

# STAFF REPORT REGULAR MEETING

**AGENDA DATE:** July 18, 2023

**DEPARTMENT:** Community Sustainability

**TITLE:**

Ordinance No. 2023-06 - First Reading – Amending multiple sections of Chapter 23 “Land Development Regulations” to address several housekeeping and minor changes for clarity, to provide for a reduction in the side setback requirements to 5 feet for accessory structures and pools on lots greater than 50 feet, to provide for new standards for street walls, and to expand and clarify the waiver provisions

**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 with the location of secondary (accessory) dwelling units and accessory structures. The ordinance will also establish a minimum setback for mechanical equipment for existing residential properties, and expand the City’s waiver process and establish review standards for waivers. Finally, the ordinance will create street wall requirements for nonconforming properties and new auto-centric uses that cannot meet build-to line requirements.

**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:

- Waiver: Expanding and clarifying the waiver review process to apply to additional provisions in the land development regulations, including allowing a waiver for changeable message signage for public and institutional uses not located on one of the City’s Major Thoroughfares.
- Secondary (Accessory) Dwelling Unit: Clarifying and consolidating the maximum unit size and minimum living area requirements. Also, identifying certain provisions eligible for a waiver application.
- Accessory Structure: Reducing the minimum side setback requirement from 10% of lot width for lots over 50 feet to a minimum of five (5) feet which allows additional flexibility in the placement of accessory structures and pools.
- Street wall: Creating a street wall definition and developing regulations for the redevelopment of existing nonconforming properties and new auto-centric uses that cannot meet build-to line requirements.

The **Planning & Zoning Board (PZB)** unanimously voted to recommend approval of the proposed text amendments to the City Commission at their May 3, 2023 meeting with the recommendation that the text in Exhibit I b.3.(a) on line 707 beginning at, “for the purpose... and ending with accommodation for accessibility” on line 708 be stricken from the ordinance. The discussion by the PZB was that the option to request a waiver limiting the size of an accessory dwelling unit to a maximum of 1,000 sf should not be limited to workforce / affordable housing or applicant’s requesting a disability accommodation only.

The **Historic Resources Preservation Board (HRPB)** unanimously voted to recommend approval of the proposed text amendments to the City Commission at their June 14, 2023.

**MOTION:**

Move to approve/disapprove Ordinance 2023-06 on first reading and schedule the second reading and public hearing for August 15, 2023.

**ATTACHMENT(S):**

Ordinance 2023-06  
PZB/HRPB Staff Report