

# STAFF REPORT REGULAR MEETING

**AGENDA DATE:** May 7, 2024

**DEPARTMENT:** Community Sustainability

**TITLE:**

Ordinance No. 2024-06 - First Reading – amending multiple sections of Chapter 23 “Land Development Regulations” to address several housekeeping items and minor changes for clarity

**SUMMARY:**

The subject amendment to the City’s Land Development Regulations (LDR) was drafted to clarify several provisions, address general housekeeping items, resolve inconsistencies, and provide greater flexibility for fencing and walls abutting public rights-of-way. The ordinance will also clarify minimum setbacks for pools on dual frontage properties, establish timeframes in which holiday lights may be displayed, and create additional performance standards for outdoor storage. Finally, the ordinance will amend historic preservation regulations to comply with recent state legislation.

**BACKGROUND AND JUSTIFICATION:**

The subject amendment consists of multiple housekeeping modifications, as well as several other issues that were identified by staff in the building permit and the site plan review processes, including:

- **Administrative Adjustments:** Expanding and clarifying the ability of the Development Review Officer (DRO) to establish the front yard and adjust fencing fronting public rights-of-way (ROW) in all residential zoning districts. Also, clarify the provision of administrative adjustment for existing structures.
- **Pools on dual frontage properties:** Clarify the minimum setbacks for pools on properties with dual frontage.
- **String Lights:** Adding definition for string lights and establishing timeframes in which holiday lights may be displayed.
- **Residential Fences and Walls:** To allow four-foot fences or walls at the property line abutting the public right-of-way with no additional setback or landscape screening requirement.
- **Outdoor Storage:** Adding and amending definitions of outdoor storage. Adding performance standards for outdoor storage in the mixed use and artisanal industrial zoning districts.
- **Historic Preservation:** Amending to comply with 553.79(26), Florida Statutes regarding demolition of noncontributing single-family structures in special flood hazard areas.
- **Housekeeping Items:** Revising and definitions to better distinguish between Accessory Dwelling Units (ADU) and guest houses, removing inconsistencies related to minimum front yard landscaping area, further identifying location requirements for mechanical systems, clarifying height measurements for fencing and walls, and clarifying building lot coverage calculations.

The **Planning & Zoning Board (PZB)** unanimously voted to recommend approval of the proposed text amendments at their April 3, 2024, meeting with the recommendations that the text in Exhibit A, lines 267 through 269 be amended to allow up to three (3) feet of depth of an overhanging roof, eyebrow, awning, or similar feature to be exempted from building lot coverage calculations, provided that the eave retains a minimum three-foot setback from the side property lines. The discussion by the PZB was that new construction projects may use a 2.5-foot or 3-foot roof overhang to provide additional shade to windows and meet green building requirements, so the Board felt that it was appropriate to expand the 2-foot overhang allowance to a 3-foot allowance. The PZB also recommended that the text in Exhibit O, line 1034 be stricken from the ordinance. The recommendation to strike line 1034 was initiated by staff at the advice of the City Attorney, as the text in that line could be interpreted to conflict with F.S. 553.79(26).

The **Historic Resources Preservation Board (HRPB)** unanimously voted to recommend approval of the proposed text amendments at their April 10, 2024, meeting with the recommendations that the text in Exhibit J, line 742 be amended to strike the phrase “Colored or themed” and to instead use the phrase “Holiday themed lights.” The HRPB also recommended that the text in Exhibit O, line 1034 be stricken from the ordinance. The discussion by the HRPB was that the use of the word “colored” can have negative connotations given its historic use in the United States. The recommendation to strike line 1034 was initiated by staff at the advice of the City Attorney, as the text in that line could be interpreted to conflict with F.S. 553.79(26).

**MOTION:**

Move to approve/disapprove Ordinance 2024-06 on first reading and schedule the second reading and public hearing for May 21, 2024.

**ATTACHMENT(S):**

Ordinance 2024-06  
PZB/HRPB Staff Report