



City of Pensacola

Environmental Advisory Board

Agenda

City of Pensacola
222 W. Main Street
Pensacola, FL 32502

February 13, 2025, 2:00 PM

Hagler-Mason, 2nd Floor

One or more members of City Council may be in attendance.

The meeting can be watched via live stream at cityofpensacola.com/video.

CALL TO ORDER

ROLL CALL

PRESENTATIONS

STAFF COMMUNICATIONS

DISCUSSION ITEMS

1. 25-138 LAND DEVELOPMENT CODE REVIEW

Recommendation: That the Environmental Advisory Board (EAB) have a discussion regarding the upcoming Land Development Code Review process.

Sponsors: Katie Dineen - Chair

Attachments: *Exhibit 2-Pensacola LDC Matrix_v7*

BOARD MEMBER COMMENTS

PUBLIC COMMENT

ADJOURNMENT

If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 25-138

Environmental Advisory Board

2/13/2025

DISCUSSION

SPONSOR: Katie Dineen - Chair

SUBJECT:

Land Development Code Review

RECOMMENDATION:

That the Environmental Advisory Board (EAB) have a discussion regarding the upcoming Land Development Code Review process.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The City is beginning the process of the Land Development Code (LDC) review and update. This workshop is an opportunity for the EAB to begin discussions on potential adjustments they might recommend to Inspire Placemaking.

The workshop will be the starting place for discussion, which will continue at the March EAB meeting.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

None

LEGAL REVIEW ONLY BY CITY ATTORNEY: No

STAFF CONTACT:

Don Kraher, Council Executive
Katherine Kuhn, Environmental Coordinator
Chase Crawford, City Arborist

ATTACHMENTS:

1. Exhibit 2-Pensacola LDC Matrix_v7

PRESENTATION: No

EXHIBIT 1 - PENSACOLA LDC MATRIX

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Proposed Changes

Comment		Inspire Response	Staff Comment	Action
GENERAL COMMENTS				
1.	Reorganize and streamline the code (KO)	Agree. See proposed outline (Table 1). Recommend organizing the LDC based on topics. All use regulations in one place, for all districts. All sign or parking regulations should go in the respective chapters.	Agree (CC) (GH) (LS) (SM)	WS1 (1/29) – Reorganize the LDC as noted I the Reorg document
2.	Add graphics where needed (KO)	Agree. Will propose specific sections where graphics can add value.	Agree (CC) (GH) (LS) (SM)	Add graphics where they can add value.
3.	Seek separation of processes and procedures from standards and requirements. (PJ)	Agree. See specific recommendations in the proposed outline (Table 1)	Agree (CC) (LS) No comment (GH) Fine with this (SM)	WS1 (1/29) – Inspire’s recommended approach to LDC reorganization is satisfactory
4.	Include LDC language about requirement to inspect, remove, and replace any leaking sanitary lateral as part of the sell/transfer of ownership of a house (AT)	Does not belong in the LDC. Should be in a Public Works/ Engineering Standards Manual	It is not a public works/engineering standards. Perhaps an ordinance where a building permit with a certain dollar amount of improvements would trigger a sewer lateral inspection. Could it fit in 12-1-4 that talks about buildings that are non-compliant. Add sub section (c) utilities that are faulty or noncompliant must be brought into compliance with new residential or commercial, or improvements to existing buildings. Can is reference building permit process? AT No comment. (GH) (LS)(SM)	Recommend adding this requirement to Title XIV, Buildings, Construction and Fire Codes/Ch. 14-2, Building Construction Standards/Article XI, Plumbing. Staff to handle. No action needed by Inspire
5.	The layout/organization is not as user friendly as it could be. Site development standards are mixed in multiple places and easily missed by design professionals (and staff). We have exemptions and exceptions within land use categories instead of within the development standards where they would be anticipated. (LS)	Agree. The first major step of the LDC update will be the reorganization. See proposed outline (Table 1).	Agree (CC) (GH) (LS)(SM)	Reorganize based on the proposed outline (Table 1).
6.	the Comprehensive Plan should probably be within MuniCode (LS)	It is a good idea.	Agree (CC) (LS)(SM)	Staff to handle. No action needed by Inspire
7.	It also has some misnumbering in the latest additions [comp plan] (LS)	That would be addressed in the rewrite.	Agree (LS)	Staff to handle. No action needed by Inspire
8.	<u>Sometimes the LDC gets into too much detail regarding public works or engineering issues. (Inspire)</u>	<u>Does the City of have a design manual for purposes of public infrastructure? We would recommend moving the detailed sections to that manual, if it exists.</u>	<u>No. Until we have one, staff wants public works and engineering references to remain. AT</u> <u>Agree with both comments (SM)</u>	<u>Keep engineering details in LDC. Will highlight for future action. [SEPARATE ORDINANCE]</u>
9.	The following sections mention “Inspection Services” which has been replaced by “Building Inspections” Division. (JB) 12-3-5712-9-212-9-3 12-10-312-10-412-11-5 Recommended Changes- Change the division title from Inspection Services to Building Inspections. (JB) Comment- this is a housekeeping change to correct the Division title within the ordinances. The title was changed during the last budget cycle. Note: Planning Services is also reflected in the ordinances and this has been changed to Planning and Zoning. These sections may need to be considered separately. (JB)	Do we need to refer to specific divisions or titles or should we instead talk about “city administrator or designee”? The responsibilities can be assigned internally and may change over the years. Could exempt floodplain section from this change		Use a more generic term (e.g., available at the City, or City Staff) as division names change over time.
CH. 12-1 - GENERAL PROVISIONS				
10.	Sec. 12-1-4 – Buildings to conform to regulations. The consequences for not building to the standards should be reviewed and perhaps defined. (VD)	Recommend adding a section on enforcement, violations, and penalties.	Ok. (VD) Agree (GH) (LS)(SM) While this was a problem during the early days of the	Add a section on enforcement, violations, and penalties.

Comment		Inspire Response	Staff Comment	Action
			adoption of CRAUDOD, our inspections staff are now somewhat eagle-eyed. (LS)	
	NON-CONFORMITIES			
11.	Sec. 12-1-6(b) states that nonconforming lots of record must meet specific setbacks listed (F 20', S 4', R 10'). Is this equitable and does it allow for consistency with changing visions and development expectations over time? (VD)	Should be based on specific district setback requirements and not on a fixed formula for all.	Ok (VD) Disagree. This section is not used often, applies to nonconforming lots which do not meet the minimum lot area or width, and requires proof from the 1965 tax rolls. Additionally, the application of the setbacks is based upon the least restrictive in the event the district standards may be less. The lots may only be used for the development of a single-family residence. (LS)(SM)	WS1 (1/29) – allow the property owner to abide by either the setback provisions provided within this section or those established per the site's zoning district
12.	Sec. 12-1-6(d)(3) states, “Where the cessation of a nonconforming use is the result of fire, explosion or other casualty, or act of God, or the public enemy the nonconforming use shall not be declared discontinued until six months after the initial 365-day period.” Is six months still adequate time in today’s market? (VD)	It is actually 18 months (365 plus 6 months)	Ok. My concern is that after a storm, for example, often times owners need to challenge their insurance companies to obtain funding to rebuild and then material and contractor shortages further impact timelines for rebuilding. (VD) No comment. (GH)(SM) Our language is generous. Council could enact a resolution to extend/amend for State of Emergency if warranted? (LS)	WS1 (1/29) – the stated time is sufficient; no changes necessary
13.	Sec. 12-1-6(e)(2) says that a nonconforming use may be changed to a different nonconforming use “provided, however, that the proposed use is permitted within the same zoning district as the existing nonconforming use” or a use in a more restricted zoning district.” If the proposed use is permitted within the same zoning district, how can it be non-conforming? (e)(2) and (e)(3) are unclear to me. Perhaps they should be reworded. (VD)	Should be (d)(3). Agree, needs rewriting. It is confusing. It actually says that the new use has to be a permitted use in the district where the non-conforming use <i>would</i> be allowed not where it is located now.	Ok. (VD) Agree (CC) (GH) (LS)(SM)	Rewrite the section to clarify intent.
14.	Sec. 12-1-6(e) allows the reconstruction of non-conforming structures/uses if the damage was less than 75% of its value. If the damage exceeds 75%, a Council hearing is required. Is this something that could be handled administratively with an opportunity for appeal? If someone’s property is destroyed or requires renovation shouldn’t they be permitted to rebuild or restore their building to continue the existing/prior use so long as it doesn’t increase the level of nonconformity? (VD)	Should be (f). The goal of the non-conforming section is to eliminate non-conformities. There are concessions given for situations that were out of the control of the owner. While the provision regarding damage that exceeds 75% of its value is not clear (should be where the cost of renovation exceeds 75% of the building value per ____ [should specify this, maybe “just value” per property appraiser’s office]), it is very generous to allow the owner to go through a hearing to allow them to rebuild after that much damage. The idea is that if they are going to spend that much in the renovation, they can bring the building up to code or relocate.	Agree with clarification/specification. (GH) (CC) (LS)(SM) I have reviewed one such situation since I’ve been at the City; it was cumbersome. This language needs to be modified to make it easier for staff and the property owners to interpret and assess/review. (LS)	WS1 (1/29) – retain the 75% threshold, add a reference to property appraiser’s building value
15.	Should design standards apply in instances other than new construction where nonconformity is being worsened? (VD)	There should be a triggering point – substantial improvement. Some provisions may still not be able to be met (building placement, for instance) and that should be noted.	Ok. (VD) (1) CRAUDOD does not apply to existing (non-conforming) structures. (2) In general, the Code does not allow us to extend the life of a nonconforming structure. Further, the Code does not allow the extension of a nonconformity use/structure. (LS)	No action needed as non-conforming structures cannot be modified.
CH. 12-2 - COMPREHENSIVE PLAN				

Comment		Inspire Response	Staff Comment	Action
16.	This chapter “adopts” the comprehensive plan into the document. (Inspire)	The comprehensive plan is adopted by itself and does not need to be adopted again in the LDC. Recommend deleting this chapter.	Agree (CC) (GH) (LS)(SM)	Move vesting rights to General Provisions chapter and eliminate the rest of the chapter.
17.		Have the “special exception” provisions been used? Are they really needed?	Probably not but I’ll defer to SM (CC) (LS) Not to my knowledge (GH) If they have it predates by tenure with the City (1997) – (SM)	
18.		The vested rights section (12-2-5(b)) should be incorporated into the General Provisions chapter	No comment. (GH) (LS)(SM)	
19.	The first sentence describes the Comprehensive Plan and notes that it has been substantially updated twice since 1990. Is this accurate that it was only amended twice since 1990? I know the state mandates a frequency of review but isn’t every 5 years best practice? Perhaps there should be some statement of review frequency for consistency with the LDC, the redevelopment plans and any other state mandated plans that require consistency with the comp plan. This would help keep everything jiving over time. (VD)	We are recommending the elimination of this chapter. If keeping it, I believe what this says is that the plan has only been “substantially” updated twice. EAR-based amendments sometimes only require a few changes.	Ok (VD) Agree (CC) (GH) (LS)(SM)	Delete chapter.
20.	Sec. 12-2-4 states that the mayor or designee is responsible for the administration of the comprehensive plan, and the planning services department is responsible for reviewing all codes and ordinances to identify those that pertain to land development for submission to the planning board. The planning services department is also responsible for evaluating all development orders pursuant to the plan. Should this reference that Planning should be responsible for also reviewing all plans that are required by the state to be consistent with the comprehensive plan and then submitting to planning board? I ask because there was confusion in the past about redevelopment plan amendments and the review process involved with them. (VD)	Let us know if you want us to add a statement about redevelopment plans.	I think this is a common provision under state statutes not just for the redevelopment plans but for others also. Maybe just some clarifying language that if the statute requires it that Planning Department will review for submission to PB? Adding reference to redevelopment plans wouldn’t hurt for clarity though (VD). No comment. (GH) If it needs to be changed, I would suggest it reference the umbrella department of Development Services which would allow for Planning Services, Inspection Services, and CRA to review as applicable. (LS) I would suggest, if a statement is added, that it be generic and state that “the City” will review. Department and Division names change routinely (it is no longer called the Planning Services Department, for example) and renders the language almost perpetually obsolete. (SM)	Deleting this chapter. Since the requirement for the redevelopment plans to be reviewed for consistency with the Comp Plan is in the FS, there is no need to restate it in the LDC.
CH. 12-3 – ZONING				
21.	12-1-4(b) states, “the owner of every structure hereafter erected, reconstructed or structurally altered shall provide proof of a recorded perpetual access easement to a public street or right-of-way.” What does this mean? (Inspire)	Need to clarify this provision.	Discuss further (CC) No comment (GH) I believe this pertains to lots which do not have road frontage as now required within the LDC. It requires proof of ingress/egress, which is necessary for life-safety. (LS)(SM)	<u>WS1 (1/29) – revise language to state that lots must provide proof of access (road or easement) at the time of development.</u>
22.	<u>Sec. 12-1-4(b) combines several concepts (Inspire):</u> <u>- Requires proof of access easement to public streets.</u> <u>- Requires residential lots to abut a street (with some exceptions)</u> <u>- Requires lots in certain SF districts to have only one single family or duplex building per lot</u>	<u>Is the 1st item necessary?</u> <u>The 2nd and 3rd items can be moved to the Zoning chapter.</u>	<u>They do contradict and it may stem from original state requirements regarding easements so you have no landlocked properties without access. AT</u> <u>I believe that proof of access easement was used in the past to meet the “abut” requirement. (SM)</u> <u>Agree (GH)</u> <u>Agree with AT on #1 & Inspire on #2-3. (LS)</u>	

