

LDC Final Hearing - 9/19/2024
Summary of Amendments

| Code Section | Concern/Comment | Staff Comments/Recommendation | COUNCIL ACTION |
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| 173, Chapter, Zoning; 173.030; Table 173-1 | <p>Cluster Subdivisions</p> <p>CONCERN: Cluster subdivisions will create additional housing development within existing neighborhoods; deteriorate the current infrastructure that can't support the existing rate of building; increase population density.</p> <p>The City should consider allowing 40' minimum lot widths in cluster subdivisions.</p> | <p>A 'cluster subdivision' is a use and not a zoning district. Further, a 'cluster subdivision' is not allowed by right, rather it is only permitted by a conditional use permit (via public hearing). Finally, cluster subdivisions are only allowed by a conditional use in certain single-family residential zoning districts, specifically RR, RE, SRE, RS-1, RS-2 and RS-3. The maximum number of permitted lots/houses mirrors the underlying zoning district. While a cluster subdivisions does allow for smaller lots (minimum 50'), they also require more open space.</p> <p>A cluster subdivision provides single-family home developers an option to provide products within existing single-family residential zoning districts.</p> <p>STAFF RECOMMENDATION: Staff supports keeping cluster subdivisions as a conditional use under the single-family residential zoning districts as proposed. Staff also supports minimum 40' lot widths as it is incumbent upon the developer to propose such a product that meets all standards. It is possible that such product could be a more affordable product.</p> | <p>Council motioned to remove cluster subdivisions as a conditional use from RR, SRE, and RE zoning districts.</p> <p>This conditional use has been removed from RR, SRE, RE zoning districts and any cross-reference to such contained within Chapter 173 has also been removed.</p> |
| 173.070(C) | <p>Common Recreation and Open Space requirement in PUD zoning district</p> <p>CONCERN: Why is only 50% max of wetlands and conservation allowed to be counted towards the required open space requirement?</p> | <p>Chapter 171 Definitions defines Common Recreation and Open Space as "designated land, or a combination of land and water within a Planned Unit Development (PUD) designed and intended for the use or enjoyment of its residents. All common recreation and open space shall complement the residential and commercial uses and may contain compatible and complimentary structures for the benefit and enjoyment of the residents of the PUD. This designated land and water area may contain a combination of ACTIVITY-BASED OPEN SPACE AREA and RESOURCE-BASED OPEN SPACE AREA. It shall not include landscaped areas within parking lots, foundation plantings or stormwater management areas unless enhanced for dual purposes such as LID, native landscaped areas, pathways, or gathering areas. In no instance shall the stormwater management system be impacted by improvements." The requirement for a minimum of 25% Common Recreation and Open Space previously existed. Amendment includes for "activating" spaces in order to count towards total calculation. Wetlands and conservation is protected and pre-existing. The City should seek to preserve all existing wetlands rather than encouraging it to be mitigated. However, while wetlands are open space, they're not considered recreation space.</p> <p>STAFF RECOMMENDATION: Staff recommends encouraging developers to preserve existing wetlands by allowing 100% to be counted towards open space; however, the uplands of the wetland areas should be "activated" by (i.e. trails) to meet the "recreation" requirement; create a definition for "protected open space".</p> | <p>Council accepted staff's recommendation.</p> <p>New definition for "Protected Open Space" and amended definition for "Resource-Based Open Space Area" in Chapter 171 Definitions.</p> <p>Section 173.070 modified to allow 100% of Protected Open Space to be counted towards the required Common Recreation and Open Space.</p> |

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| Tables: 173-1 173-2 173-3 | Educational institutions in NC zoning districts CONCERN: Schools create traffic congestion within adjacent established neighborhoods. | <p>The difference between NC and RC is complimentary uses versus a transition between uses. NC allows complimentary uses to neighborhoods include retail providing limited goods and services, churches, and schools. RC allows commercial uses that are compatible but provide transition from residential while enhancing corridors. Existing and proposed zoning code allows schools with no limitations.</p> <p>STAFF RECOMMENDATION: Educational institutions should be encouraged in NC but could be limited to 5,000 SF, requiring a CU permit greater than 5,000 SF, to keep the nature of the surrounding residential. This will allow less intense complimentary uses, i.e. karate studios and child care facilities by right, and allow medium intense uses like a public or charter school by conditional use, ensuring the intent of NC remains: "minimizing the interruption of traffic along adjacent thoroughfares".</p> | <p>Council motioned to separate public and charter schools in the definition of "Educational Institutions".</p> <p>Florida Statutes requires that charter schools be treated the same as a public school. Charter schools are not separately defined. The City cannot impose requirements more stringent than what is required for State Educational Facilities Code contained within the Florida Building Code. As such, the definition for "Educational Institutions" has been updated. The use has been removed as a Conditional Use in all residential zoning districts in the Schedule of Uses table. In addition, the use is allowed only by Conditional Use in all commercial and industrial zoning districts, and permitted by right in Institutional Use zoning district.</p> <p>The use must meet all requirements associated with the footnotes as well as standards required for all Conditional Uses, as provided in Section 172.024.</p> |
| 171, Chapter (Definitions); 173, Chapter (Zoning); and Tables 173- 1, 173-2, 173-3 | Staff-driven amendment | <p><u>Educational Establishments vs. Educational Institutions</u></p> <p>Eliminate the definition for 'Educational Establishments' as it is contained within the definition for Educational Institutions, a definition for which closely mirrors the Florida Statutes and encompasses varying school types, to include public schools, charter, churches, trade/vocational, colleges, universities, etc.</p> <p>Where various school types are referenced (elementary, middle, high, college, university), these uses will be consolidated to Educational Institutions.</p> | <p>Council accepted staff's recommendation.</p> <p>"Educational Establishments" removed from and "Educational Institutions" amended in Chapter 171 Definitions.</p> <p>"Service Establishments, Personal" amended to encompass instructional studios, such as dance schools, karate studios, musical instruction, gymnastics, or other athletic instruction. Pet Day Care Facilities removed from this definition as it is already defined in Chapter 171 Definitions and a standalone use in the Schedule of Uses tables. "Service Establishments, Personal" permitted in NC, RC, CC, GC, HC, and LI.</p> |

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| Tables 173-1, 173-2, 173-3 | Staff-driven amendment | <u>Small Event Spaces</u> The proposed Schedule of Uses tables only allows 'Small Event Spaces' as a conditional use in NC, and limited to 5,000 SF. This should be permitted my right in CC, GC, HC, CMU, and UMU, but limited to 5,000 SF. The 5,000 SF limitation is contained within Chapter 171 (Definitions), Small Event Space. | Council accepted staff's recommendation. Amendment incorporated to allow 'Small Event Spaces' as a permitted use in CC, GC, HC, CMU, and UMU. |
| Tables 173-1, 173-2, 173-3 | Staff-driven amendment | <u>Drive-through establishments</u> Inadvertantly prohibited in RC zoning district in the proposed Schedule of Uses table; whereas, it is currently permitted in the existing RC zoning district. | Council accepted staff's recommendation. Amendment incorporated to permit 'drive-through establishments' in RC zoning district. |