

Narrative

Introduction

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. 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
1	Ch. 87, Sec. 1.2.C(8-10)	Remove “reserved” items 8 & 9, renumber and change letter case on the Land Use Compatibility Analysis	Previous amendments changed this section, but the numbering was not done correctly in Municode.
11	Ch. 87, Sec. 3.1.6	Strike “Chapter 98: Floods”	This chapter no longer exists.
12	Ch. 87, Sec. 3.1.8.C.1(b)	Move item 3 up one level to become 2b	This error in list order makes it appear that the driveway width allowances through design alternative are contradictory. Rather than having one provision for non-residential and another for residential, currently there are two provisions that apply to non-residential uses with different maximums.
14	Ch. 87, Sec. 3.5.1.A.2	Replace monument sign graphic	A previous amendment updated the size standards so that there are measurements A-F, but the graphic was not replaced and shows the previous requirements A-E.
17	Ch. 88, Sec. 2.2.4	Remove text about Special Flood Hazard Area	Incorrectly stated and could cause the City to lose points with the Community Rating System (an important program for city residents that allows them to receive a discount on flood insurance).
18	Ch. 89, Sec. 2.8.4.B	Change reference to permit approval criteria	Incorrect reference listed
16, 18, 19, 21	Ch. 89, Sec. 3.7.2.A(8) and Ch. 89, Sec. 3.4.1.A(2) and 4.1 “Invasive plant”	Change FLEPPC to FISC	The Florida Exotic Pest Plant Council has changed its name to the Florida Invasive Species Council to reflect best practices in communicating about invasive species – the word “exotic” is recommended to be removed from these discussions.

Clarifications

Page	Section	Change	Need/Justification
1	Ch. 87, Sec. 1.2.F	Add wording exempting administrative applications from neighborhood workshop procedures	These application types were missing from the list of exempted petitions.

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2	Ch. 87, Sec. 1.4.2	Add application requirement for Property Information report	This is required for the Clerk's Office's Petition for Annexation, and the Planning and Zoning department has taken on increased responsibility for this process. This report is always needed from the applicant, so it will save time for those unfamiliar with the City's process to request it up front.
5-9	Ch. 87, Tables 2.3.9-2.3.12	Reword requirement for entrances to be placed along primary streets	The word "primary" was not in the correct place and could be misread as a synonym for "main" (rather than referring specifically to the code's definition of primary streets). To eliminate confusion, "primary" is moved to modify "street" in the first sentence and replaced with "main" in the second.
11	Ch. 87, Sec. 3.1.4.A.1-3	Add "for single-family residential uses" to statements about orienting driveways and entrances towards front yard	These statements are not intended to apply to commercial or multifamily and were directed at single-family homes.
12	Ch. 87, Sec. 3.4.2.B.2	Add the word "required" before the statement on sidewalk width	Internal sidewalks are not subject to this regulation; only sidewalks required by Sec. 3.4.2.A adjacent to rights-of-way must meet this minimum, while internal sidewalks are typically 5', and staff is not aware of any issue with that size.
13	Ch. 87, Sec. 3.5.3.A.3(b)	Delete this item and move it to the end of item (a) above	This standard is specific to the signs described in (a). It currently reads as contradictory to (d) and should be clarified.
13	Ch. 87, Sec. 3.5.3.A.4	Add note about 24-hour contact information	This was a requirement in the previous code and is a safety-related item that should be explicitly stated.
15	Ch. 87, Sec. 3.7.1.C.7	Remove DBH as a measurement option at installation	This change is consistent with the tree code, where DBH is not used to measure new plantings
16	Ch. 87, Sec. 3.7.2.A	Add "and container" and remove "transplanted"	There are state standards for container size, and there is no reason to limit this section by using the word "transplanted."
16	Ch. 87, Sec. 3.7.2.A(2)	Edit specific guidelines for mulch around trees	This change creates consistency with mulch requirements in the environmental chapter (89). Florida Friendly recommendations are comprehensive and include appropriate materials, as well as where to place different types of materials, which is in line with the environmental changes discussed with staff and City Council. These recommendations are designed to conserve resources and keep landscaping healthy.
16	Ch. 87, Sec. 3.7.2.A(8)	Replace "highly" invasive with "Category I" invasive	These are the invasive species that pose a major risk to their environment. This provision states they "must" be removed, so it would be appropriate to specify removal is required for the most damaging species. The Florida Exotic Pest Plant Council (now named Florida Invasive Species Council) has written the following regarding mandatory removal of

