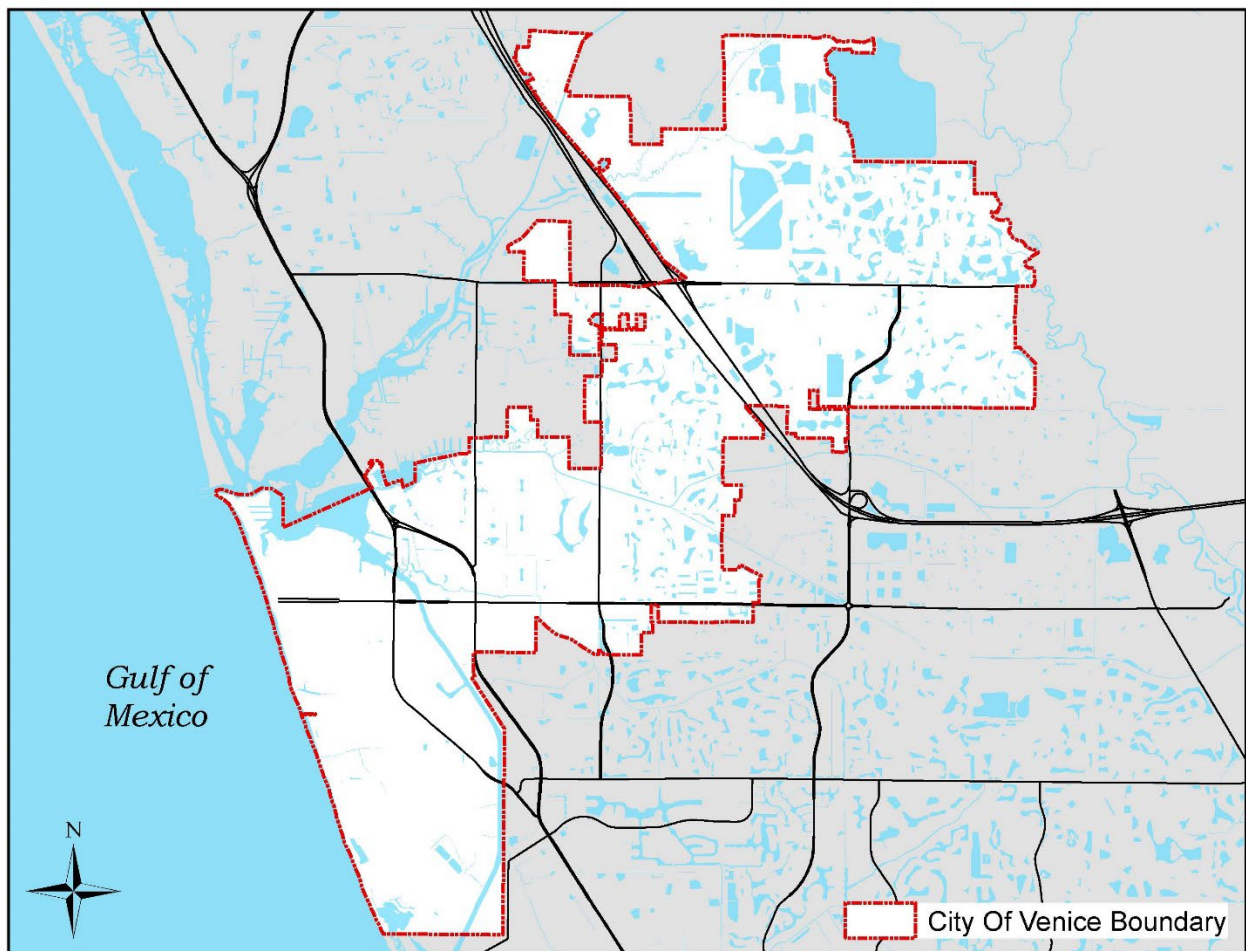


# 22-67AM – City-Initiated Text Amendments to the Land Development Regulations #2

## 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 section references and leftover wording from previous drafts. Others are necessary clarifications, such as the additional text regarding front yards. The third category of changes are revisions to items that cause an issue or impose undesirable regulations. The tables in this document will lay out the changes by type 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