Comment		Inspire Response	Staff Comment	Action
ZONING DISTRICTS				
23.	The LDC refers to the future land use categories as districts. This can cause confusion between categories and zoning districts. For instance, Section 12-3-3 is titled “Low-density residential land use district [SINGULAR]” but includes the regulations for 3 zoning districts. This title should say Low Density Residential Future Land Use Category (Inspire)	Recommend changing the terminology in the LDC. Any references to the future land use map should say “future land use categories.”	Agree (CC) (GH) (LS)(SM)	Change the terminology so that any references to the future land use map should say “future land use <i>categories</i> .”
24.	The zoning districts are organized in Chapter 12-3 by Future Land Use categories. This implies that there are no districts that could implement various FLU categories. (inspire)	Is that working ok?	Probably not. Discuss further. (CC) Would like further discussion. (GH) (LS)(SM)	WS (2/1) – Increase flexibility within residential districts; update consistency matrix with newer zoning districts
25.	Reduce the number of zoning districts (KO)	Agree. See table of uses and dimensional standards. Have identified some potential consolidations.	Agree (CC) (LS)(SM)	WS (2/1) – Consolidate zoning districts wherever practicable. Possibly R-2A and B, Same intent; same uses; height difference: 35’ in R-2A w/footnote to allow 150’ if >100’ from SF vs. 70’ in R-2B; and deeper setbacks as building gets taller. Also, R-1AAAA and R-1AAA. Difference in lot size (12,000 vs. 9,000), lot width (80 vs. 75) and side yard (8 vs. 7.5)
26.	Clarify the building and design standards applicable in the R-2 district. It references multiple other districts (CC)	Will address/	NA	Clarify standards applicable to R-2 district.
27.	Sec. 12-1-3 – Relationship to the City Comprehensive Plan At times there can be conflicts with the Comp Plan and the CRA Overlay in terms of density and minimum lot area. The CRA Overlay indicates minimum lot area does not apply but the Comp Plan requires it. In some cases, the density of zoning districts that exist within the CRA Overlay areas do not allow for the density that would otherwise be allowed by the overlaying form standards. (VD)	Would the City want to amend the LDC to require larger lots to match the plan densities? Unless the Comp Plan is updated to fix those discrepancies, the LDC can’t offer more flexibility. It is ok to not have a minimum lot area because larger developments (e.g., a clustered subdivision) with open space and other amenities can use those smaller sites and still meet density. Not as applicable to infill and redevelopment. There may be cases where the Future Land Use classification of the lots needs to be changed to allow higher density.	Ok. To clarify - for non-subdivision projects, a minimum lot area should apply? (VD) Disagree. See Line 7 above for further comments. The City has a “Special Planned Development” development option which allows for creative design of developments, including subdivision lots. It requires City Council approval. Sec. 12-3-106. (LS) Agree (VD). Agree (CC) I would agree that density maximums and options for “missing middle” tri/quad developments (Conditional Use or SPD?) should be looked at citywide – not only within the CRA Overlay. (SM) No comment. (GH) Disagree. This is a different issue, not necessarily density as much as land use options. The areas where that has come into question are medium density neighborhoods, developed with 1-and 2-family residences. The challenges arise when you want to develop a quad or triplex, which is not allowed within the zoning district. Additionally, without a minimum area per the Comp Plan for single-family residences, the development within the CRAUDOD would be more challenging. As the primary reviewer for the CRAUDOD for its first 3 years, I can speak directly to the challenges with site layout, parking, a/c placement, etc. (LS)	WS (2/1) – Utilize lot sizes in lieu of maximum densities for single-family residential districts; specify standards for lots of record
28.	<u>Conflicts. There are a few. Lot coverage within the Commercial districts is not consistent with the landscaping section of the Code.</u>	<u>Once the code is reorganized by topic, these inconsistencies will be easier to spot.</u>	<u>OK (CC)</u> <u>Agree (CC) (LS)(SM)</u>	<u>Look for inconsistencies when reorganizing code.</u>

Comment		Inspire Response	Staff Comment	Action
	Parking can be reduced via administrative variance and a waiver can be approved by Engineering and Planning staff. Some of the CRA tables contain references to elements which are not allowed. (LS)			Which elements are not allowed, but are mentioned in the CRA tables?
29.	As the zoning districts become more intensive, the language applying R-1A zoning district standards to single-family residential development in neighborhood commercial and greater land use categories disappears. I’m not so sure it should from a compatibility standpoint? Parking isn’t addressed if there isn’t a front setback. Not that front-loading is desirable, but sometimes that may be the only option. (LS)	Not every district should refer back to R-1A. Some may need tighter or larger setbacks.	Agree (CC) (GH) (LS)(SM) Parking is either required for residential or impractical not to provide. Office and commercial zoning districts allow for residential uses. When residential uses are proposed, the developer doesn’t always consider the parking component and how that relates to practical setbacks when the district has little to no front setback. (LS)	WS (2/1) – Un-pyramid districts. More intensive districts should have their own standards for SF, if allowed. Parking location is a policy decision. Need to prioritize (parking needs vs. urban form/walkability).
30.	Sec. 12-3-1: Zoning districts should be simplified. I have concerns about commercial and industrial uses and their proximity to residential uses, particularly by allowing cumulative zoning without form standards for residential. We need to continue to embrace the concept of facilitating the development of missing middle housing but in a careful and intentional manner. In order to have a more organized appearance, improve quality of neighborhoods and better address the functional needs of streets we should further review the proximity of certain uses (and/or building types) to residential and how certain uses/zoning districts and development standards impacts our vision and goals for street functionality and appearance. (VD)	Agree 100% that the district standards section needs to be simplified. The first task is to create a table of uses so that it is clear which uses are allowed (P or C) in which districts. Then, taking standards that have nothing to do with use or dimensional standards out of the chapter and moving them to the respective chapters (landscaping, signs, parking, etc.) Need to create a buffer table that addresses use incompatibilities. The relationship of development/redevelopment to the street is a policy decision. Either continue to allow a suburban form, or turn the corner, which the city already did, but seems like there is some resistance.	Would like to further discuss (VD). Agree (GH) (LS)(SM)	WS (2/1) – simplify standards and language wherever practicable; change buffer standards to be between districts—not uses
31.	The Additional Regulations subsection under each zoning district (e.g., Sec. 12-3-5(2) R-2A, multiple-family zoning district) lists all other applicable chapters. This is not necessary as all developments are subject to all chapters unless specifically noted. (Inspire)	Delete subsections	Agree (CC) (GH) (LS) (SM)	Delete “Additional Regulations” subsections
32.	12-3-16 - Neighborhood district – any properties zoned that? (inspire)	Can this land use/district be eliminated?	Discuss further (CC) Agree (LS)(SM)	WS (2/1) – Eliminate district
33.	Maintenance Standards found in various sections (Sec. 12-3-13, South Palafox business district; Sec. 12-3-12, Redevelopment land use district; Sec. 12-3-27. Palafox historic business district) should be moved to a Property Maintenance Section in the Code of Ordinances. (Inspire)	Move to Title VIII (Offenses)	Agree (CC) (GH) (LS)(SM)	Move “Maintenance Standards” to Title VIII (Offenses)
34.	Sec. 12-3-43 & 44: Include Carpenters Creek, Bayou Chico, and Escambia Bay Shoreline Protection District to match Bayou Texar and Pens. Bay SPD for consistency. (AT)	Need more information	If we are going protect our waterbodies, we need to include all or none. So right now we only have Escambia Bay and Bayou Texar Shoreline Protection Zones. What about waterbodies like Bayou Chico? AT Agree (CC) (GH) Agree with AT. (LS)	Why are there individual “districts” for each water body? Would make more sense to establish shoreline protection standards in the Natural Resource Protection chapter instead of creating “districts.” Why specify front and side yard setbacks if not along the water? Why is there a 30’ setback from the mean high-water line in one district and 20’ in the other for lots of record? There should be a minimum based on water protection and the regular district setback, whichever is wider. [SEPARATE ORDINANCE]

Comment	Inspire Response	Staff Comment	Action
35. Sec. 12-3-28 contains standards for the Governmental Center district. The purpose states that it was established to provide the redevelopment of a centralized area for government related land use; and to encourage a coordinated architectural character within the district. The section, however, does not have any standards that are specific to this area. (Inspire)	Is this district still needed? It is also covered by the Urban Core CRA and the Pensacola Inner City CRA.	This should be further discussed. I do not believe the current vision is to have a “governmental center” in this area any longer. (VD) Agree (CC) I do not think it is needed but would like further discussion. (GH) (LS) It is obsolete, but past efforts to eliminate or revise it (we attempted to replace it with a form-based code “light” years ago and a Council member proposed its elimination entirely subsequent to that effort) have not been successful and failed at City Council. Could be revisited with the CRA Overlay now in place, but would lose architectural controls over renovations/additions to existing buildings. (SM)	WS (2/1) – Eliminate the Governmental Center district
36. Sec. 12-3-31(7)a.3 explains how to measure building height, which is different than it is done in other parts of the City. The method is stated twice (Inspire)	Recommend consolidating measurement instructions in a general provisions section in the zoning chapter.	Agree. (CC) (MR) The applicable building height in this Section is rarely used to its capacity. Most plans reviewed provide the overall height (OAH) measurement from grade to the roof peak – not the eave. (LS) Would like to clean up the definition of ‘building height’ also. (GH) (LS)(SM) (CC)	WS (2/1) – Proceed with consolidating methodology for measuring building height unless situation-specific alternative measurements are needed
37. Pls review and simplify 12-3-31.12 Glazing Requirements in conjunction with this as this is a large source of confusion for developers who are not adding finished grade to bottom of finished floor. (MR)			Add instruction on how glazing is measured and refer to ground and upper floors instead of “at grade.”.
38. Adaptive reuse could be broadened (LS)	To allow what?	I’m not sure. What have other municipalities allowed? (LS)	WS (2/1) – Review other jurisdictions to identify opportunities to incentivize adaptive reuse, including the rebuilding of more intensive uses than allowed on a site that was previously occupied by a more intensive use (e.g., school, civic).
39. Section 12-3-107(b)(2) contains language allowing for the adaptive reuse of institutional structures (via a Conditional Use approval) that includes a multi-family density - 35 units per acre - allotment in our low and medium density residential districts where this would not typically be permitted. Would it be helpful to add “publicly owned sites” in cases where reuse of the structure is NOT possible and allow for the 35 units per acre when specifically applied to affordable housing projects? (SM)	What do you mean by “the reuse of the structure is not possible”?	If the structure is damaged beyond repair or otherwise destroyed by an Act of God, natural disaster, etc., there should be additional considerations to allow for increased density. (LS) In some cases the structure is too far gone (typically due to neglect or hurricane damage) and adaptive reuse is not an option. Would like the flexibility to allow the site itself to still retain unique development options with additional uses permitted. (SM)	
40. Section 12-3-106 - Special Planned Development – This is basically the City’s version of a PUD. It is VERY rarely used. If we can assess if this is possibly due to outdated or ineffective wording, OR poor location in the LDC that makes it difficult for customers and staff to be familiar with it as an available option, there might be room for improvement here.	We were very confused with this section. Doesn’t read like a typical PUD process. Need to discuss if the City really wants to encourage PUDs. They are expensive, benefit the large developer but don’t’ do much for the infill/small site developer, and are typically used to circumvent code.	Agree (CC) Would like to discuss further. I think it is poorly located within the Code. It could be used as a tool for affordable housing, with some possible changes. (LS)(SM)	W/S (2/1) – Do not encourage the use of PDs—affordable housing incentives should be utilized instead of relying on PUD process
41. Section 12-3-106 - Visioning should be considered as we go into the redevelopment plan update to determine appropriate lot sizes by neighborhood. The overlay took a blanket look by zoning district but did not zoom into the neighborhood-level or street-level considerations heavily enough. In addition, the impact of subdivision of parcels based on historically platted lot lines should be considered as to whether or not allowing for this allows us to carry out the vision for the neighborhoods (character) and how it affects other factors. It may be in some areas that allowable lot widths are too narrow considering that for the most part the City does not have	If the city decides to make changes to lot sizes, it will be important to engage those residents in the process.	Ok. Would this be something handled through the future implementation process of the LDC re-write or is it something that should be discussed during the plan update? (VD) Deserves further discussion to accomplish the redevelopment plan vision. (LS)(SM)	Should be part of the redevelopment plan update. The LDC can then be updated to implement the directive of the plan. [SEPARATE ORDINANCE]

Comment	Inspire Response	Staff Comment	Action
alleys. This impacts the character and also the placement of driveways which is having an impact on the sidewalk network (vehicle encroachments) and accessibility for pedestrians and especially disabled users and on-street parking. We should further consider the desires of the residents that live in these neighborhoods, particularly historic residents. It would be helpful to hear from the neighborhoods on this topic. (VD)			
42. Section 12-3-106 - On the flipside, it may also be that in some areas the lot width and setback requirements are too restrictive (too wide, minimum setbacks excessive, density/minimum lot area, etc.), especially when a district ends at a centerline. For example, the North Hill district across the street from the overlay district leads to inconsistency in scale right across the street. It also makes building affordable units difficult or prohibitive. We had an example of this where we were looking at a lot across the street from the overlay district but once you factored in the regulations it wasn't possible to build affordable enough units even though they would have been scalable to the street. Also, in some areas we have commercial uses on the same block or on a closely adjacent street but another zoning district on the same block or close vicinity only allows residential up to a townhome (see Malcolm Yonge park area). These types of areas should focus more on scale and character than use to allow more missing middle or lower density multifamily. (VD)	We recommend drawing zoning district boundary lines between the backs of adjacent lots, not along streets.	Ok (VD) Agree (LS)(SM)	This is a zoning map issue. The districts are already established, and those lines shouldn't be moved as the LDC gets updated. Recommend undertaking as a separate project. [FUTURE PHASE]
43. The LDC prescribes densities. Those should be kept in the Comprehensive Plan. Zoning district lot sizes should implement those densities. (Inspire)	We realize that not all zoning districts have lot sizes that correspond to the densities allowed in the Plan – should consider either amending the plan or adding notes to the LDC whenever it is clear that there is a discrepancy stating that the Plan will override.	Would adding minimum lot widths to those districts help? Sometimes planners have to explain to customers that a tiny, narrow lot will be unsuitable for multi-family residential and/or non-residential development by the time commercial development standards are applied. (LS)	Focus on lot sizes in the LDC. Take out references to density for single family.
44. Setbacks in the overlay district should be revisited and consider the prominent setback along the street (neighborhoods) unless substantial redevelopment of the corridor is planned (West Cervantes/Pace). (VD)	If the vision is for urban form, it may take a long time, but it is important to be firm and require all new development to comply. Basing standards on what is there now (which is not consistent with the desired vision), will make it more difficult to achieve the goal.	Completely agree with the end goal and in setting our standards where we want to go in the future, just not sure the current standards align with where we are trying to go. Topic for further discussion? (VD) Agree (CC) Deserves further discussion (LS) (SM)	Substantial changes to the setbacks should be considered separately from the overall LDC update. Will need more substantial/area-specific public input. [FUTURE PHASE]
45. Some districts allow 0' setbacks. If both sites use a 0' setback, it works fine, but if one of them doesn't, there is a need for a minimum building separation for maintenance purposes. (Inspire)	Whenever there is a zero-foot setback allowed, there should be a note stating that if the building next door is set at 0', and the new building will not be at 0', there has to be a building separation provided between the two.	Can we impose restrictions on a different property when not under common ownership? (LS)	Address instances where a zero setback is next door to an allowable 3-foot setback. There should be a combined minimum of 6 feet to allow passage for maintenance (painting; fixing the wall, roof line, or windows if any are proposed; etc.)
46. The use tables include footnotes stating that the <i>front yard depths</i> in the R-1AA and R-1A districts shall not be less than the average depths of all front and street side yards located on either side of the block face, up to the minimum yard requirement; in case there are no other dwellings in the block, the front yard depths shall be no less than the footages noted (Inspire)	References to <i>Front yard depths</i> (or <i>minimum yard requirements</i>) should be changed to <i>building setbacks</i> . Is this practice used/effective? Why not set a standard setback?	Discuss further (CC) Front Yard Averaging is a tool to assist developers/property owners who might desire a reduced front (or corner side) setback. It is used several times per year, with an assessment fee of \$150 paid to Inspections. (LS) (SM)	Reconcile terminology. Use the term "setback" instead of front yard depth, front yard, yard requirement.
47. TABLE 12-3.7 and others include very detailed standards for lot coverage (based on building height) (Inspire)	Why differentiate by height? Recommend a single standard for all buildings within the same district.	Discuss further (CC) (LS) (SM)	Consider using FAR in the comprehensive plan instead of lot coverage by height. When that is changed, amend the LDC to establish lot coverage by district, not dependent on building height. [FUTURE PHASE]
48. Some districts prescribe both Lot Coverage and Building Coverage (Inspire)	This is not necessary. Recommend using just one – lot coverage. Recommend changing the comp plan to use FAR instead.	Agree (CC) (GH) (LS) (SM)	Only lot coverage is needed. It relates to how much pervious/impervious surface is proposed. Building coverage should be a result of setbacks,

