements for internal walkways and amenity paths in development projects	Required sidewalks (along rights-of-way) must be 6', but commercial and multifamily developments also have internal sidewalks/walkways and those need a minimum requirement. This is also helpful when reviewing parking and landscape code compliance by defining the required width and therefore how much of an internal walkway must remain clear. For paths that serve as an amenity in a development, MURT standards are applied.
5	87-3.6.5.A.9 & 18	Move item 9 to item 18 (as renumbered) and expanded to include walkways	These provisions appear contradictory, but upon closer reading, the provision called "Overhang" is a qualifier for "Blockage Prohibited." Basically, blockage is prohibited, so where overhang exists, it must allow a minimum clear width "unblocked."
5	87-3.6.5.A.9 (as renumbered)	Rearrange the order of sentences in the paragraph	Interpretation of whether wheel stops are required has been confusing for staff, and this reorganization of the text makes the requirement clearer. Wheel stops OR curbs (or similar devices) are required; the current structure of this provision makes it seem as though wheel stops are the only option on first read-through.
6	Figure 3.7.5.4	Strike the first picture	Two pictures (with one figure number) to illustrate the same concept are not necessary, and this one is less clear than the other. It does not look to be

			scaled appropriately for the amount of clear width required between tiers of parking.
7	87-6.2.4.A.2	Replace “conditional use” with “site and development plan”	Towers are granted development orders through the S&D process; CU is a subordinate petition that may be required in some districts but would not capture all potential scenarios where a tower is proposed.
8	87-7.8.A.1(d)	Replace dollar value with number of items changed	\$7,500 is very outdated as a reasonable cost for minor work, and the HAPB has agreed it is not a feasible limit. This proposed approach had the most buy-in from staff and Board members.
8	87-7.8.1.B.2(c)	Change “or” to “and” and adding commas	This makes it clear that an accessory structure must be screened on all sides, which has been the interpretation, rather than on 1-2 OR 2-3 sides (depending whether the property is a corner lot), as the text currently reads.
8	87-7.8.1.B.2(i)	Strike “architecturally significant”	The HAPB has expressed a desire to exempt other styles from the VHP requirements, but the Board does not want to develop rules and guidelines for additional styles. Their intent is to allow these properties to make changes without forcing VHP style onto a building that does not have it and is distinctive in some other way.
8	87-7.8.1.D.1	Add pre-application meeting process with the HAPB	This process exists for property owners seeking a COA but not a CAC. This allows an applicant to get advice from the Board before pursuing a major change.
8	87-7.8.1.D.2.f (as renumbered)	Add a requirement to show location and screening of mechanical equipment	Screening of equipment is required, but applicants often do not show this on their plans because it is not listed as a requirement here. This can reduce review time by removing the need to request additional information after the first submittal.

9	87-7.10.5.D.2	Allow composite materials meeting certain appearance criteria to be used for roofing without requiring a Design Alternative	The HAPB has determined that these materials are best approved at an administrative level, rather than through the public hearing process. Many homes are using these newer materials due to their cost, longevity, weight, and other benefits.
9	87-7.10.5.E.1	Clarify which types of metal are prohibited	Metal roofs that look like tile would be allowed based on the previous change, so the HAPB has clarified that only these specific types should be prohibited.
9	Figure 7.10.5	Remove the middle example and adjust the figure title	Flat tiles are not permitted in the VHP, so this example is misleading.
10	89-2.3.D.4	Add a requirement to provide copies of environmental permits	This allows staff to confirm that applicants are following the appropriate procedures for state and federal environmental review and have secured the proper permits to develop the project as proposed.

## II. PLANNING ANALYSIS

In this section of the report, analysis of the subject text amendment petition evaluates consistency with the Comprehensive Plan.

### Consistency with the Comprehensive Plan

In general, the Land Development Regulations (LDRs) implement the Comprehensive Plan and should be kept as up-to-date, correct, and functional as possible to accomplish that purpose. Specifically, the LDRs adopted through Ordinance No. 2022-15 fulfills Comprehensive Plan Strategy LU-1.2.12 to adopt a form-based code for context-sensitive design. Several other Comprehensive Plan strategies have been satisfied through the new LDRs as well, including Open Space strategies related to wildlife and wetlands, Transportation & Mobility strategies addressing Complete Streets principles, and Housing strategies for affordable housing incentives.

Overall, these proposed amendments do not change the LDR’s established consistency with the Comprehensive Plan. Clerical errors and missing wording have no effect on consistency, only readability and usability of the LDR. Clarifications proposed here relate to landscaping and building square footage measurements, processing applications for properties with repealed zoning districts, and other technical issues, none of which are addressed specifically by the Comprehensive Plan.

Other issues to be corrected include expiration of development orders, permitted roof materials, and procedural concerns including items such as pre-application consultation with HAPB and submittal of required information at appropriate points in the development process. The proposed solutions to these issues have not been found to conflict with any elements or strategies in the Plan.

One change involves requiring a functional open space resource management plan to be submitted with any Planned Unit District application, which implements Strategy OS 1.11.1(2)(B)(iii) and was previously missing from the Code.

***Conclusions/Findings of Fact (Consistency with the Comprehensive Plan):***

Analysis has been provided to determine consistency with all elements and strategies of the Comprehensive Plan. As indicated above, no inconsistencies have been identified. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.

III. CONCLUSION

These revisions come as a result of using the Land Development Code that was adopted on July 12, 2022. Staff has often stated that the Code is a living document, and it will continue to change and evolve as we find errors, oversights, and areas of conflict.

**Planning Commission Report and Recommendation**

Upon review of the petitions and associated documents, Comprehensive Plan, Land Development Code, staff report and analysis, and testimony provided during the public hearing, there is sufficient information on the record for the Planning Commission to make a recommendation to City Council on Text Amendment petition no. 24-34AM.