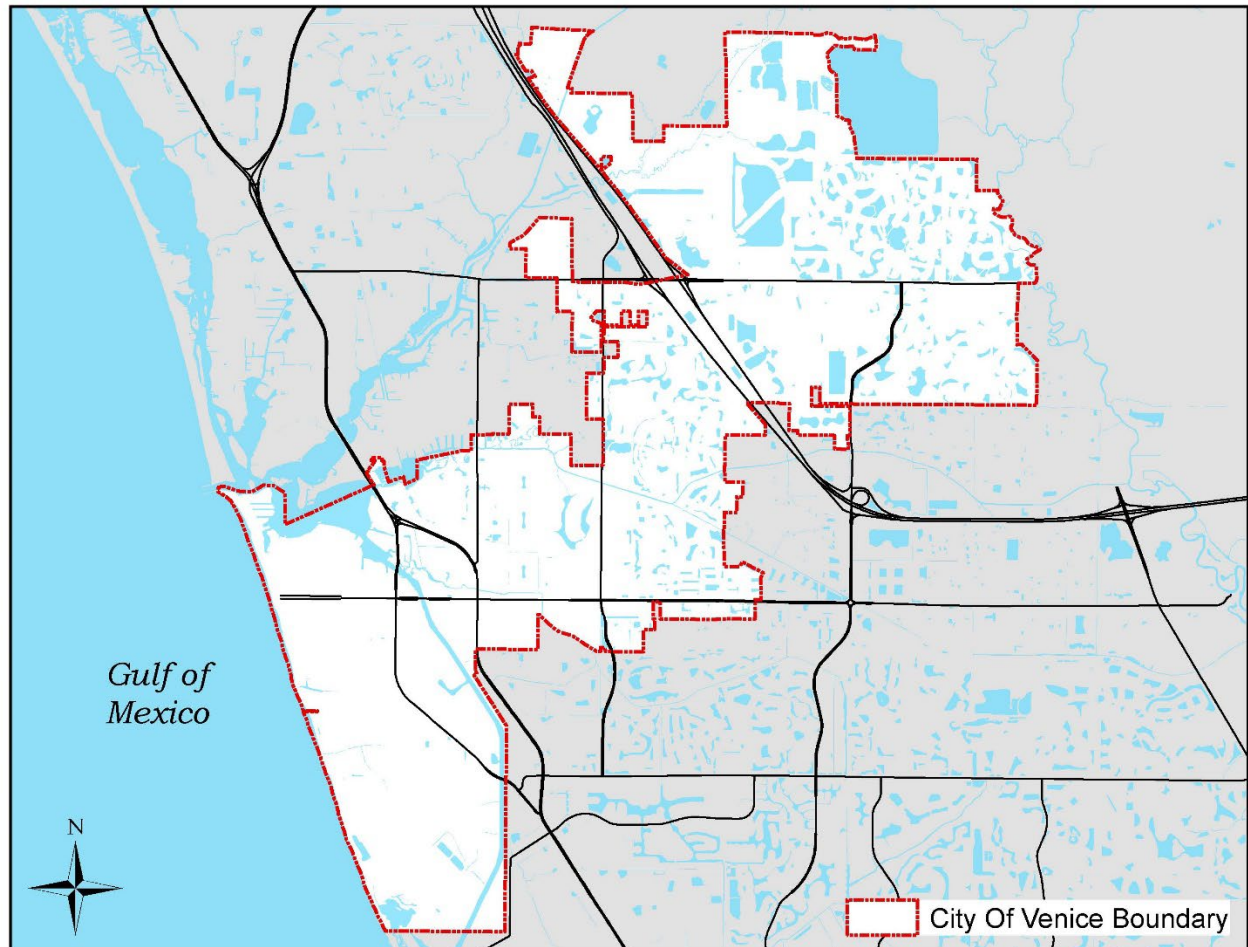


# 23-70AM – City-Initiated Text Amendments to the Land Development Regulations #4

## 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 descriptions of invasive species and entrance placement requirements. The third category of changes are revisions to items that cause an issue or impose undesirable regulations, such as maximum rear setbacks on unusually long lots and tree incentives that could lead to a lack of biodiversity. 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

Section	Change	Need/Justification
<b>Ch. 87, Sec. 1.2.C(8-10)</b>	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.
<b>Ch. 87, Sec. 3.1.6</b>	Strike “Chapter 98: Floods”	This chapter no longer exists.
<b>Ch. 87, Sec. 3.1.8.C.1(b)</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.
<b>Ch. 87, Sec. 3.5.1.A.2</b>	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.
<b>Ch. 88, Sec. 2.2.4</b>	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).
<b>Ch. 89, Sec. 2.8.4.B</b>	Change reference to permit approval criteria	Incorrect reference listed
<b>Ch. 89, Sec. 3.7.2.A(8) and Ch. 89, Sec. 3.4.1.A(2) and 4.1 “Invasive plant”</b>	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

Section	Change	Need/Justification
<b>Ch. 87, Sec. 1.2.F</b>	Add wording exempting administrative applications from neighborhood workshop procedures	These application types were missing from the list of exempted petitions.
<b>Ch. 87, Sec. 1.4.2</b>	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.
<b>Ch. 87, Tables 2.3.9-2.3.12</b>	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

Section	Change	Need/Justification
		specifically to the code’s definition of primary streets). To eliminate confusion, “primary” is moved to modify “street” in the first sentence.
<b>Ch. 87, Sec. 3.1.4.A.1-3</b>	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.
<b>Ch. 87, Sec. 3.4.2.B.2</b>	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.
<b>Ch. 87, Sec. 3.5.3.A.3(b)</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.
<b>Ch. 87, Sec. 3.5.3.A.4</b>	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.
<b>Ch. 87, Sec. 3.7.1.C.7</b>	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
<b>Ch. 87, Sec. 3.7.2.A</b>	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.”
<b>Ch. 87, Sec. 3.7.2.A(2)</b>	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.
<b>Ch. 87, Sec. 3.7.2.A(8)</b>	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 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

Section	Change	Need/Justification
		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.”
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.
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.
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.
Ch. 89, Sec. 3.5.2.L	Add the phrase “newly planted” to the soil volumes requirement	This does not apply to existing trees.
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

Section	Change	Need/Justification
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.
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.
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.
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 to internal drives can only occur off Laurel Road for some.
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.

Section	Change	Need/Justification
<b>Ch. 87, Sec. 3.5.2</b>	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.
<b>Ch. 87, Sec. 3.5.3.B(2)</b>	Replace the maximum height for monument signs with a maximum relative to the sign cap height (1' above cap instead of 15' total)	A sign could be proposed that is 9' high with a 15' column based on the speed limit of the road; it is more sensible to make the requirement proportional to the proposed height.
<b>Ch. 89, Sec. 3.3.1.C(3)</b>	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.
<b>Ch. 89, Sec. 3.4.6.A.4</b>	Strike the incentive for the stated nursery-grown trees	Discourages species diversity by limiting to a small number of eligible tree species.
<b>Ch 89, Sec. 3.5.2.E</b>	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.
<b>Ch. 89, Sec. 3.5.2.Q</b>	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.
<b>Ch. 89, Sec. 3.5.2.P</b>	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.
<b>Ch. 89, Sec. 4.1 "Heritage tree"</b>	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).

## 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 primarily relate to technical definitions and application requirements, none of which are addressed specifically by the Comprehensive Plan.

Other issues in the new LDRs include sign code revisions, tree protections and incentive changes, and setback and access placement concerns in the mixed use districts around Laurel Road and Knights Trail Road. 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.

### **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. 23-70AM.