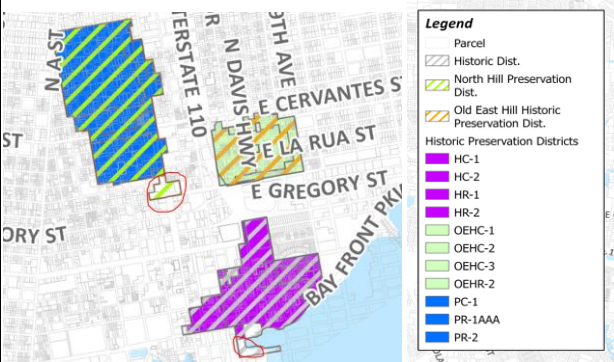
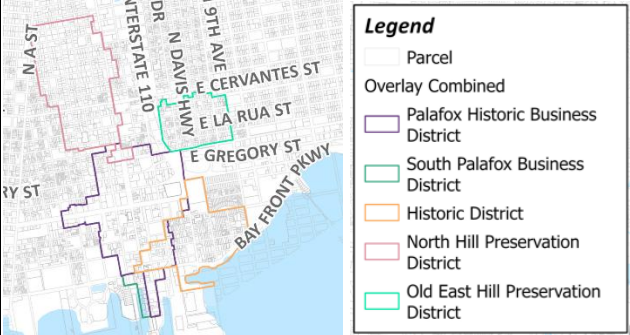
Comment		Inspire Response	Staff Comment	Action
				and the provision of on-site parking and stormwater. Recommend eliminating building coverage requirements.
49.	Sec. 12-1-4 – Buildings to conform to regulations. This is inconsistent with overlay form standards. Is it best practice that ADUs are exempt from density calculations? (VD)	ADUs should be exempt from density to work as an incentive. However, there may be requirements for a minimum lot size and no waiver from lot coverage requirements.	Ok (VD) ADUs are exempt from density. Staff applies CRAUDOD design standards to the structures and site conditions. (LS)	WS1 (1/29) – clarify that density calculations are not intended to be inclusive of ADUs
50.	Sec. 12-1-4(b) In R-1AAAA, R-1AAA, R-1AA, R-1A, and R-ZL zones, there shall be no more than one single-family residence or duplex per lot except as provided for in section 12-3-81. This is inconsistent with overlay form standards. Is it best practice that ADUs are exempt from density calculations? (VD)	Several communities do that (e.g., Pinellas, Alachua).	Ok. (VD) No comment (GH) ADUs are exempt from density. You may only have 1 primary residence and 1 ADU. (LS)(SM)	
USES				
51.	Sec. 12-1-5(b) addresses the determination of uses. This should be in the Zoning chapter instead (Inspire)	Move this section to the Zoning chapter.	Agree (CC) (GH) (LS)(SM)	Move Sec. 12-1-5(b) to the Zoning chapter
52.	Sec. 12-1-5. - Interpretation, conflicts, and omissions. Is it best practice to defer to an appointed board to determine allowed use? My concern is that this leads to undue uncertainty, cost and time. Expectations should be clearly defined where possible. (VD)	The “City Administrator or designee” should be responsible for that.	Ok (VD) Agree (CC) Language could possibly be clarified, but if the ZBA is being asked to clarify if a use is permitted, then staff has likely already made a determination that it is not allowed or that the Code is silent and the use does not have a clearly comparable permitted use in the subject zoning district. (SM)	WS1 (1/29) – specify “Mayor or Designee”
53.	Examine the terminology used in the lists of uses (Inspire)	Some use names need to be updated (i.e., churches should say Houses of Worship)	Agree (CC) (LS)(SM)	Review use terminology and update.
54.	Sec. 12-3-5 contains the standards for the R-ZL district, but does not include a list of uses (Inspire)	Will need to list the uses that are allowed (Table of Uses).	Agree (CC) (GH) (LS)(SM)	Create list of uses
55.	Sec. 12-3-7(2) states that “any use permitted in the R-2 district” is allowed in the R-NC district. This language repeats in numerous districts. When one district states that the uses from another district are also allowed, it is hard to determine if that means permitted <i>and</i> conditional or just permitted, or if uses allowed as conditional uses listed in the other district are “permitted” in this district. (Inspire)	This should be resolved by creating a table of uses. However, it will take some reviewing of uses to ensure the intent is preserved.	Agree (CC) (GH) (LS)(SM)	Un-pyramid districts and create tables of uses for each district.
56.	Sec. 12-3-12 states that the “commercial uses permitted in the C-2A zone” are allowed in the GRD district. There is no definition of commercial use. Therefore, it is hard to determine which uses are commercial. (Inspire)	Recommend listing all the uses individually.	Agree (CC) (GH) (LS)(SM)	Create a list of uses specifically for the GRD.
57.	Section 12-3-106 - Use categories should be reviewed to be sure they are broad enough (For example, dog parks are allowed but only if they are public. We had interest in a dog park with a restaurant brewery that wanted to go in the Belmont DeVilliers area and it was not permitted due to use.) (VD)	See table of uses (Table 2). By putting them all in one single table, we were able to reconcile use categories.	Ok (VD)	Review use categories and streamline.
58.	Section 12-3-106 - C3 allows for very intense uses, however, low/medium-density residential neighborhoods are zoned in this classification (for example Tanyard neighborhood just east of A and south of Garden and the Westside district south of Garden). Zoning districts overall should be very comprehensively reviewed. Scale appropriate neighborhood-level commercial should be expanded as the traditional character of neighborhoods allowed for things like corner stores that are no longer permitted (For example, Jackson Street west of A). The Eastside CRA district zoning should be reviewed to allow for more neighborhood level commercial and the Belmont DeVilliers neighborhood zoning should be reviewed as there seems to be an excessive amount of zoning district	We agree that we need to consolidate districts. But need to be very careful not to take property rights away (can’t downzone unless the owners ask for it). Should consider commercial locational criteria to allow true “neighborhood” commercial (small scale, limited uses) in residential neighborhoods.	Ok. Would design standards help to address? It seems to be a growing practice not to limit use but instead how the building appears from the street. (VD) Agree with Inspire & VD. Would like to discuss further. (LS) Attempt to downzone even to C-1 post EAR/Comp Plan update in 2010 were unsuccessful due to property owner pushback and lack of political will – can always revisit. (SM)	The LDC update project will not involve rezonings. It would be very difficult to put in restrictions in areas already zoned C3 to reduce intensity of uses to neighborhood scale. As the redevelopment plans get updated and area specific public input is offered, maybe the property owners will voluntarily opt for downzoning certain areas. [FUTURE PHASE]

Comment		Inspire Response	Staff Comment	Action
	categories in this area that should again allow neighborhood level commercial more comprehensively. Form standards will help balance use in these neighborhoods. (VD)			
	DESIGN STANDARDS			
59.	Historic, aesthetics, redevelopment districts include repetitive language. (Inspire)	See notes in comparison tables for each grouping of districts. The WRD and WRD-1 have their own sections but the only differences between the two are that the WRD-1 district allows A-frame signs, one district regulates height in feet while the other refers to stories (both seem to allow the same height), one district allows less impervious than the other. These differences should be reassessed and determine if they are needed.	Discuss further (CC) (LS) Agree (GH) (LS) (SM)	Consolidate repetitive language.
60.	We’ve heard from numerous stakeholders who would like clearer and more current guidelines in our special review districts. These are primarily subject to our Architectural Review Board and Planning Board, though several that staff reviewed. I think the incorporation of more “best practices” would be helpful so that our historic districts are truly geared towards preserving historic architecture, that our resource protection overlays are actively protecting waterways, and that our redevelopment districts are driving engaging gateways, waterfronts and corridors (GH)	There are some basic standards that should apply to all of them and do not need to be repeated section after section. Instead of “guidelines” the districts should have design standards. The standards should be measurable, so they are easier to implement and enforce.	Agree (VD) Agree (CC) (GH) (LS)(SM)	From the work sessions, we gathered that staff would like to preserve some of the current discretion provided by the code. Use clearer language. <i>Best practices</i> are difficult to incorporate into a code. We recommend doing that as a separate “manual” that staff and applicants could use. FUTURE PHASE
61.	Multiple districts have their own architectural standards, creating repetition. (Inspire)	Compare sections, consolidate, and determine if minor differences are worth maintaining. (see Exhibits 4, 5 and 6)	Agree (CC) (GH) (LS)(SM)	Consolidate repetitive language.
62.	Use definitive language (shall/must) and avoid suggestive language (may/can). Suggestive leads to reliance on internal policies that can change with staff, prior precedents, etc. No specific examples, just a general request as the LDC is revisited. (PJ)	Agree. Saw a lot of “encourage” especially when related to design. If the provision is not requiring or incentivizing an action, it shouldn’t be in the LDC.	Agree. (CC) (GH) (LS)(SM) This is needed in special review districts and places like 12-3-121 (GH) (LS)(SM)	The LDC should focus on “shall.” However, we understand that staff would like to preserve some of the guidelines which are not requirements.
63.	The standards requiring differentiation between units (to avoid a cookie cutter aesthetic) should be reviewed as to how they can better accomplish the goal within reason. (VD)	CRA urban design (12-3-31 (7)c.4): “Single-family units shall be distinguished from abutting units with changes in unit entry, plane, color, materials, front porches, front stoops, fenestration, and/or building elements such as railings.”)	It’s in the CRA Urban Design Overlay District Standards. 12-3-31(7)(4)(c) (VD) VD comment in reference to Sec. 12-3-31 where developers minimally change aesthetics (different paint, different siding) to skirt around differentiation requirements of neighboring / row developments. (GH) Agree with VD’s comment. This has been very difficult to enforce in plan review. Many developers do not want to pay for multiple façade designs when they are utilizing the same footprint. ... City staff has applied the standard that each unit must have at least 3 differentiating features, not to include paint color. Duplexes and two-unit TH developments have been determined to be exempt from this standard per DPZ. However, they must have complementary facades if they are different from one another. (LS)	Consider requiring at least three different elements from a list of more substantial items (roof material, porch railing, porch column design, façade material, addition/deletion of dormers, windows (location or number), different entrance feature (porch, stoop or other). Clarify that duplex and townhomes are exempt from this requirement and shall use complementary architecture instead.
64.	Review and improve Urban Design Overlay regulations. Not consistent with purpose (KO)	Propose simplifying/streamlining design regulations. Using measurable standards.	Agree (CC) (GH) (LS)(SM) Agree. (GH)	This section needs to be streamlined, tables consolidated, standards moved to other chapters (i.e., compare landscaping, parking, and other standards to citywide provisions and determine if

Comment		Inspire Response	Staff Comment	Action
				differences are needed. If still needed, move those standards to the relevant chapters).
65.	Address adjacencies or scale transitions between different uses, where necessary (KO)	Should use a step back requirement. For every floor above the heigh allowed next door, the building setback should be expanded by 10 feet. Can set the entire building back, or do a gradual step back (wedding cake). Review Buffer requirements	Would like to further discuss (VD) (GH). (LS)(SM)	The code allows for heights that haven't been fully realized yet. A visualization exercise would be of benefit to graphically depict where substantial building height could potentially occur. Buffers should be established between districts. [SEPARATE ORDINANCE] As mentioned in another comment, there are some established SF home neighborhoods in areas zoned for commercial and more intensive development. Will definitely end up with tall buildings next to single family homes, but those single-family homes could be demolished any time and replaced with taller, more intensive uses. Adjacency compatibility in those instances will need to be addressed on a case-by-case basis, at the board level (when a bonus height is requested).
66.	Open, unenclosed covered porches should be allowed to encroach into a front setback as that is a traditional neighborhood component. (LS)	Agree. Allow to encroach into the setback but not the ROW.	Agree (CC) (GH) (LS)(SM)	Consider allowing porch encroachments into setback (with certain limitations: max encroachment, no ROW encroachment, open porches only)
67.	Some aspects of the UD overlay should be extended citywide (e.g., porch encroachments) (KO)	Agree. The standards are repetitive from district to district. Recommend consolidating the standards that apply to all of them and assessing the minor differences between them to see if the difference is really necessary.	Agree (CC)(SM) YES! (LS)	
68.	Need architectural standards throughout the City (KO)	Recommend applying to all uses except single family and duplex (except in historic districts).	Further discussion (CC) (LS)(SM) (MR) Need to know impact on housing affordability city wide; overlay has already increased housing costs. (MR)	The extension to citywide development would not apply to any single-family or duplex units (per statutes). For all other development, the standards wouldn't require elaborate architectural details, but focus instead on form and the established/desired character in each district. [SEPARATE ORDINANCE]
69.	Sec. 12-3-12 Redevelopment land use districts. Our Planning Board is interested in having stronger architectural and siting requirements to ensure development is aesthetically pleasing, that the urban character is more thematic, that the pedestrian scale is considered and that bay views are preserved (GH)	This may require community input before changes are made to ensure consensus. Shouldn't be done as part of the LDC comprehensive rewrite.	Agree (CC) (GH) (LS)(SM)	This should be considered separately so that public input can be provided. [SEPARATE ORDINANCE]
70.	Sec. 12-3-31(6) addresses modifications to standards in the CRA Urban Design District. The section creates a new process that is not used for any other districts. (Inspire)	Instead of appointing specific people to review the proposed modifications, they should be reviewed by staff if minor, the ARB if major, and through the variance process (not appeals) if exceeding thresholds set for the ARB. The process should be established in the development review chapter and should apply to all design standards (from any districts or overlays).	Agree (VD) Agree (CC) Would like further discussion. (GH) Disagree. (1) ARB is charged with a different type of review and assessment, with members appointed from within the historic districts. The CRAUDOD Modification process is a collaborative review with the developer, architect advisor, CRA board member, and CRA Urban Design Planner. (2) The definition of a Variance is very limiting (in a good way) and does not provide leniency for the design aesthetics which have been considered in the process. (LS)	Propose specific language as part of the LDC update and decide then if we need to wait until the CRA visioning work is completed.

