



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## HISTORIC PRESERVATION BOARD STAFF REPORT

### Access Gates, Ordinance No. 11-20

Meeting	File No.	Application Type
August 5, 2020	2020-076-LDR	Land Development Regulations Amendment

#### Request

Consideration of a City-initiated amendment to the Land Development Regulations (LDR) Section 4.6.5 "Walls, fences, and hedges," Section 4.6.9(D) "Off street parking regulations," and Section 4.6.14 "Site visibility" regarding the placement of access gates on residential and nonresidential properties to provide a clear and safe path for users of the street and sidewalk..

#### Background Information

Staff regularly reviews applications for entrance gates to single and multi-family residential and non-residential development. However, the LDRs do not currently provide specific regulations governing the design and placement of entrance gates. While the standard practice has been to apply the regulations that relate to stacking in Section 4.6.9, the regulations do not clearly address stacking for single-family residential properties, and certain conditions for nonresidential properties. In many instances, the applicant had to request approval of a waiver by the City Commission to a regulation that was applied to all requests, regardless of the property uses, adjacent road classifications, or ultimate right-of-way dimensions, into consideration.

#### Description of Proposal

The proposed amendments will provide clear regulations regarding the placement of entrance gates regularly proposed throughout the city. The proposed amendment will guide the review of all access gates to ensure visual compatibility; to create a coherent and appealing street wall; and to provide of a clear, safe path for users of the street and sidewalk.

#### Review and Analysis

**LDR Section 1.1.6, Amendments** says that *"the text of these Land Development Regulations may from time to time be amended, changed, supplemented, or repealed. No such action however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission."* Pursuant to **LDR Section 2.4.5(M)(1)**, amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual. The proposed amendment is initiated by the Development Services Department.

**Section 2.4.5(M)(5), Findings**, requires that *"the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan."* The following Goals, Objectives, and Policies (GOPs) of the adopted Comprehensive Plan are applicable to the proposed amendment:

**Neighborhoods, Districts, and Corridors Element, Objective NDC 3.5, Title of Objective.** *Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.*

- **Neighborhoods, Districts, and Corridors Element, Policy NDC 3.5.1.** *Review the uses and use descriptions in the Land Development Regulations to provide consistent terminology.*

The proposed amendments will improve the development and permit review process by providing clear standards regarding the installation of access gates for staff, development professionals, and property owners within the city. The LDRs do not have language that addresses conditions regularly encountered in review of the design and placement of access gates for both residential and non-

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#### Attachments:

- Ordinance No. 11-20

residential properties. The current regulations, which require a broad application of the requirements for stacking, does not provide a clear and adequate guidance to staff, developers, or property owners. The proposed amendments provide clear standards for access gates by taking into consideration various roadway conditions and classification, as well as the property types and uses. The proposed amendments also guide the design and placement of access gates on both residential and nonresidential properties, and accounts for properties on roads with and without sidewalks. Access gate location is also dependent on the ultimate right-of-way dimensions, and the opacity of the gate.

#### Review By Others

The **Planning and Zoning Board** will review the proposed LDR Amendments at an upcoming meeting.

The **City Commission** is will review the proposed LDR Amendments at two public meetings following review by the Planning and Zoning Board; the dates are still to be determined.

#### Alternative Actions

- A. Recommend **approval** to the City Commission of Ordinance No. 11-20; amending the Land Development Regulations Section 4.6.5 "Walls, fences, and hedges", Subsection 4.6.5(A) "Relationship to Travelways"; Section 4.6.9 "Off street parking regulations", Subsection 4.6.9(D)(3), "Point of access to the street system", and Section 4.6.14 "Sight visibility", Subsection 4.6.14(A) "Purpose and intent"; by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the City Commission of Ordinance No. 11-20, **as amended**; amending the Land Development Regulations Section 4.6.5 "Walls, fences, and hedges", Subsection 4.6.5(A) "Relationship to Travelways"; Section 4.6.9 "Off street parking regulations", Subsection 4.6.9(D)(3), "Point of access to the street system", and Section 4.6.14 "Sight visibility", Subsection 4.6.14(A) "Purpose and intent"; by finding that the amendment as amended and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations, **with conditions**.
- C. Recommend **denial** to the City Commission of Ordinance No. 11-20, amending the Land Development Regulations Section 4.6.5 "Walls, fences, and hedges", Subsection 4.6.5(A) "Relationship to Travelways"; Section 4.6.9 "Off street parking regulations", Subsection 4.6.9(D)(3), "Point of access to the street system", and Section 4.6.14 "Sight visibility", Subsection 4.6.14(A) "Purpose and intent"; by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.
- D. **Continue with direction.**

#### Public and Courtesy Notices

☐ Courtesy Notices are not applicable to this request

N/A Public Notices are not required for this request.