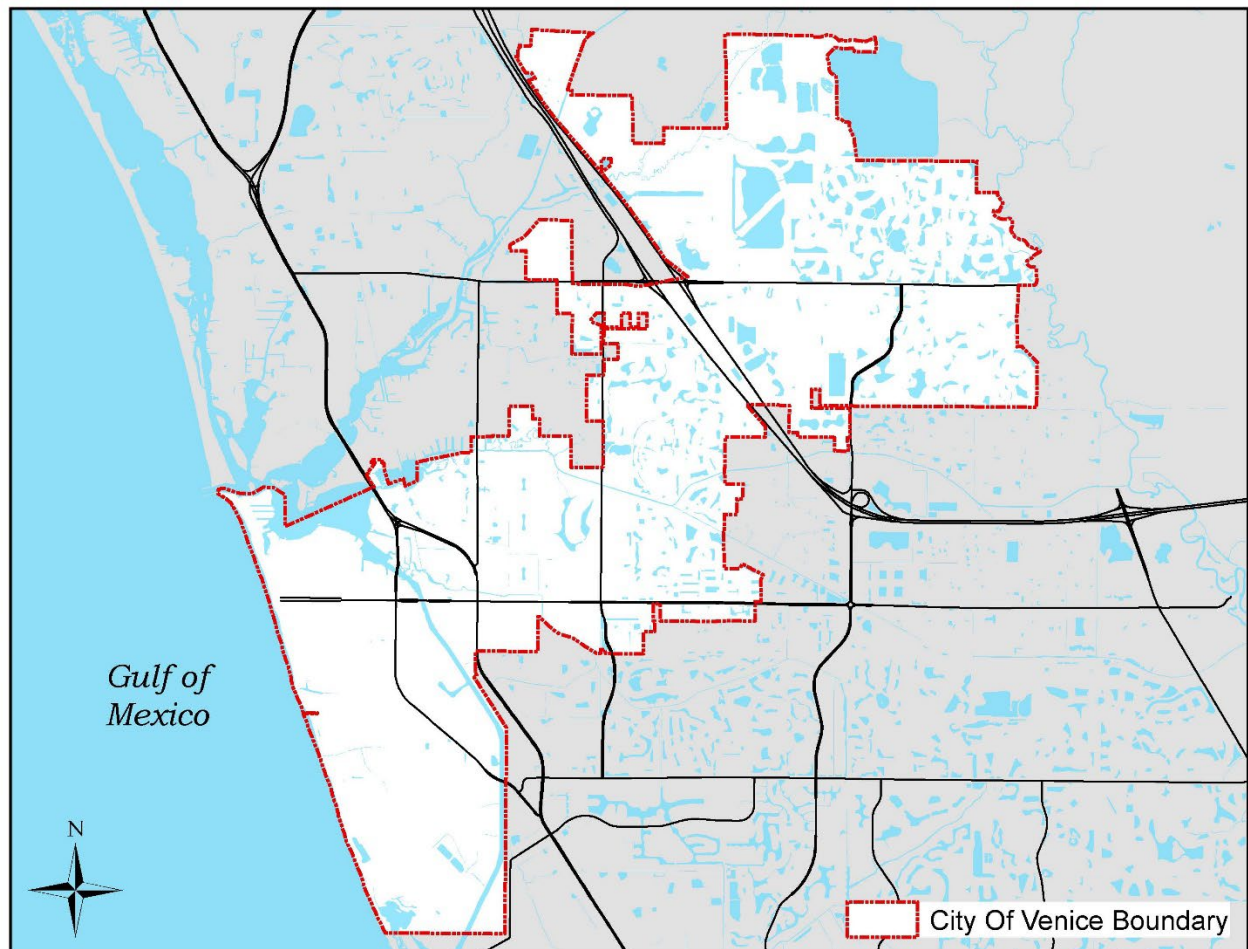


22-54AM – City-Initiated Text Amendments to the Land Development Regulations #1

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 (mostly incorrect section references). Others are omitted items, including items that were present in the previous code, such as requirements for monument sign height. The third category of changes are new or revised items that cause a contradiction or issue elsewhere in the code and need to be reconciled. 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

Clerical Errors

Page	Section	Change	Need/Justification
1	Ch. 87, Sec. 1.7.2.A.2	Reference to 1.7.3 should be to 1.7.4	Decision criteria are located in 1.7.4
2	Ch. 87, Sec. 3.6.2.A.2	“elective” should be “electric”	Typo
3	Ch. 87, Sec. 3.7.5.B.6	Reference to 3.4.4 should be to 3.6.5	Design standards are located in 3.6.5
3	Ch. 87, Sec. 3.7.5.B.8	Reference to 3.7 should be to 3.9	Lighting is located in 3.9
4	Ch. 87, Sec. 6.7.C.4	Reference to 3.3 should be to 3.5	Signs are located in 3.5
5	Ch. 87, Sec. 7.3.B	“than” should be “that” and the word “properties” is missing	Typo and missing word
6	Ch. 87, Sec. 7.7.G.1	“HPM” should read “HRM”	Typo (HRM is Historic Resources Manager)
7	Ch. 87, Sec. 8.5	8.5.B.2 should be moved to 8.5.D	Applies to both B & C, not just B