Comment	Inspire Response	Staff Comment	Action
71. The aesthetic review districts (except for the overlay) seem to lack form standards. This is very important and should be considered based on the vision defined in the redevelopment plans (when updated) for these areas. The overlay district may benefit from more architectural standards/review of whether or not we are meeting the character needs. Would be helpful to hear from the neighborhoods. (VD)	All districts should all have standards for: - Building placement - Building massing - Building façade (modulation, ornamentation, fenestration, materials, and colors) A general provisions section should cover the standards that are common to all districts to avoid repetition.	Ok (VD) Agree (CC) (GH) (LS) (SM)	As the code gets reorganized, these missing pieces will be identified. Will propose standards for those districts that currently have none. Any changes that require more focused public input should be addressed as stand-alone projects. [SEPARATE ORDINANCE]
72. The impact of aesthetic review districts on housing affordability should be considered to determine if there are any reasonable modifications that can be made to make new development and rehab/modifications/maintenance more affordable. Of particular concern is the Old East Hill district and the overlay district. In Old East Hill we run into problems with low-income residents that cannot afford to maintain their homes due to the requirements (VD)	It is hard to find that balance when talking about historic preservation. Would suggest using grants instead to assist those property owners.	Ok. (VD) Agree (GH) (LS) (SM) (MR) Agree, but the City does not offer enough grant funding to help offset the increased costs for the overlay/aesthetic requirements. Are there some items where we could compromise or ask for waivers? (MR)	Will identify (for discussion) items that could be modified for affordable housing. Some may be implemented during the LDC reorg, others may need more public input.
73. Overlay district - During the modification process, approvals have been made that do not adhere to the building orientation requirements which is a key component of the form (addressing the street) I would like an opinion on if this should be allowable and, if so, under what circumstances. Uses that do not readily fit into a transitioning urban area are problematic and require alternative standards but should not always have to go through a modification process. Examples of these include gas stations, uses with a drive thru, warehouses, and uses that commonly cannot or shouldn't meet the amount of glazing required (VD)	Auto-related uses can and should meet the building orientation requirements. If the city expects to waive those requirements, then the code should be clear and note that, so it is not a battle every time. The code can include graphic examples of how auto uses in other communities have met the requirements.	Ok. (VD) Deserves further discussion. The sites which have been granted modifications have been located along major State arterial roadways. (LS)	If the city is committed to getting a certain type of form in some areas, the presence of state/arterial roads shouldn't make a difference. Recommend including examples of how auto-oriented uses, if allowed, could be designed to meet the standards. Also including a caveat that those auto-oriented uses are only allowed if they meet the standards.
74. Commercial uses in the overlay need to be addressed as the standards appear to be written for highly urban areas where primary modes of transportation are walking, biking, transit. They do not necessarily consider the historic character or common characteristics of commercial buildings/streets along certain corridors (VD)	It is important to have a clear vision for each district and it should be stated upfront in each section. Even if the district is not pedestrian/transit friendly now, the development standards can make it that in the future.	Agree, just think we need to revisit the vision. Maybe a further discussion/workshop discussion. (VD) Agree with Inspire & VD. (LS) (SM)	The City may want to consider an exercise of reassessing the vision, separate from the LDC rewrite.
75. <u>For streets where we want to strongly encourage walkability and urban form, the frequency/placement of curb cuts should be reviewed. (VD)</u>	<u>Agree. The priority for accessing rear parking areas should be:</u> - From rear alleys - From side streets - From adjoining sites (shared access/parking) - From street (last resort)	<u>From a public works perspective there is an issue occurring where the city designs and pays for streetscapes with no curb cuts, but then property owners are coming in later and removing the streetscapes to install a curb cut and driveway. Public works supports rear alley access, but it's difficult to plan for no driveways when many homeowners want one and can install at a later date. AT</u> <u>OK. (VD)</u> <u>Agree. Strongly encourage the use of non-access easements with redevelopment plans with limited access points. (LS) (SM)</u>	<u>Without alleys or double frontage lots, there are not many options for owners/developers to provide access to the on-site parking area. Could include requirements for prioritizing access points and require joint access drives for situations where those are feasible.</u>
76. The façade type and frontage yard type standards in the overlay should be reviewed. (VD)	Agree. There are some façade type provisions that need clarification. - There is a cross-reference to 12-2-25.10 which does not exist. - Porch height should be clear height (not specified), it says "required at primary building entrance" but not all buildings have to have a porch. Assess the need to use yard types when there are dimensions already prescribed.	OK. (VD) Agree. This portion of the Code needs significant edits to make sense functionally. (LS)	Clarifications, graphics, and consolidation can be achieved through the LDC rewrite. Any substantial changes to regulations should be postponed to a future phase to obtain public input.
77. Alternatives to glazing to provide interest at the street level should be considered within reason. (VD)	Glazing is very important to create façade interest and engagement. There should also be measurable façade	Agree (VD) Further discussion as to the façade modulation standards. (LS)	Clarify glazing measurements; review façade modulation and improve by providing choices to select from.

Comment		Inspire Response	Staff Comment	Action
		modulation standards (a minimum of # elements from a list). Storefront glazing (70% min) needs to be defined (how to measure it) 70% for commercial and MU is a lot (unless it is measured in a different manner than assumed)		
78.	Tinting requirements for windows should be reviewed. (VD)	Should include specific standards for glass transparency (e.g., no less than 90% visible light transmission (VLT) for non-residential, 60% for residential)	OK. (VD) Discuss further. (LS)	Consider using VLT factors so it is measurable.
HISTORIC PRESERVATION				
79.	Sec. 12-1-5(c) contains a very specific provision related to the historic districts (“With respect to the Pensacola historic district, the North Hill preservation district, and the Old East Hill preservation district only the zoning board of adjustment may	Move to the chapter where the regulations for those districts are.	I agree that ZBA is not the appropriate board for this. Should be Planning Board if any. (GH) (SM) Agree (LS)	WS1 (1/29) – Consolidate use decisions to a single section of the code. For standard districts, the responsibility will be assigned to the “Mayor or designee” – for special districts, it is ok to maintain the various boards responsibilities as they are now.
80.	make any administrative interpretation allowing a proposed use other than those expressly permitted by the applicable district regulations”) (Inspire) Is it best practice to defer to an appointed board to determine allowed use? My concern is that this leads to undue uncertainty, cost and time. Expectations should be clearly defined where possible? (VD)	The determination regarding uses should be made by the “City Administrator or designee.”	Ok. (VD) Agree (CC) I would like to discuss this further. (GH) (LS) Language could possibly be clarified, but if the ZBA is being asked to clarify if a use is permitted, then staff has likely already made a determination that it is not allowed or that the Code is silent and the use does not have a clearly comparable permitted use in the subject zoning district. (SM)	
81.	Can allowable and disallowable standards be better defined in the historic review districts so that there is more certainty in the process and less time and money spent going to boards, revising plans, etc.? Can the expedited review process be used more? Are the items that can be handled administratively? (VD)	Need a new section on Certificates of Appropriateness, which are required when someone is making a modification to a historic structure. COAs are typically classified as standard and special. Standard addresses activities that are minor (more than just maintenance but not changing appearance) and can be approved by the Historic Preservation Officer (administratively). Special COAs require board review.	OK. (VD) Needs further discussion. The City currently does not utilize COAs. (LS)	Reorganize the historic preservation standards and procedures. Mention the Preservation District Design Guidelines document in the LDC. Consider establishing a COA process. Define contributing and non-contributing. The following definitions are from the Florida Guidelines for Preparing District Nominations:
82.	By including key requirements in the ARB and preservation codes, the city could become a CLG and have the cash match requirement waived for the State grant program and be eligible for pass-through funding opportunities for architectural surveys and preservation projects. (AW)	Agree that the City would benefit from the CLG designation. There are standards spread out throughout the code. We recommend creating a new section in the Development Review chapter to include the process of designating structures and districts, reviewing alterations through a Certificate of Appropriateness process, addressing demolition, and adopting the US Secretary of Interior Standards by reference. Recommend using the Certified Local Government Ordinance Internal Checklist to make sure the new/consolidated section meets the minimum requirements of the CLG program.	We have met with the CLG coordinator for the State, and we have the framework, but are lacking some requirements. As of our meeting with the coordinator, our current ARB is sufficient for the preservation commission and my position as Historic Preservation Planner is sufficient for HPO. We do need to develop a local registry and add some tweaks to code language to satisfy the CLG checklist. (AW)	A contributing building, site, structure, or object which adds to the historic architectural qualities, historic associations, or archaeological values for which a district is significant because a) it was present during the period of significance, and possesses historic integrity reflecting its character at that time, or is capable of yielding important information about the period, or b) it independently meets the National Register criteria.
83.	Sec. 12-3-10 Historic and preservation land use districts. This section is outdated, and the Architectural Review Board would like to see more requirements for preservation best practices. It would be nice if “contributing” and “non-contributing” structures could be defined. (GH)	The development review chapter should include provisions for designating sites and districts, and for reviewing rehabilitation, additions, demolitions, and new construction projects (Certificates of Appropriateness). Also need review criteria based on the US Secretary of Interior Standards. Most communities (see Fernandina Beach, St. Pete, Lakeland, etc.), have “guidelines” in a	We have a Preservation District Design Guidelines document that covers a lot of the aesthetic review details that is online and made available via email to applicants. This document could be referenced in the code. (AW)	A noncontributing building, site, structure, or object does not add to the historic architectural qualities, historic associations, or archaeological values for which a district is significant because, a) it was not present during the period of significance, b) due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that

Comment		Inspire Response	Staff Comment	Action
		separate document where it is easier to include examples of dos and don'ts.	Agree. Would like for these definitions to be incorporated in the LDC. (GH) Agree with Inspire, AW, and GH comments. (LS)(SM)	time, or is incapable of yielding important information about the period, or c) it does not independently meet the National Register criteria.
84.	The historic districts and redevelopment district sections contain narrative regarding approval process. Most of them are repeats of the other districts and in some cases, refer to the general development review sections. (Sec. 12-3-10 to 12-3-14) (Inspire)	Compare sections, consolidate, and determine if minor differences are worth maintaining. (see District Tables)	The review process is essentially the same for all districts e.g. board-for-board, abbreviated review, and full board applications. However, there are subtle differences between districts e.g. paint colors must be approved by ARB for Pensacola Historic District but paint in Old East Hill does not require review. The requirement of ARB approval is triggered by the need for a building permit in Old East Hill, Palafox Historic Business District, and Governmental Center District. The information for the review process could be consolidated and streamlined so long as it doesn't point to specific scope of work that requires review or not. (AW) Agree (GH) (LS)(SM)	Consolidate provisions, may need to preserve some differences.
85.	The historic district zoning districts and overlays don't match. Would the standards for the district apply in those areas? (Inspire) Terminology: - Historic District - Preservation District - Historic Preservation District	Need help understanding the set up of the historic districts. 	The differences in terminology can be attributed to the districts being established at different times by different people with varying language in the ordinances. All of the districts should have the same general purpose, but changes to specific aesthetic requirements would require changes to the ordinances that created the districts. (AW) Yes, Adrienne and I can help. (GH). (LS)(SM) Agree	The updated LDC will need to have clear definitions of the terms used to describe the districts (preservation vs. historic). The LDC can have a different name than the ordinance establishing the district. The introductory paragraph to each section can address that.
86.	Historic districts & Palafox Historic District overlap (Inspire)	Has this created any issues? 	When there is overlap, we defer to the specified zoning e.g. HC-1 for code requirements. (AW) Would like to delete overlaps in historic district/overlay boundaries. (GH)(SM)	The overlaps cannot be cleaned up as part of the LDC rewrite as they may require rezonings.
87.	Sec. 12-3-10(3) pertains to the Old East Hill preservation district neighborhood. They have concerns regarding permitted land uses as the neighborhood is becoming more and more residential. They are very concerned about short-term vacation rentals. It's been suggested that the setbacks should be reassessed and more friendly to pedestrians and skateboarders. (GH)	This may require neighborhood input before changes are made to ensure consensus. Shouldn't be done as part of the LDC comprehensive rewrite.	Agree (CC) Agree that neighborhood input is needed but I think evaluation of yard requirements might be worthwhile. (GH) Agree with Inspire & GH. (LS)(SM)	The issue may be assessed as part of the LDC. Substantial changes will need additional public input.
BONUSES				
88.	Affordable housing incentives and allowances should be cross-referenced with the Live Local Act and for usability and expanded if appropriate. (VD)	The LLA is separate from the bonus program. Those LLA developments will be approved administratively.	May need to further discuss (VD). Discus further (CC) (LS)(SM)	Consolidate bonuses/incentives in one place.

Comment		Inspire Response	Staff Comment	Action
89.	Revisit affordable housing incentives. Not used. (KO)	Should reorganize/reword to list the features the city wants (affordable housing and others) and then list the types of bonuses offered: density, intensity, height, parking, landscaping, etc. Current language mixes topics and it is not clear.	Agree (CC) (GH) (LS)(SM)	
90.	The City has numerous tools in the LDC toolbox that contribute to the ability to construct affordable housing, but it is not packaged in a user-friendly way that allows customers to view as such. Staff can provide examples. (SM)	We recommend including a single section for all bonuses and incentives where the housing program would be detailed. It would list the items that the City wants (e.g., vertical mixed use, parking garages, public space dedication, affordable housing, green infrastructure) and in return, the developers get additional building height, density/intensity, reduced parking and other incentives.	Agree (CC) (GH) (LS)	
91.	The City is in the process of adopting a building height bonus program. Any suggestions for improvement? (CC)	It works better when the program has very defined requirements. For instance, the superior design is subjective. Should specify what would qualify as “superior design.” Maybe there is a list of items that could potentially make a design better? For affordable housing, we recommend using a specific percentage and referring to an established affordable housing program that defines “affordable” and establishes the minimum timeframe they need to remain affordable and requires certain agreements to be executed.		
92.	Incentivize infill/cluster development (KO)	Agree. Should provide incentives (reduced parking, increased height, and other incentives)	Agree (CC) (GH) (LS)(SM)	
93.	Incentivize missing middle housing (KO)	Agree. Some districts should allow missing middle housing (townhomes, duplex, multifamily) by right.	Agree (CC) (GH) (LS)(SM)	
94.	We need to get more housing diversity in order to accommodate a wider range of households, as not everybody needs a single family detached home; this can be done through more permissive zoning, allowing and even incentivizing more multi family housing in return for basic design standards such as parking to the rear of structures rather than in front, etc. (CW)		Agree. Perhaps reevaluate the max number of single family attached units in some districts. (GH)(SM) Agree. Possible triplex/quadplex development in medium density residential? (LS)(SM)	When the table of uses and the table of dimensional standards are created, it will be easier to identify districts where missing middle housing are already allowed and where they could be expanded.
95.	We have ADU allowances. Yet we are still missing some of the “Missing middle” opportunities. The R-1A district seems like a good place to start. Also, the language in the Code as it pertains to setbacks is messy in this section. (LS)		Agree (CC) (LS)(SM) No Comment (GH)	
ACCESSORY, TEMPORARY AND SPECIFIC USE STANDARDS				
96.	The home occupations standards need to be consistent with Sec. 559.955, FS (Inspire)	Can’t be as strict anymore. The statutes prevent the city from enforcing eh current standards.	Agree (VD) Agree (CC) (GH)(SM) Discuss further? What portion creates an enforcement conflict? (LS)	Update for consistency with state statutes
97.	Article V of the Zoning Chapter lists additional standards for specific uses. Some sections list the zoning districts where these uses may be allowed, and it is not always consistent with the uses listed under each district. (Inspire)	Recommend moving this section to a chapter where standards for accessory, temporary and specific uses are located. Also, recommend not listing the districts to avoid internal inconsistencies. As these are moved and reviewed in their new chapter, the additional standards should be reviewed against the citywide standards to determine if it is worth requiring a different standard.	Agree (CC) (GH)(SM)	Create a new chapter with standards for specific uses. Refer to the table of uses instead of listing districts where they are permitted.
98.	Sec. 11-4-182. Use of ROW by wireless communication facilities – is located in the special events article. (Inspire)	This section should be moved to a wireless communications section in the LDC.	Moved or copied and pasted. AT	Move communication towers to the new chapter of specific uses.