### Errors

Page	Section	Change	Need/Justification
2-10	Ch. 87, Tables 2.3.3-2.3.5.1, 2.3.8- 2.3.11	References to Sec. 4: Compatibility in the Height row should be removed	Section 4 no longer has any regulations specific to height
2-10	2.3.4 2.3.5.1 2.3.6 2.3.8-12	“lesser” should be “less” in the Building Frontage row	Grammatical error
11	Ch. 87, Table 2.3.6	The Loading reference should be 3.6.5.G, not 7.4, and the Signage row should be removed	Loading reference is a typo; no other table has a signage row so this is removed for consistency (this row only provided a reference, no regulatory content)
12	Ch. 87, Sec. 2.4.3.B.4	The word “duplex” should be exchanged for the term “paired villas”	Consistency with the definition in 2.4.3.B.5
13	Ch. 87, Sec. 3.1.9.B.7	Removed the word “required”	Causes unnecessary confusion. The area defined as a “front yard” for any given property may be larger than the minimum requirement but still subject to this code. Accessory structures would not be allowed in front of the primary structure, regardless of yard size.
14	Ch. 87, Sec. 3.5.4.A.2	Landscape reference should be 3.7, not 3.5	Typo (sections were rearranged and the reference was not updated)
15	Ch. 87, Sec. 3.7.6.B.2	The reference to Fences, Walls, and Berms in 3.6 should be 3.8	The referenced section moved
16	Ch. 87, Sec. 4.2.D.2	The reference to Fences, Walls, and Berms in 3.6 should be 3.8	The referenced section moved
17	Ch. 87, Sec. 6.7.C.4	The reference to temporary sign code should be 3.5.3	The reference was incorrect
18-19	Ch. 87, Sec. 7.3.A & 7.8.1.G	“Historic Resources Manager” should be updated to “Historical Resources Manager”	This matches the City’s job description for the position

## Clarifications

Page	Section	Change	Need/Justification
21	Ch. 87, Sec. 1.1.2.M.1	Adding “except those proposed for Chapter 88” to clarify the review authority for LDR text amendments	Amendments to Ch. 88 are not subject to Planning Commission Review
22	Ch. 87, Sec. 3.5.4.B.5	The phrase “for multitenant buildings” should be added to the Location and Number row of the table for wall signage	This provision is specific to multitenant scenarios, and without this clarification the wording has caused reviewers confusion when looking at single user buildings
23-33	Ch. 87, Sec. 1.2, 1.7.3, 1.8.4, 1.9.3, 1.10.1 & Sec. 5.1.2 and 5.2.2	Concurrency and Traffic Study requirements should be removed from Common Application Requirements and placed in the specific requirements for the appropriate application types (RZ to Planned Districts, PP, SD, CU for attainable housing). Some wording has been edited for clarity in Sec. 5 to reflect these changes as well.	Having these items on other applications where they are irrelevant may cause confusion for applicants and is unnecessary overall. The Code clearly defines where these items should be considered.

## Issues

Page	Section	Change	Need/Justification
35	Ch. 87, Sec. 3.6.3, Table 3.6.1	The minimum number of required parking spaces for multifamily should be 1.0/unit	Venice is not yet dense enough to support 0.5 spaces per dwelling unit; most trips are still vehicle trips in the city and it may be unreasonable to assume that there will be less than one car per household on average.
36	Ch. 87, Sec. 3.6.3, Table 3.6.3	The minimum number of required parking spaces for restaurants with drive through should be 4/1000 SF	The existing minimum of 6/1000 SF is likely to create conflict with the increased requirement for stacking spaces (from 6 in the previous code to 8 today), as has been demonstrated by a drivethrough project already. It is more appropriate for this type of use to have increased stacking and decreased parking. 4/1000SF was chosen based on comparison with surrounding jurisdictions; this rate is towards the lower end of the range but is not the most permissive compared to other local codes.

37	Ch. 87, Sec. 3.6.5.G.2(a)	The requirement for landscaping or screening walls around loading spaces should be removed	Loading spaces are often just extra parking spaces, perhaps in a different orientation and sometimes larger than a typical space, but they are usually still part of the parking area and it may not be practical to wall them off or surround them with landscaping.
38	Ch. 87, Sec. 7.7.A.6	The words “building or” should be removed	Building fees cannot be waived, although development review fees can be.
39	Ch. 89, Sec. 3.5.2.C	Language related to stormwater runoff in a Tree Protection Zone (TPZ) should be added as item C under Required Best Management Practices	This language will require that surface water be conveyed away from the TPZ to prevent soil saturation. The intention for this provision is to have more resilient trees in development areas and was added in response to lessons learned from Hurricane Ian.

## 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 (LDR) implement the Comprehensive Plan and should be kept as up-to-date, correct, and functional as possible to accomplish that purpose. Specifically, the LDR 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 LDR 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 applicability of the code, better placement of application requirements, and description of sign area calculations, none of which are addressed by the Comprehensive Plan.

Other issues in the new LDR include the number of required parking spaces for drive-through restaurants and multifamily residential developments, a potentially onerous requirement for screening loading spaces, an incorrect statement about building fees, and conveyance of stormwater to help protect trees during heavy rain or storms. The proposed solutions to these issues have not been found to conflict with any elements or strategies in the Plan.

### ***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. Staff finds this list to be mostly minor changes, though we are still working on the more substantive areas of research that interest the City, as directed by Council.

### **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. 22-67AM.