Page	Section	Change	Need/Justification
			invasive species: “Ordinances that require mandatory removal of invasive species will invoke economic and, possibly, cultural hardships on citizens. Therefore, (as in the case of prohibiting invasive species from landscape plans) FLEPPC should encourage the use of the FLEPPC List as additional information beyond that needed for a species to be placed on the FLEPPC List is necessary for requiring mandatory removal of invasive species. Certain invasive species are very expensive to control; for others, methods may not be available that give consistent results. FLEPPC can assist local governments by providing information on severity of invasiveness, distribution, and the most cost-effective control methods for species being considered for mandatory removal.”
18	Ch. 87, Sec. 3.2.2.D	Replace confirmation from individual environmental professionals with the FISC list	This list is highly researched and respected and would be the primary source used for the decision by the listed professionals.
16	Ch. 87, Sec. 3.7.3.A.5	Add language regarding soil moisture to irrigation systems requirements	Soil moisture is also an important indicator; rain sensors alone would not be as effective in conserving water.
19	Ch. 89, Sec. 3.5.2.C	Break up this section into items C, D, and E (and renumber subsequent sections)	This section was overly long and will be easier to work with when broken into three paragraphs.
21	Ch. 89, Sec. 3.5.2.L	Add the phrase “newly planted” to the soil volumes requirement	This does not apply to existing trees.
21	Ch. 89, Sec. 4.1 “Heritage tree”	Correct the name of the FL Department of Agriculture and Consumer Services Forestry Division	This is the official name of the department.

Issues

Page	Section	Change	Need/Justification
1	Ch. 87, Sec. 1.2.C	Allow Director to waive specific application requirements	Only the common requirements can be deemed not applicable at this time, but many of the specific application requirements may not be applicable to every application.
3	Ch. 87, Sec. 1.15.3.C.6	Add requirement for color elevations for minor site and development plan	May be needed depending on the type of change, but currently not required by the appropriate section.
4-6	Ch. 87, Tables 2.3.9 & 2.3.10	Remove maximum rear setback	The maximum front and maximum rear setbacks for some of these properties will require a very large building/high intensity on some of the longer lots adjacent to Laurel Road and is unnecessarily restrictive.
5-10	Ch. 87, Tables 2.3.9-2.3.12	Remove “side or rear” regarding access to internal drives	This is not possible for many properties in these districts; access can only occur off Laurel Road for some.

Page	Section	Change	Need/Justification
12	Ch. 87, Sec. 3.1.8.C.3	Add provision to measure divided driveways per side	Driveway width regulations are meant to apply to a single continuous accessway, rather than a divided one, and this change could prevent unnecessary design alternative petitions for projects that cause no issue by using a median in their project entry. Maximums for each side still apply.
12	Ch. 87, Sec. 3.5.2	Make temporary signs a subset of exempt signs, re-word residential and non-residential temporary signs, and renumber as needed (numbering changes shown on pages 12-15)	There is overlap between exempt and temporary sign types, and they should not be separated into different sections. None of the temporary signs require permits except for signs advertising an event or a special business promotion (see new 3.5.2.B.2(a)).
18	Ch. 89, Sec. 3.3.1.C(3)	Add requirement to show location and dimensions of tree protection barriers	These are critical components of the plan and should be required with each submittal.
19	Ch. 89, Sec. 3.4.6.A.4	Strike the incentive for the stated nursery-grown trees	Discourages species diversity by limiting to a small number of eligible tree species.
19	Ch 89, Sec. 3.5.2.E	New language regarding Heritage tree barriers, change from potentially approved to potentially required (and always encouraged)	Lengthy construction projects often need to take greater measures to protect these trees. This change will strengthen the City Arborist's role in ensuring adequate barriers for Heritage trees.
20	Ch. 89, Sec. 3.5.2.N	Add a section about overland flow of stormwater away from the tree protection zone (TPZ)	This change will help secure the health of protected trees by ensuring stormwater does not pond within the TPZ.
21	Ch. 89, Sec. 3.5.2.Q	Prohibit pruning of protected trees into unnatural shapes	This type of pruning can damage the tree, and in some cases such pruning can render buffer or canopy trees incapable of serving their intended functions.
21	Ch. 89, Sec. 3.5.2.P	Add new section on tree mulch, including diameter, depth, and materials	This section should apply to all trees covered under Chapter 89, not only the trees required for site landscaping in Ch. 87, Sec.3. The proposed language contains the requirements recommended by the City Arborist and incorporates Florida Friendly principles.
21	Ch. 89, Sec. 4.1 "Heritage tree"	Add "Challenger Tree"	The Challenger Tree program is also a state program and will allow the City to protect more trees that are impressive for their species, even if they are not large compared to other species (e.g. Live Oak).

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 we will be bringing revisions and updates to the Planning Commission and City Council as the need arises and that the Code is a living document. This is the fourth group of changes to be proposed.