Comment		Inspire Response	Staff Comment	Action																
CH. 12-4 - OFF-STREET PARKING																				
STREETS																				
99.	Section 12-1-6(b) also exempts lots of record from corner lot and visibility triangle requirements except for placement of the dwelling. (Inspire)	Recommend compliance with visibility triangle “unless waived by City Engineer” – matter of safety.	Agree. City staff (Planning & Eng, combined) can administratively reduce the VT to not less than 15 feet. Fifteen feet could be the minimum for lots of record? (LS) Would prefer language that exempts with concurrence of City Engineer. (SM)	WS1 (1/29) – clarify that that lots of record are not exempt from visibility triangle requirements unless they are waived by the City Engineer																
100.	This chapter should be expanded to include “Streets, circulation, and parking.” (Inspire)	Recommend moving relevant sections from Title XI to the LDC. Ensure the code has standards for connecting public sidewalks to building entrance, internal pedestrian circulation, bicycles, and even transit (may require large developments to accommodate bus stops, transfer stations, or other amenities).	Public Works agrees we should broaden this section and take standards from Chapter 11. AT Agree (LS)	Move relevant sections from Title XI to the LDC. Ensure the code has standards for connecting public sidewalks to building entrance, internal pedestrian circulation, bicycles, and even transit (may require large developments to accommodate bus stops, transfer stations, or other amenities).																
101.	<u>Section 12-1-7 Requirement for easements to install shared use paths if street is on priority routes as identified in Active Transportation Plan. (AT)</u>	<u>The requirement does not belong in Sec. 12-1-7, as that section is for concurrency.</u> <u>Trails outside of the ROW wouldn’t fall under the roadway LOS standards, which are for vehicular capacity.</u> <u>There is a recreational LOS in the Comp Plan, but that appears to be applicable to mini-parks, neighborhood parks, community parks, and open space only. There are no references to trails. Need to consider a more appropriate place in the LDC to insert this requirement.</u> <u>Alternatively, the City could adopt LOS standards for bikeways and sidewalks to tie these improvements back to concurrency.</u>	<u>What was meant is that we’d like to require installation of trail instead of sidewalks in priority areas. Some of these areas may need easements if there is not enough ROW availability. AT</u>	<u>Review sidewalk requirements and note that trails, instead of sidewalks.</u>																
102.	<u>Commercial Development and Multi-Family: Consider encouragement mode shifts and less automobile dependency through transportation demand management and VMT strategies. Could be incorporated into mobility fees.(AT)</u>	<u>Consider requiring a graduated number of strategies based on the number of trips to be generated by the development.</u> <table><tr><td>Net, new average daily trip generation</td><td>Number of Mobility Standards which must be met</td></tr><tr><td>0 to 9</td><td>Zero (0)</td></tr><tr><td>10 to 49</td><td>At least 1 Mobility Standard</td></tr><tr><td>50 to 99</td><td>At least 3 Mobility Standards</td></tr><tr><td>100 to 399</td><td>At least 5 Mobility Standards</td></tr><tr><td>400 to 999</td><td>At least 7 Mobility Standards</td></tr><tr><td>1,000 to 4,999</td><td>At least 12 Mobility Standards</td></tr><tr><td>5,000 or greater</td><td>At least 18 Mobility Standards and either be on an existing transit route or provide funding for a new transit route</td></tr></table>	Net, new average daily trip generation	Number of Mobility Standards which must be met	0 to 9	Zero (0)	10 to 49	At least 1 Mobility Standard	50 to 99	At least 3 Mobility Standards	100 to 399	At least 5 Mobility Standards	400 to 999	At least 7 Mobility Standards	1,000 to 4,999	At least 12 Mobility Standards	5,000 or greater	At least 18 Mobility Standards and either be on an existing transit route or provide funding for a new transit route	<u>Generally agree, but how do you recommend we review the trips? Would this be a form filled out by applicant where they provide the info or we would just use ITE Trip Generation manual? Would like more info on what the Mobility Standards would consist of. AT</u> <u>No comment.(GH) (LS)(SM)</u>	<u>Provide recommendations to consider requiring tiered mobility strategies</u>
Net, new average daily trip generation	Number of Mobility Standards which must be met																			
0 to 9	Zero (0)																			
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5,000 or greater	At least 18 Mobility Standards and either be on an existing transit route or provide funding for a new transit route																			
103.	<u>Expound upon expectation for construction of new sidewalks to include ALL ADA compliance issues (i.e. if you’re a corner lot, you’ll be installing a ramp) (AT)</u>	<u>Agree. Should be specified.</u>	<u>Agree (LS)</u>	<u>Clarify full extent of requirements</u>																
104.	<u>Include clear language about the City’s policy about replacement of paver sidewalks with concrete sidewalks. Determination made by Gregg Harding about whether pavers are historically significant. (AT)</u>	<u>Not an LDC provision, unless the developer is the one making that change.</u>	<u>Public Works wants allowance for concrete sidewalk replacement for non-ADA compliant or damaged sidewalks so long as pavers are not historic. This would apply to both the City efforts and for developers/citizens. AT</u>	<u>Clarify in the code how this process works, when developer is responsible for new features and also repairs.</u>																

Comment		Inspire Response	Staff Comment	Action
			Agree not an LDC provision, but should have an established policy and also address decorative streetscape in general (CRA performs many). (VD). No comment (LS)(SM)	
105.	<u>LDC to address development where the sidewalks, driveways aprons to the ROW line, curb and gutter and/or roadway are damaged and need to be re-constructed. (AT)</u>	<u>Does not belong in the LDC. There should be a property maintenance title in the Code of Ordinances.</u>	<u>Public Works reviewed and finds that CHAPTER 11-4. - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES needs to be strengthened and also replicated somewhere in Chapter 12 so if driveways, sidewalks, curb etc. in ROW is damaged the city can use code enforcement as a mechanism and through the development review process when inspections go out for new development or work on existing buildings. AT</u> <u>Agree with AT. Many of our developers do not look beyond the LDC for requirements. It would be helpful to have all of the information in one place, even if by reference. (LS)</u> <u>Would suggest referencing Chapter 11 in the LDC if needed, so that any future updates/strengthening to that Code Section does not require an LDC amendment. (SM)</u> <u>No comment.(GH)</u>	
106.	<u>Design Standards - include a separate section related to stormwater and transportation design standards in the LDC and pull it out of the individual sections.</u> <u>- Transportation Design standards should address connectivity for bicyclists and pedestrians as well as appropriate width. Should we create stronger language for 6 ft minimum sidewalk (Section 11-4-43)?</u> <u>- Subdivision and site plans should demonstrate connectivity between developments for pedestrians and bicyclists to minimize short-distance trips by motor vehicles. These can be provided as “cut through” easements in more semi-suburban developments, and as part of connected street grids in traditional neighborhood development. (AT)</u>	<u>- That section shows different sidewalk widths based on streets. 6’ should be fine for typical, not very active streets. Need to make sure there is room for parkways, though.</u> <u>- Agree. Subdivisions should provide both vehicular and pedestrian connectivity. Is the city ready to require stub outs to future adjacent developments? It is hard to enforce but guarantees connectivity.</u>	<u>Staff recommends creating a separate Design Manual referenced in the LDC so that can be updated as needed without having to amend the LDC. Yes, we are open to exploring connectivity enhancements like curb cuts, easements, etc. so vehicles, bicycles, pedestrians, do not have to get on the main road to get to other neighborhoods and commercial destinations. AT</u> <u>Agree (CC) (LS)(SM)</u> <u>Agree with Inspire comments. (GH)</u>	<u>This chapter will address connectivity and general facility specs (e.g., sidewalk width).</u>
107.	<u>Put in language specifically related to improvement of unimproved right of way. Example is an adjacent property owner wishes to improve an unmaintained ROW, the cost would be on the applicant not the City if the City has no capital plan to improve it. (AT)</u>	<u>This is a given in most jurisdictions. Add to the Parking chapter, which should also address Streets and Circulation.</u>	<u>Agree it can be in this proposed chapter, but definitely need to have a statement regarding this. AT</u> <u>Agree (CC) (LS)</u> <u>No comment.(GH)(SM)</u>	<u>Add provision noting that applicant, not the city, would be responsible for road improvements.</u>
108.	<u>Require use of alleys where available. (KO)</u>	<u>This chapter should include standards for alleys and require alley loaded products where alleys are present. Should aim at preserving and expanding the alley network rather than vacating.</u>	<u>Agree (CC) (LS) (SM)</u>	<u>Include standards for alleys and require alley loaded products where alleys are present. Require preservation and expansion of alley network rather than vacating</u>
109.	<u>Sidewalk widths prescribed in 12-3-121 and 11-4-43 with different dimensions (Inspire)</u>	<u>Move both to the Streets & Parking chapter.</u>		<u>Move some sections from Title XI to the LDC.</u>
110.	<u>Sec. 11-4-43 (outside the LDC) provides the minimum width of the sidewalks within specific areas of the City. (Inspire)</u>	<u>This section should be moved to the new Streets, Circulation, & Parking chapter in the LDC.</u>	<u>Public Works agrees. AT</u>	
111.	<u>Sec. 11-4-43(a) allows 4’ wide sidewalks on existing streets that have no sidewalks. (Inspire)</u>	<u>Consider modifying the exemption to note only if there is no room to build 6’ sidewalks.</u>	<u>Public Works agrees. AT</u> <u>Agree (GH) (LS) (SM)</u>	
112.	<u>Division 2 – Parkways – includes requirements for the greenway portion of paved streets. (Inspire)</u>	<u>This division should be moved to the new Streets, Circulation, & Parking chapter in the LDC.</u>	<u>Agree. Would like to see the greenway located between the back of curb and the sidewalk to minimize conflicts between car doors and pedestrians. (LS)</u>	<u>Move parkway section to this chapter.</u>

Comment		Inspire Response	Staff Comment	Action
113	<u>Division 4 – Complete Streets – includes provisions for creating complete streets in the City. (Inspire)</u>	<u>This division should be moved to the new Streets, Circulation, & Parking chapter in the LDC. [DOES THE CITY HAVE A MANUAL FOR COMPLETE STREETS?]</u>	<u>No, we do not. The Active Transportation Plan does have street design guidelines that we could like incorporated. It is based on street type and context classification. Please refer to page 51-53 in the Active Transportation Plan. AT Agree (GH)</u> <u>Agree. Would also like to see the provision for sidewalks to be installed with ALL development returned to the City’s Code. It was in the Code in the early 2000’s when I was previously at the City; however it has been removed. (LS)</u>	<u>Move Title XI/Division 4 to this chapter. Add references to the ATP.</u>
114	<u>(Sec. 12-3-58) Visibility triangle requirements should be reviewed. Would it be reasonable to better define standards/considerations to increase predictability for the development community? There are many instances of parking and landscape that block visibility at intersections. We do not notice the issue as much with building placement. (VD)</u>	<u>Section 12-3-58 has standards and lists some exemptions. They seem consistent with other communities. These are typically reviewed at site plan level, but code enforcement should continue to monitor.</u>	<u>Engineering agrees. We particularly have issues with on-street parking and landscaping. Some of these issues are on private properties. AT Ok (VD)</u> <u>Agree (GH) (LS)(SM)</u>	<u>No change.</u>
ACCESS				
115	<u>Incomplete/outdated standards. An example is the lack of drive-thru queue length requirements for QSR. Throat length for development entrances. (LS)</u>	<u>Need standards for drive-through lanes</u>	<u>Agree (CC) (GH) (LS)</u>	<u>Include standards for drive-through facilities</u>
PARKING				
116	<u>On-street parking is not widely accepted by many of the neighborhoods in the CRA districts. We should consider a common ground to this where vehicles utilize on-street parking (helping to slow traffic) but that our design standards are written in a way that does not intentionally push cars onto the street unless it’s appropriate to the form of the surrounding area. (VD)</u>	<u>Why is on-street parking not accepted?</u> <u>What do you mean by “push cars onto the street”?</u>	<u>From an engineering and public works perspective, on-street parking allowances is ill-defined. Right now we basically allow anyone to park on the street unless there are No Parking signs, which are placed on a case by case basis. From a safety perspective, we don’t have a lot of parameters for parking based on the characteristics of the roadway or the land use. There was apparently a lot of discussion about on-street parking when SCAPE did the CRA overlay and there may be good information to glean from that previous project. AT</u> <u>The neighborhood does not like it because people block driveways and people hit their cars. I believe people also prefer to be able to park in front of their house. (VD)</u> <u>(1) While the City allows parking on-street in most areas unless posted otherwise, many spaces are not marked. Only marked spaces are allowed to be used to meet parking requirements. (2) The City doesn’t allow for over-parking. (3) Many of the redevelopment area is being used for investment purposes, including STR, which brings more cars. (LS) (SM)</u>	<u>Count on-street parking toward minimum spaces required only if it is marked to city standards (developer can propose to paint lines)</u>
117	<u>Sec. 12-4-1(5) includes a provision that allows geographic areas and zoning districts to use on-street parking to account for the required number of spaces, which appears to conflict with the parking table and there are no districts listed, except for the CRA and the Brownsville Business Core. (Inspire)</u>	<u>Consider allowing on-street parking to account for required spaces city-wide. If the intent is to restrict this to specific districts, they should be identified and the note in the parking table that allows the same needs to be cleaned up.</u>	<u>We need to have clear standards as to what constitutes as on-street parking availability. Sometimes more parking stalls are approved than what there is space for according to MUTCD. AT</u> <u>We apply the provision City-wide. However, it only applies to spaces which are marked and clearly developed as on-street parking. (LS)</u>	
118	<u>Section 12-4-3 Parking Lots – There is limited verbiage regarding on-street parking standards. Many commercial developments use on-street parking to satisfy their</u>	<u>Agree, need to include a reference.</u>	<u>Public Works agrees. AT</u> <u>Agree (GH) (LS) (SM)</u>	