Omissions

Page	Section	Change	Need/Justification
8-10	Ch. 87, Sec. 1.15.3.B and 1.15.4.B	Minor landscaping changes may be approved administratively	These changes are often very minor, such as switching one approved species for another, and can be approved through a simple determination of code compliance
11	Ch. 87, Sec. 1.10.1.B	Landscape plans must be signed and sealed by landscape architects	Plans should meet professional standards
12-14	Ch. 87, Sec. 3.5.2 and 3.5.4	Window and door signs are exempt provided that they meet size and number regulations; window sign graphic removed	These were previously exempt and there was no intent to start permitting such signs
15	Ch. 87, Sec. 3.5.4.B.2.1	Monument signs must have separate and distinct base, cap, and columns. Each of these features must be distinguishable by form, finish, or other means besides color	This definition is expanded from the previous Ch. 86 clarifies the requirement and avoids having to approve substandard designs
15	Ch. 87, Sec. 3.5.4.B.2.3	Monument signs may have a maximum height of 15’ or 9’ (depending on speed limit of the adjacent road) and a minimum column width of 6”	These standards will control the scale of the sign and ensure columns are adequate for the City’s desired design
2	Ch. 87, Sec. 3.6.2.A.2	Electric Vehicle standards should apply to GOV zoning, not only multifamily projects	The City should set the example for sustainability and transportation innovations

Page	Section	Change	Need/Justification
16	Ch. 87, Sec. 7.8.1.B.1	Signs should be exempt from Certificates of Architectural Compliance (CACs) in Architectural Control Districts (ACDs)	Signs were previously exempt; no change to this was intended
17	Ch. 87, Sec. 7.8.1.B.1(g)	Properties that are in a significant architectural style, but are not VHP and not on the Local Register, should be exempt from CACs	Missing the wording from previous code that allowed this
18	Ch. 87, Sec. 7.10.9.C	Fences and walls should be allowed in the front yard if the materials are compliant with Sec. 87-7.10.9.B	Missing the wording from previous code that allowed this

Contradictions or Issues

Page	Section	Change	Need/Justification
19	Ch. 87, Sec. 2.2.2.A	RSF-3 maximum density should be adjusted to 5.0 dwelling units per acre (du/ac) in Table 2.2.2A	Densities between 4.6 and 5.0 (du/ac) cannot be achieved as written
20-21	Ch. 87, Sec. 3.1.4.B.5(a)	Mechanical equipment should not have a setback and should not be treated the same as lawn ornaments, play equipment, etc.	The new 3' setback does not allow for the size of typical mechanical equipment and unintentionally forces all mechanicals to be placed in rear yards. Play equipment and decorative items should not be treated the same as permanent or semi-permanent mechanical equipment areas
20-21	Ch. 87, Sec. 3.1.4.B.5(b)	Permitted exceptions in this table relate to setbacks and should be moved to Sec. 3.1.4.A	Confusion can arise between the terms "setback" and "yard," and this provision relates to reduced setbacks for preexisting lots of record
22	Ch. 87, Sec. 3.6.2	Design alternatives should be available for Electric Vehicle parking standards	Some parking facilities may not be able to be arranged per Sec. 87-3.6.2.B.3&4
23	Ch. 87, Sec. 6.2.2.A.7	Sec. 87-6.2.2.A.7 regarding telecommunications should be removed	Co-location is regulated under 6.2.6 and these facilities should be reviewed, not exempted
24-25	Ch. 87, Sec. 7.6	Figure 7.6.3 should be updated to show that PIDs 0429050011 and 0000008016 are in the Historic Venice ACD	Extension of the Venetian Theme District caused overlap; these two parcels were mistakenly placed in both ACDs, but were previously in the Historic Venice ACD only
26-28	Ch. 89, Sec. 3.3.B.1	A clarifying sentence should be added to the provisions for protection of structures from dead trees or palms	The previous language covered all landscaping, which did not accurately address the security concern for neighboring properties

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 typos have no effect on consistency, only readability and usability of the LDR. Omissions from previous code or missing items relate primarily to signs and architectural requirements, neither of which are addressed by the Comprehensive Plan. Electric vehicles and landscape plan requirements are also regulated only at the level of the LDR.

Other issues or areas of contradiction in the new LDR include permitted uses in Residential Single-Family (RSF) zoning, mechanical equipment location in yards, review of telecommunications facilities, and designations of properties in the Historic Venice and Venetian Theme Architectural Control districts. These are not found to conflict with strategies in the Land Use, Housing, or Infrastructure elements of the Plan, nor with any other elements or strategies.

One change does bring the LDRs into stronger compliance with the Comprehensive Plan: the change in RSF-3 maximum density from 4.5 to 5.0 dwelling units per acre (du/ac). As written, densities between 4.6 and 5.0 du/ac could not be achieved on any residential property. The Low Density Residential Future Land Use designation allows a range of 1.0-5.0 for RSF-1 through RSF-3 properties. The corresponding zoning that should provide for this full range between 1.0 and 5.0 (RSF-3) was limited to 4.5 du/ac, and the next densest zoning (RSF-4) has a minimum density of 5.1 du/ac set by its corresponding Future Land Use designation (Moderate Density Residential). Therefore, 4.6 to 5.0 du/ac would be unavailable for any property in a single-family zoning district without creating a Future Land Use designation conflict. This was not the intention for the LDRs, and the proposed change to limit RSF-3 to 5.0 du/ac instead of 4.5 du/ac fixes the gap created by the previously adopted standard.

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 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 first example of how the Code will 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. 22-54AM.