Comment	Inspire Response	Staff Comment	Action
parking requirements, so we need to make sure lengths and widths meet MUTCD standards, which is different than internal parking lot standards. (AT)			
119. Enforcement rules and traffic calming should be strengthened so that people's cars are not commonly hit when they park on the street and to stop people from parking on the sidewalks and their lawns. (VD)	Probably need to strengthen enforcement and traffic calming. Not part of LDC.	LDC should take this into consideration - as these issues are a biproduct of providing 'cookie cutter' parking reductions, which could result in parking deficiency to meet the demands of the proposed development, for certain areas of the city - LD Agree with Inspire comments (SM) Agree (LS) .. City infrastructure could be planned to incorporate true "on-street" parking in the future? Would this be Code of Ordinances? There is often confusion about the rules and the ability to enforce. Language probably needs to be reviewed and organized better in its appropriate location. (VD)	Offer options: - On-site - On-street (if marked) - Shared - Remote/satellite - Mixed-use matrix - Parking study to justify less than required - Pay-in-lieu - Ride-share (in lieu of several required spaces) Consider charging for excess parking spaces
120. On-site parking requirements are hard to meet, especially for infill and redevelopment. Need creative solutions (KO)	Propose making all modes available: Shared, mixed-use, remote, on-street, pay in lieu, and parking study.	Agree (CC) (SM) Further discussion please. (1) How can we achieve some of these goals when the transportation infrastructure does not exist? (2) Developers also over-build small lots without providing for the end-user's needs. I know of one owner who uses a portion of his house as a STR and his detached garage as a workout space. Therefore, he has increased his parking needs and eliminated his on-site parking. (LS)	
121. Consider expanding the urban core, specifically for the parking reductions (KO)	Should apply to any districts that are encouraging an urban form. It would be important to ensure the provision of a safe pedestrian network and the provision of on-street parking and public parking garages.	Agree (CC) (GH) (LS) (SM)	Expansion in process now
122. <u>Section 12-3-1, Paragraph (B) of the City's LDC related to parking requirements allows 1 parking stall per unit for a multi-family use. Further, Section 12-2-82 [12-3-121], Paragraph (C)(7)(a) discourages construction of more than the number of required spaces and notes that proposed parking in excess of more than ten percent of the requirements is only permissible with an administrative waiver. I suspect the original intent of this was to avoid and/or stop the practice of having large expanses of parking that are spotted throughout the City. However, in my opinion, 1 stall per unit (regardless of bedroom count) is not representative of the true parking load in many cases. While some MFR developers may prefer to have as little parking as possible, we have experienced projects where the developer desires to exceed the code-required parking to meet their own parking targets, while still complying with all other requirements for buffers, greenspace, stormwater management, etc. In spite of there being a known parking issue within the City and in spite of the MFR Developer wanting to exceed parking requirements for the 'right' reasons, this still requires we pursue a variance from the Zoning Board of Adjustment. (PJ)</u>	<u>1 space per MF unit is low. Recommend 1.5 spaces for efficiency and 1-bedroom apartments; 2 spaces for 2-bedrooms or more.</u> <u>Recommended 15% cap on all parking, citywide. Instead of a variance, maybe a parking study.</u>	<u>What do you mean by parking study? Would this reference a city-wide parking study or have the applicant provide a parking study? Public Works feels the current parking maximum standards are acceptable. AT</u> <u>Discuss further (CC) (SM)</u> <u>Discuss further. (1) Agree, MFR parking is very low. (2) Would like to see a reference to an APA parking guide or other parking standard for uses not included in the Code. (LS)</u>	<u>Add requirements per number of bedrooms.</u> <u>Parking study, in addition to parking mins/max could help.</u>
123. <u>12-4-3 (2)a. Grading and Surfacing. Parking lots that include lanes for drive-in windows or contain more than ten parking spaces shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust... I think the intent of this requirement is sound, but in consideration of trying to promote infiltration, reduce stormwater runoff, and encourage alternative stormwater management designs, it could potentially be</u>	<u>Agree. Recommend adding pavers and pervious pavement as the other materials acceptable.</u>	<u>Agree (CC) (GH) (LS) (SM)</u>	<u>Recommend adding pavers and pervious pavement as the other materials acceptable.</u>

Comment	Inspire Response	Staff Comment	Action
enhanced. Pervious asphalt/concrete typically meets the requirements for 'other material', although many times developers are unwilling to bear that added cost. We certainly do not want large parking lots that cannot withstand the anticipated traffic, nor do we want to allow cost to dictate what is determined to be best practice for the City, but maybe there is a middle ground? Potentially the requirement for more traffic-tolerant surfaces could be applied to driveways and drive aisles (where most heavy turning motions occur) and still allow some number of the non-ADA parking stalls to remain a more economical, pervious material like a clean angular/crushed stone? I think the allowable material specifications for 'other materials' needs to be explicit, regardless of the number of stalls that it is applied to. I would not support allowance for conventional road base materials (limerock, reclaimed concrete, etc.) because those typically contain too many fines that will result in turbid runoff, and their infiltration capacity will be negligible with time when exposed to traffic. (PJ)			
124. <u>Sec. 12-4-3(2)b states that parking lots with less than 10 spaces are allowed to be gravel or other materials. (Inspire)</u>	<u>Recommend allowing only in conjunction with infill, conversions, adaptive reuse. Should be prohibited in areas where urban form and aesthetic design are important. Need a note stating that ADA spaces have to meet code.</u>	<u>Public Works agrees with ADA note, but staff would not recommend changing this section. AT</u>	<u>Add a note stating that ADA spaces have to meet code.</u>
125. While Section 12-3-121 in the Zoning Chapter talks about maximum parking, Sec. 12-4-1(1) is silent to this topic. (Inspire)	The maximum parking provision needs to be in the parking chapter. Recommend continuing to enforce a maximum parking standard citywide but recommend increasing it from 10% to 15% of the required amount. Instead of an administrative waiver, recommend requiring a parking study.	Discuss further (CC) (SM) (1) All parking standards need to be contained within the same Chapter. (2) Agree with capping overparking. (LS)	Move all parking standards to this chapter. No change in cap
126. <u>Sec. 12-4-1(1)b requires any fraction to be rounded up for the provision of parking spaces. (Inspire)</u>	We recommend rounding up from .5 of a space. This will reduce the requirement for more impervious surface.	Agree (CC) (GH) (SM) Disagree, as this is standard practice. The surface area is negligible (162 SF). Would recommend encouraging other surface materials if that is the concern. (LS)	Round up from .5 of a space. Otherwise down.
127. <u>Sec. 12-4-1(1)f offers an incentive to reduce parking if a bicycle rack is provided. (Inspire)</u> <u>Require bicycle parking for multi family developments; such parking should be a combination of covered parking in unconditioned space (like a garage or breezeway) and parking in conditioned space that is inside the building in a heated/cooled space; ensure that such parking is located more conveniently than car parking to help encourage bicycle use; it should be easier for residents in these buildings to hop on a bicycle than to get into their car; many cities already do this and their codes should be reviewed to see how they do it (CW)</u> <u>Sec. 12-4-1. - Off-street parking spaces requirements – Add bicycle and micro mobility parking requirements, not just an option to reduce vehicular parking spaces for commercial and multi family developments. (AT)</u>	<u>Bicycle parking should be required for multi-family, mixed use, and non-residential development. Could do a ratio based on vehicular parking (e.g., 1 bike space per 10 vehicular) or add a column to the vehicular parking table and include specific ratios for each use.</u>	Public Works agrees. AT Agree (CC) (GH) (LS) (SM)	<u>Add requirements for bicycle parking.</u>
128. <u>Sec. 12-4-1(1)h includes parking requirements for expansion or change of use (Inspire)</u>	The Code should include a provision to incentivize certain changes in use, particularly in the Downtown or Economic Development focused area	Agree (GH) (LS) (SM)	Part of bonus program
129. <u>Sec. 12-4-1(1)j exempts HC-1 & HC-2 districts from parking requirements. (Inspire)</u>	Are there any other districts that could benefit from this exemption?	Yes, but often the lack of marked on-street parking (as mentioned above) causes conflicts between residents and STR or business patrons. (SM)	No change

Comment	Inspire Response	Staff Comment	Action
130. Sec. 12-4-1(1)k states that off-street parking is not required in the “dense business area” for residential land uses. (Inspire) <i>Dense business area</i> means all of that portion of the corporate limits of the city lying south of the north line of Wright Street, west of the east line of Alcaniz Street, east of the west line of Spring Street to the north line of Garden Street and east of the west line of "A" Street south of the north line of Garden Street and the area encompassed in the gateway redevelopment district, those properties located on the north side of Heinberg Street between the east line of 9th Avenue and the west line of 14th Avenue, and C-2A Downtown Retail Commercial District, but excluding all areas zoned HC-1 (Historical Commercial District) and GRD-1 (Gateway Redevelopment District, Aragon redevelopment area).	Add, as defined in Sec. ##. IF not familiar with the area, it may seem like a generic term.	Most of our downtown developers are somewhat familiar with the Dense Business Area. Would suggest a better explanation of the area and intent. (LS) (SM)	Add, as defined in Sec. ##.
131. Sec. 12-4-1(4) includes provisions for off-site parking (aka satellite parking). (Inspire)	Similar to the on-street distance requirement (500 feet), off-site parking spaces should be within a specific distance from the primary structure. We recommend between 500 and 800 feet from the entrance.	Agree (GH) (LS)	Specify that off-site parking spaces should be within a specific distance from the primary structure. We recommend between 500 and 800 feet from the entrance.
132. Sec. 12-4-1(2) provides the introduction to the parking requirement table. (Inspire)	Consider including a provision to allow the Director or Land Use Administrator to make a determination on a parking requirement that is not identified in the table.	Agree (GH) See line 124 for additional suggestions. (LS) Agree – that is how we typically apply it. Would be helpful to clearly state. (SM)	Include a provision to allow the “Mayor or designee” to make a determination on a parking requirement that is not identified in the table.
133. Sec. 12-4-1(2) / Parking Table: It’s not clear what parking requirement the following note (and other notes) applies to: “ <i>on-street parking within 500 feet of the building, except in residential districts, may be used toward this requirement.</i> ” (Inspire)	Consider utilizing footnotes or similar method for including notes in the table or pulling this out and applying it citywide.	This is for churches, which was the line above in the table. It has been applied for redevelopment downtown. (LS)	Fix notes
134. Sec. 12-4-1(2) / Parking Table: Some of the uses included in the table are antiquated terms or are not common anymore. Other uses appear to be repetitive. (Inspire)	Update the uses in the table to more modern terms and reduce the repetition in the table. Consider making the uses consistent with the permitted use table in the zoning chapter.	Agree (GH) (LS) (SM)	Make the list of uses in the parking table consistent with the permitted use table in the zoning chapter
135. This chapter does not include shared parking standards. (Inspire)	Consider incorporating shared use parking standards, particularly for mixed use developments citywide.	12-4-1(4)(a)(1) speaks to “off site” for shared use parking facilities. Could be expanded to “off street” in general. (SM)	Clarify that off-site (shared parking) is allowed and note standards.
136. Sec. 12-4-1(6)b states, “ <i>The in-lieu payment will be calculated by the mayor and approved by the city council in accordance with the following formula:</i> ” (Inspire)	Should this be reworded to state that everyone would use that formula, but the “in-lieu fee” requires approval by the CC?	Agree (GH) (LS) There is now City Parking Department/Director and a new policy to manage parking is being created. I would discuss further with Lissa Dees prior to making any changes. (SM)	Is Lisa Dees ok with the proposed change?
137. Sec. 12-4-1(4) provides the requirements for off-site parking. (Inspire)	Requiring that the off-site parking agreement get recorded to ensure it runs with the land.	Agree (LS)	Require an off-site parking agreement to be recorded to ensure it runs with the land
138. <u>Sec. 12-4-3(7): The parking lot graphic appears to include the correct dimensions; however, the clarity is significantly reduced due to the size of the image. (Inspire)</u>	<u>Recommend replacing this graphic.</u>	<u>Public Works agrees. AT</u> <u>Agree (GH) (SM)</u> <u>Discuss further with respect to minimum parking space sizes. Standard space is 9x18, which seems to be small with the current vehicle trends. Additionally, this creates a conflict when drive aisles are reduced to less than 24 feet. (LS)</u>	<u>Recommend replacing the graphic</u>
139. <u>Sec. 12-4-3(8) contains provisions for wheel stops, but no requirements for overhangs adjacent to pedestrian walkways. (Inspire)</u>	<u>Consider requiring a landscape strip between parking spaces and pedestrian walkways to account for car overhangs. A graphic may help depict this.</u>	<u>Agree. Would also like wheel stops when landscaping is not feasible. (LS)</u>	<u>Consider requiring a landscape strip between parking spaces and pedestrian walkways to account for car overhangs or require wheel stop. Add graphic.</u>
140. Sec. 12-4-5.: Parking vehicles on residential property—Prohibited activity. This is an enforcement activity. (Inspire)	Suggest moving this to the Code of Ordinances – Chapter 11-4.	Agree (GH) (LS) (SM)	Move Sec. 12-4-5 to the Code of Ordinances – Chapter 11-4.

Comment		Inspire Response	Staff Comment	Action
141.	<u>There are no provisions for electric charging stations for EVs. (Inspire)</u>	<u>Recommend requiring EV charging stations for non-residential and multi-family.</u>	<u>Agree, perhaps are a ratio equivalent to the ADA space requirements (LS)</u>	<u>Require EV charging stations for non-residential and multi-family</u>
142.	Chapter 12-4 – Off-Street Parking – Parking Incentives, Reductions, and Maximums (located in Design Standards & Guidelines vs. this Chapter) could be better packaged for the user to reference easily. (SM)	As noted in the reorganization notes, we recommend consolidating ALL parking regulations in one chapter. Same for landscaping, signage, etc.	Agree (CC) (GH) (LS) (SM)	Consolidate parking provisions.
LOADING				
143.	Sec. 12-4-2 only requires loading spaces for manufacturing, industrial, or warehouses. (Inspire)	This should also include commercial and office establishments.	Agree (GH) (LS)	Add loading standards for commercial and office (where needed)
CH. 12-5 – SIGNS				
144.	The chapter needs to be updated to ensure there are no content-based regulations in light of the Reed v. Gilbert case. (Inspire)	- If a sign needs to be read to apply the regulation, it means that the regulation needs to be changed. - Differentiating between on-site and off-site, however, is acceptable. - Need a substitution clause (the message can be changed to anything the owners want, whether it is commercial or non-commercial)	Discuss further (CC) (GH) (LS) (SM)	WS1 (1/29) – Fix provisions that are not content neutral
145.	The sign code refers to “accessory” and “nonaccessory” signs. (Inspire)	Recommend using on-site and off-site instead. Accessory typically refers to something that is subordinate or secondary to something else. That is not the case of signs.	Agree (GH) (LS) (SM)	Change terminology from accessory/non-accessory to on/off-site signs
146.	Sec. 12-5-2(b)(1) states that no signs other than those noncommercial signs authorized by the mayor are allowed on public rights-of-way, except as provided herein. (Inspire)	No signs should be allowed in the ROW except for governmental signage. Prohibit signs in the ROW and clarify which signs do not need a permit.	Agree except for those permitted by a license to use. (GH) (LS)	WS1 (1/29) – Prohibit signs in the ROW except permitted by a license to use (e.g., hanging signs)
147.	Sec. 12-5-2(b)(2) says that no attached wall sign may project more than 12 inches from a building wall. (Inspire)	It is not clear if projecting (blade) signs are permitted. Whenever mentioned, they are combined with free standing signs. There is no definition for projecting signs. Recommend listing the types of signs permitted including a graphic for each.	Historically, this has only been applied to wall signage, rather than projecting or blades. Agree on having more definitions though. (GH) (LS) (SM)	Clarify language
148.	Sec. 12-5-2(b)(7) notes that setback of signs along certain roads <i>may</i> be required (Inspire)	If this is relevant, note what those setbacks would be.	GRD has signage setbacks. (GH) FDOT has a setback requirement from their ROW. It is left to the local jurisdiction to enforce; however, the Code is vague and does not defer to them. (LS)	WS1 (1/29) – Add language deferring to FDOT for this provision [WHERE ARE THE FDOT SIGN SETBACKS FOUND?]
149.	Sec. 12-5-2(d)(3) allows accessory signs up to 32 square feet and/or a height of ten feet (Inspire)	10 feet and 32 square feet seem extremely large for an accessory sign. We noticed that “non-accessory” signs are off-site signs – why not call them that?	This pertains to who may install the sign and the limitations. (LS)	WS1 (1/29) – Clarify language
150.	Sec. 12-5-3 explains how to calculate the area of a sign. (Inspire)	This section is confusing. For all signs, we recommend referring to the smallest rectangle, circle, oval or triangle which encloses all words, letters, figures, symbols, designs and pictures, together with all framing, background material, colored or illuminated areas, and attention-attracting devices forming an integral part of the overall display.	Agree (GH) Discuss further. (LS) (SM)	WS1 (1/29) – Move forward with Inspire’s recommended methodology and add graphics illustrating how calculations are conducted
151.	Sec. 12-5-4(b) allows one freestanding or one projecting, and one attached wall (Inspire)	Not sure what projecting signs are in this context. If they are those that project from a wall (blade signs), we recommend allowing one freestanding and one wall or projecting sign instead.	Projecting signs in this context are blade signs or hanging signs here. Wall signs are flat against the wall or painted. This is used a lot downtown where tenant storefronts do not have ability or space for freestanding signage. I	No change

Comment		Inspire Response	Staff Comment	Action
			recommended keeping projecting and attached separate here. (GH) (LS) (SM)	
152.	Sec. 12-5-4 (b)(1) states that permanent accessory signs in commercially and industrially zoned districts along certain thoroughfares shall be limited in the manner set forth in the remaining subsections. The section is confusing. (Inspire)	This information should be put in the form of a table, so it is easier to understand.	Agree (CC)(GH) Disagree. (LS)	WS1 (1/29) – Standards to be placed into table format and supplemented with graphics to support and summarize the information contained therein
153.	Sec. 12-5-4 (d)(1) refers to a sign displaying the name of the mall or center. This is a content-based regulation (per Reed v. Town Gibert) (inspire)	Eliminate reference to the name of the center	No comment (LS)	
154.	Sec. 12-5-4(e)(1) refers to the name of the multifamily complex. This is a content-based regulation (per Reed v. Town Gibert) (inspire)	Eliminate reference to the name of the complex	How can we regulate signage within these specific non-commercial districts to ensure they remain on-site signage? (LS)	WS1 (1/29) – Address according to Inspire’s recommendation
155.	Sec. 12-5-4(f) includes several references to the content of the sign (e.g., name of subdivision, owner/occupant, address, peddlers, solicitors). These are content-based regulations (per Reed v. Town Gibert) (inspire)	Eliminate content-based references.	What can we do to ensure the signage remains on-site signage? (LS)	It is still ok to refer (and check) on-site vs. off-site. Eliminate content-based provision.
156.	Sec. 12-5-4(g) refers to directional/informational signs with no advertising. This is a content-based regulation. (Inspire)	Change to eliminate the need to read the sign to enforce the provision.	How do we reconcile this to accommodate informational signage and not have visual, advertising clutter? (LS)	Need to eliminate content-based provision.
157.	Sec. 12-5-9 goes into great detail on how sign permits are processed. Being a building permit and not a development order, the detailed language does not belong in the LDC. (Inspire)	Recommend trimming this section.	Agree (LS)	Trim permitting section.
158.	Sec. 12-5-11 states that the sign chapter is administered by the Building Official. There is no need to state that in the LDC as assignments may change (Inspire)	Eliminate section.	Agree (CC) (GH) (LS) (SM)	Eliminate section 12-5-11.
159.	Sec. 12-5-11(2)(a) states that an existing nonconforming sign shall not be changed to another nonconforming sign by modifying the words or symbols used, the message displayed or any other change to the advertising display area of the sign. Not clear why the content of the sign would make it non-conforming. (Inspire)	Need to clarify or delete this section.	Agree (CC) (GH) (LS) That *might* be due to language in Chapter 7 – Adult Entertainment? (SM)	Review language to ensure it is content neutral
160.	Sec. 12-5-12 requires insurance for signs located within the ROW. Private signs should not be allowed to locate within the ROW. (Inspire)	As noted earlier, we recommend prohibiting signs within eh ROW. This section wouldn’t be needed.	I think this is more so for signs hanging over the ROW and where a license to use is required. But I agree, clarification is needed. (GH) (LS) (SM)	WS1 (1/29) – Clarify section language regarding the limited types of signs permitted in ROW
161.	We frequently get requests for murals on fences that technically function as advertising/signage and we recently sent a request for what is a de facto “sign” formed in pavers facing a prominent street frontage to our Architectural Review Board (it was approved). Are there more progressive methods other communities use for defining and approving non-traditional (and traditional) signage? (SM)	Recommend using the sign code for typical business signs. Murals should be addressed as a city-run program with criteria to make sure they are done well. Could also create a public art program to accommodate sculptures or any other 3D feature that does not fit the category of sign or structure.	Agree (CC) (GH) (LS) (SM)	No change. Keep murals out of the LDC.
162.	Signage should be addressed in the overlay areas (this was not included in the standards). (VD)	We recommend consolidating all sign standards in the signs chapter. Ok to include some differences for certain districts but makes more sense to have them all in one place.	Ok (VD) Agree (CC) (GH) (LS) (SM)	Consolidate all sign provisions in this chapter. Any variations based on overlays should be noted here.
CH. 12-6 – TREE / LANDSCAPE REGULATIONS				
163.	The interpretation to require street trees on both the right of way and in the front yard for townhomes should be reviewed. (VD)	This should be based on the required front yard setback. For smaller setbacks, just the street trees should be required. However, in places where a street tree cannot be provided, the tree should be placed in the front yard.	Ok. (VD) Another consideration should include FPL-endorsed tree species for planting near OH utilities. (LS)	Preference should be in the ROW, but if there are spatial or utility issues, put it in front yards. Right plants, right place. Allow the ordinance to be flexible enough to plant the right tree and the right place.

Comment	Inspire Response	Staff Comment	Action
164. The chapter focuses mainly on trees and parking lot landscaping. Need requirements for shrubs, ground covers, and other landscape materials. (Inspire)	Organize the chapter to include the following general outline: - Tree protection (which trees to protect, removal/replacement requirements) - Landscaping & Buffers (onsite general, vehicular use areas, perimeter landscaping/buffers) - Plant Materials (specs for canopy & understory trees, shrubs, groundcover) - Maintenance responsibility - Irrigation	Agree (LS)	Reorganize based on outline shown
165. Add landscaping requirements for new development in downtown Pensacola, which is currently exempted. Allow such landscaping to occur in public space in the right of way, including in containers; they can also pay into a city fund for public space landscaping if adequate landscaping cannot be accommodated onsite or in the adjacent right of way (CW)	The downtown districts need to have clear provisions requiring the developer to improve the sidewalk/parkway in front of the site. This includes the provision of landscaping and street trees. But the city needs to have a plan in place, so it is coordinated.	Agree (LS)	Shouldn't be zero landscaping. Need to require urban landscaping (e.g., planter boxes). Perhaps offer a fee in lieu.
166. Street screen and landscaping standards should be better defined. (VD)	What do you mean by "street screen"? All landscaping standards should be in a single chapter. Some exceptions are ok, but shouldn't vary too much from district to district.	Don't believe it's defined. It's language in the CRA UDOD intended to screen parking lots primarily from the street. (VD) Agree (LS) (SM)	Clarify terminology. Consolidate landscaping requirements in one chapter.
167. There are landscape regulations in multiple sections within Chapter 12-3 (Inspire).	Recommend consolidating all landscaping requirements in this chapter.	Agree with Inspire. There are multiple sections within Ch. 12-3 which contains landscaping regulations. All should be within the Landscaping chapter. (LS)	
168. Sec. 12-6-2(c): All single-family and duplex uses are exempt from the provisions of this chapter, except as provided for in section 12-3-56 (buffer yards), subsection (d) (heritage trees), section 12-6-6(4) (new subdivisions) and section 12-6-7(5) (heritage tree removal mitigation). (Inspire)	Create a section for single-family and duplex, rather than exempt from section. Consolidate all landscape requirements. Subsection (d) (heritage trees) cannot apply to single-family. Create distinction.	Agree (LS)	Add landscaping standards for SF and duplex.
169. Sec. 12-6-2(d) permit required for the removal or pruning of a heritage tree in all zoning districts, and for all land uses, including single-family or duplex. The Florida Statutes exempt single family from tree removal permits if the property owner possesses documentation from an arborist certified by the ISA or a Florida licensed landscape architect that the tree poses an unacceptable risk to persons or property (Inspire)	Update provision to reference the statute.	No comment. (LS)	Update Sec. 12-6-2(d) to reference the statute exempting single family from tree removal permits.
170. Several sections in the chapter talk about when trees are required where overhead utilities exist; also, minimum planting area for trees. (Inspire)	Tree/landscaping standards should be consolidated. Planting areas should be the same for all canopy trees and the same for understory trees – mentioned once and applied citywide	Agree (LS)	Need general section with planting requirements for all canopy and understory trees
171. Sec. 12-6-3(2)b.3 states "Any adjustment to this requirement [planting islands] must have written approval from the city's designated arborist (Inspire)	Is this a <i>variance</i> that gets approved by the arborist?	No comment. (LS)	Should be a variance, with the arborist providing input as needed.
172. Sec. 12-6-3(2)c prohibits vehicle overhangs in landscape areas. Reconsider requirement. Additional green area may result (does not have to count towards requirement). (Inspire)	Allow overhang but note that the plantings need to account for that (i.e., low ground cover used instead of shrubs).	Agree (LS)	Addressed in parking chapter – include a cross-reference.
173. Sec. 12-6-4, Landscape and tree protection plan, seems out of place. (Inspire)	This section should be moved to the development review chapter.	Agree (LS)	Move Sec. 12-6-4 to development review chapter.
174. Sec. 12-6-4(c) requires notices posted on a property where heritage trees, protected trees, or a certain number of trees are proposed for removal. (Inspire)	Is this necessary?	YES. This is a Council ordinance. AT	No change.

Comment	Inspire Response	Staff Comment	Action
¹⁷⁵ Sec. 12-6-7 the title combines several different topics (tree removal/pruning in ROW and canopy tree protection zones, and heritage trees on developed property (inspire)	Consider separating or changing the title.	No comment (LS)	Clean up section
¹⁷⁶ Sec. 12-6-10(c). Enforcement/Tree planting trust fund. (Inspire)	Not clear why Tree Planting Trust Fund falls under Enforcement. Consider moving to more logical/intuitive section.	No comment (LS)	Clean up section
¹⁷⁷ Sec. 12-3-56. Contains standards for buffer yards. (Inspire)	Should be moved to this chapter and expanded to address use compatibility	Agree (LS)	Move Sec. 12-3-56 to this chapter
¹⁷⁸ Sec. 12-3-56(c)(1)b contains provisions for buffers within or adjacent to a cumulative zoning district (Inspire)	What is a cumulative zoning district?	The City's zoning districts are cumulative, meaning the uses within the less-intense, more-restrictive zoning districts are allowed within the more-intense, less-restrictive zoning districts. In this section, it refers to the districts which are not "residential". (LS)	Clean up after zoning districts are reorganized and not tied to others.
CH. 12-7 – SUBDIVISIONS			
¹⁷⁹ Sec. 12-7-4, Design standards, begins with a prohibition (land unsuitable for subdivision shall not be subdivided) (Inspire)	Should begin with the purpose/intent of the section instead of a negative statement.	Discuss further. Staff should be responsible for reviewing for design standards, specifically as it relates to marginal access to existing roads and non-access easements and consistency with the surrounding neighborhood. (LS)	1/30 WS2 – reorganize section so "Prohibition" is not the first sub-section
¹⁸⁰ <u>Sec. 12-7-4(1)(l) contains a table with standards, including alley width. (Inspire)</u>	<u>Consider requiring rear loaded residential units when the lot width is 40 feet or less (all districts, all unit types).</u>	<u>Agree (LS) (SM)</u>	<u>Require rear loaded residential units when the lot width is 40 feet or less (all districts, all unit types).</u>
¹⁸¹ <u>Sec. 12-7-4(2) states that drainage easements are required along lot lines. Is this still the case? Who decided which lot lines (side, rear?) (Inspire)</u>	<u>Clean up to reflect actual requirements. Are the easements just for drainage?</u>	<u>The LDC reads "Easements along lot lines shall be provided for drainage where necessary and shall be at least 12 feet wide." Surveyor reading of this indicates the drainage easement is optional and can be enforced if city engineering so dictates. AT</u>	<u>Clarify language – leave open for engineer to require easements.</u>
¹⁸² Sec. 12-7-4(3) requires blocks to accommodate two tiers of lots. This works well for residential but may not be relevant to non-residential (a commercial or mixed-use project could occupy an entire block). (Inspire)	Recommend specifying that this provision only applies to residential lots.		1/30 WS2 - clarify that certain provisions only apply to residential vs nonresidential developments
¹⁸³ <u>No specific standards are provided for commercial and industrial subdivisions. Add standards to promote connectivity and walkability in such areas. (Inspire)</u>	<u>Should institute a maximum block size/length for blocks to promote vehicular and pedestrian connectivity (e.g., 600 ft. length in urban areas).</u>	<u>State does not require platting for non-residential, but support short blocks for walkability. Need to define block if not defined already. May also want to link it to Context Classification. AT</u>	<u>1/30 WS2 – even though the city does not require platting for non-residential development, add block size maximums to ensure connectivity and improve walkability.</u>
¹⁸⁴ <u>Sec. 12-7-5(a) contains standards for streets. ROW widths are provided in table in Sec. 12-7-4. (Inspire)</u>	<u>Recommend consolidating dimensional and design standards to avoid conflict and confusion</u>	<u>Consolidate how? AT</u>	<u>1/30 WS2 – Proceed with Inspire's recommendation</u>
¹⁸⁵ <u>Sec. 12-7-5(b) contains requirements for connection to public sewer system. This chapter should include standards for connection to city water. (Inspire)</u>	<u>Include a section on requirements to connect to the public water system.</u>	<u>Agree. Change city water reference to public water. Water is provided by ECUA. AT</u>	<u>Include a section on requirements to connect to the public water system.</u>
¹⁸⁶ Sec. 12-7-6(a) states that the Planning Board may require sites for schools. Need thresholds instead. (Inspire)	What threshold has been used in the past to require schools?		1/30 WS2 - amend language to state that "the City may require" (rather than "the Plan Board may require")
¹⁸⁷ Sec. 12-7-6(b) requires the dedication of land (5%) for parks, recreation, and open space. Should add a reference to the adopted LOS. (Inspire)	- Include reference to comp plan LOS. - Does the City differentiate between parks and rec and open space (useable vs. not accessible)? - Should specify that the developer designs and builds the park.	The pay in lieu option is generally taken. (LS)	1/30 WS2 – Parks Director to weigh before making official recommendation

Comment		Inspire Response	Staff Comment	Action
		- Does the city require dedication or are the parks held in common ownership (through HOA)? - Should specify if ok to split the 5% or if it needs to stay in one piece.		
188.	Appendix A, Design standards, contains some concepts that should be discouraged: marginal access streets, reverse frontage lots. (Inspire)	Revise to modernize standards		1/30 WS2 – Proceed with Inspire’s recommendation
189.	The aesthetic of dumpster screening and placement should be addressed. (VD)	Agree. Should be in a single place (Subdivision and site design chapter). Recommend requiring a wall matching the building design.	OK. (VD) Agree (CC) (GH) (LS)	Require a wall matching the building design.
CH. 12-8 - STORMWATER MANAGEMENT AND CONTROL OF EROSION, SEDIMENTATION AND RUNOFF				
190.	<u>Sec. 12-8-3. - Activities requiring a stormwater management plan.</u> No person may subdivide or make any change in the use of land or construct or change the size of a structure except as exempted in section 12-8-4 without first submitting a stormwater management plan to the city engineer and obtaining a stormwater management permit from the building official. <u>Recommended Change-</u> change building official to city engineer. (JB) <u>Comment-</u> Currently the engineering department administers the permits for site development and the erosion control of commercial projects. This change is necessary to avoid conflicts with current processes. (JB)	<u>Do we need to refer to specific divisions or titles or should we instead talk about “city administrator or designee”? The responsibilities can be assigned internally and may change over the years. Could exempt floodplain section from this change.</u>		<u>WS1 (1/29) – change to “Mayor or Designee”.</u>
191.	<u>Sec. 12-8-5. - Stormwater management plan.</u> It is the responsibility of the applicant to include in the stormwater management plan sufficient information for the city engineer to evaluate the volume of stormwater runoff. The stormwater management plan shall be prepared by a professional engineer registered in the state. The stormwater management plan shall be subject to the approval of the city engineer and permitted by the city building official. The design standards delineated in section 12-8-6 shall be utilized in the review and approval of each drainage plan. Additional pertinent information that may be requested by the city engineer shall be provided. <u>Recommended change-</u> Omit the building official in this section. (JB) <u>Comment-</u> The City Engineer provides for the permitting of stormwater management plans and construction sitework permits. (JB)	Do we need to refer to specific divisions or titles or should we instead talk about “city administrator or designee”? The responsibilities can be assigned internally and may change over the years. Could exempt floodplain section from this change.		WS1 (1/29) – change to “Mayor or Designee” or “City Staff”
192.	<u>12-8-6(C)(3)</u> No clearing, grading, cutting, filling or alteration to the site of any kind shall be commenced until adequate erosion and sedimentation structural controls have been installed as per plan between the disturbed area and water bodies, watercourses, and wetlands and inspected by the building official. Limited clearing shall be permitted as necessary to allow the installation of the structural controls. (JB) <u>Recommended Change-</u> Add “and/or City Engineer” after “Building official”. (JB) <u>Comment-</u> Both positions are currently sharing this duty. city engineer for Commercial Developments and building official for residential developments. (JB)	Do we need to refer to specific divisions or titles or should we instead talk about “city administrator or designee”? The responsibilities can be assigned internally and may change over the years. Could exempt floodplain section from this change.		WS1 (1/29) – change to “Mayor or Designee” or “City Staff”
193.	<u>12-8-8 (1) Development other than single-family and two-family lots.</u> All development other than single-family subdivision and two-family lots is subject to the following provisions: (JB) a. The building official shall be notified by the owner, developer or builder to inspect the installation of the erosion and sedimentation controls prior to any clearing, grading, cutting, filling or alterations of any kind to the site.	Do we need to refer to specific divisions or titles or should we instead talk about “city administrator or designee”? The responsibilities can be assigned internally and may change over the years. Could exempt floodplain section from this change.		WS1 (1/29) – change to “Mayor or Designee”.

Comment	Inspire Response	Staff Comment	Action
b. The building official shall monitor the installation of temporary stormwater control devices during construction. At the completion of construction, the city engineer shall be notified by the owner, developer or builder to inspect and assure that permanent stormwater control devices are installed as shown and approved on the plan. c. During the construction phase of the project, if the city engineer determines that construction is not in compliance with the approved stormwater management plan, a notice of noncompliance shall be issued, specifying the nature of the noncompliance and the remedial actions necessary to bring the project into compliance within 24 hours. d. If the remedial action specified above is not completed within the time allowed, then the building official or the city engineer may issue a stop-work order immediately. Upon completion of the action set forth in the notice of noncompliance, the building official shall issue a notice of compliance. Recommended Changes- 12-8-8 (1)a and 12-8-8(1)b- change building official to city engineer. Comment- Currently the engineering department administers the permits for site development and the erosion control of commercial projects. This change is necessary to avoid conflicts with current processes. (JB)			
194. <u>On-site stormwater requirements are hard to meet, especially for infill and redevelopment. Need solutions (KO)</u>	<u>While requiring LID practices helps, this is a requirement that cannot be waived. The best solution would be a master stormwater system for key redevelopment/ infill districts.</u>	<u>Public Works supports a master stormwater system, however, Public Works wants clear delineation between public and private stormwater. The City does want to maintain unfunded stormwater infrastructure needs that is created by private development. Also, the maintenance of the private stormwater should run with the land, not a third party like an HOA. AT</u>	<u>1/30 WS2 – Allow partial off-site compensatory treatment (50% max.) in addition to establishing a master stormwater system program</u>
195. Seek conformance with applicable stormwater requirements from Escambia County and/or NFWFMD, and potentially with FDOT’s requirements for project parcels abutting a state roadway. (PJ)	Should refer to the WMD requirements.		1/30 WS2 – Review Escambia County and/or NFWFMD, and potentially with FDOT’s requirements for project parcels abutting a state roadway and update City standards where applicable.
196. End much or all of the stormwater grandfathering for areas that have existing impervious surface, and add more flexibility for offsite treatment to allow for more urban density; (CW)	Stormwater is a requirement that cannot be waived. The best solution would be a master stormwater system for key redevelopment/ infill districts.		
197. <u>SECTION 12-8-4 - Building Inspections cannot issue a permit without approval of a lot grading plan that accounts for both stormwater run-on and run-off (AT)</u>	<u>Please clarify comment.</u>	<u>At present, Building Inspections does not look at any type of lot grading plan nor take into consideration how residential construction affects the neighboring parcels. We’d like to add a layer to permitting of residential homes that requires submittal of a lot grading plan, written narrative describing how this development will neither create nor exacerbate flooding problems...all this to be reviewed by the City Engineer AT</u>	<u>1/30 WS2 – City to require the submittal and approval of a lot grading plan prior to issuing permits for new single-family homes</u>
198. <u>Stormwater pond placement and size should be addressed with more guiding language as what is an acceptable aesthetic. Ultimately a comprehensive stormwater plan that reduced the necessity for onsite retention would be idea, though. Stormwater is a huge issue here. (VD)</u>	<u>Stormwater is a requirement that cannot be waived. The best solution would be a master stormwater system for key redevelopment/ infill districts.</u>	<u>Public Works has the same comment as #208. Also, requiring stormwater ponds to be aesthetically pleasing would result in an undue financial burden on developers. AT</u> <u>Agree, however, there is language in the UDOT that defines placement. Perhaps item for further discussion? (VD)</u>	<u>1/30 WS2 – Include provisions within the LDC which clarifies how stormwater ponds can be incorporated in an urban setting</u>

Comment		Inspire Response	Staff Comment	Action
CH. 12-9 – FLOODPLAIN MANAGEMENT				
199	Florida has requirements in flood hazard zones which disallow a certain degree maintenance of structures based on the value of the maintenance compared to the value of the home if they don't elevate their homes. This is leading to residents living in substandard conditions. Although we cannot impact, Florida Building code we should consider the equity factor for residents and commercial property owners that just want to maintain or restore their property or rebuild after damage was caused that was out of their control. (VD)	Any suggestions on how to handle this?	Not offhand but perhaps other communities have identified successful methods. (VD). No comment (LS) Would defer to City Building Official/Floodplain Manager. (SM)	1/30 WS2 – Discussed item. No change proposed at this time.
CH. 12-10 – AIRPORT				
200	Chapter 333, FS, contains the requirements for adopting airport zoning regulations. (Inspire)	Review the statutes to ensure this chapter addresses all the requirements.		Review the statutes to ensure this chapter addresses all the requirements.
201	Section 12-10-10 requires an update of the LDC within one year of a master plan update. (Inspire)	Has the airport master plan been updated?		
202	Sec. 12-3-11(4)a.7 states that any person desiring to erect or increase the height of any structures, or use his or her property not in accordance with the regulations prescribed in this chapter, may apply to the zoning board of adjustment for a variance from such regulations (Inspire)	Do they have to demonstrate hardship or just say they don't want to meet the regulations? Recommend modifying language to reflect that variances are only recommended in cases where the applicant has no other option. Also, why would the Board make the city pay for the lights?	They must demonstrate a hardship, which is not self-inflicted. (LS)	1/30 WS2 – Keep provision as is
CH. 12-11 - ADMINISTRATION AND ENFORCEMENT				
203	Sec. 12-11-1. - Enforcement. (JB) (a)Enforcement of the provisions of this title shall be administered by the mayor through the following city officials: (1) Chapters 12-1 through 12-5, 12-9 and 12-10. Enforced by the building official. (2) Chapter 12-6. Enforced by the parks and recreation director. (3) Chapter 12-7. Enforced by the planning services department. (4) Chapter 12-8. Enforced by the city engineer and the building official. (b)These city officials may be provided with assistance of such other officers and employees of the city as may be necessary to enforce the provisions of this title. If the applicable official finds that any of the provisions of this title are being violated, he or she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions. Recommended changes- (JB) Change 12-11-1(a) to the mayor "or the mayor's designee". 12-11-1(a)(1) Delete or modify (Some duties are Planning and some are Building Inspections 12-11-1(a)(2) Delete or modify (Now City Arborist) 12-11-1(a)(3) Delete or modify (Planning Services Department is not a department any more- Planning and Zoning Division)	Do we need to refer to specific divisions or titles or should we instead talk about "city administrator or designee"? The responsibilities can be assigned internally and may change over the years. Could exempt floodplain section from this change [new response – inspire]		1/30 WS2 – change titles throughout the LDC to 'Mayor or designee' unless specificity is needed; however, retain references to City Engineer, City Arborist, and City Building Official

Comment		Inspire Response	Staff Comment	Action
	12-11-1(a)(4) Delete or modify (the correct officials are named but with a change in Mayor/Administration, this could change) Comment- The specific naming of certain officials limits the ability for change as the mayor sees fit. Some of these duties as assigned are not consistent with this section currently.			
204.	Sec. 12-11-1 specifies the various departments responsible for certain sections of the LDC. (Inspire)	Recommend eliminating this section and instead change all references specific to a department or position (throughout the LDC) to “City Administrator or designee.” Department functions and titles change and that should not require a code amendment. A designee is whoever the City Administrator assigns the responsibility to.	Discuss further. (SM)	Delete list of responsible departments.
205.	Sec. 12-11-5. - Building permits. (JB) This section is established to provide for building permits for review of compliance with the provisions of this land development code. A "building permit" means any building or construction permit required by chapter 14-2. (1)Application. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the standard building code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work. All applications for building permit shall be accompanied by the following information and materials: a. Two complete sets of building construction plans shall be required. In addition, a plot plan drawn to scale depicting the following information shall be required for residential and commercial building permits: One copy of the plans shall be returned to the applicant by the building official after he or she has marked such copy either as approved or disapproved and attested same by his or her signature on such copy. The original, similarly marked, shall be retained by the building official. Recommended Changes- 12-11-5(1)a- Change “Two complete sets” to “One complete set of digital plans”. Change- last section to “One digital copy of the plans shall be returned to the applicant by the building official, or the building official’s designee. Approved plans shall be digitally stamped “Reviewed for Code Compliance” and signed by the plan reviewer. (JB)	Recommend moving submittal requirements to an administrative procedures manual or to the actual application form (in the form of a checklist) [new comment – inspire]		1/30 WS2 – take application requirement details out of the LDC
206.	Sec. 12-2-7 outlines the public participation procedures that were previously required by the FAC. Is publishing in the newspaper still sufficient public notice or should a different public noticing process be defined? (VD)	Some of this is outdated but other provisions are required by FS. The chapter on development review should be where we specify the notice requirements for the various types of application. Need to make sure they are consistent with current state law.	OK (VD) Would like to discuss further. Outdated provisions should be removed. (GH) (LS)(SM)	Update notification requirements to be consistent with FS.
207.	Evaluate variance process (KO)	There are numerous sections in the LDC that mention variances (12-7-7, 12-9-7, 12-10-3, 12-10-8, 12-11-2, and 12-12-2). Some refer to the P&Z as the approving authority while other sections refer to the BVZA. There should be consistency – “variances” should be reviewed by the BZA and should demonstrate hardship. Allowing the smaller variances to be approved by staff is fine, but	What is the BZA or BVZA? Should this be the ZBA, Zoning Board of Adjustments? .. Administrative variances must meet the same criteria for a Variance which is reviewed by the ZBA per Sec. 12-11-2(a)(2). .. Administrative Variances could be modified to serve an “oops factor” and correct minor field errors. (LS)	1/30 WS2 – The Plan Board should continue to review variances within Special Districts; add the variance flexibility provisions proposed in in Row 229

Comment		Inspire Response	Staff Comment	Action
		this part may be expanded to include a percentage of all dimensional requirements (except density/intensity and other provisions that shouldn't be changed) Variances should not be based on an appeal.	Appeals are different from variances. They are essentially seeking concurrence from the ZBA that staff was "wrong". (SM)	
208	Sec. 12-7-7, variances, refers to process. Should move to that chapter. (Inspire)	Move to the development review chapter.		Move all variance provisions to the Development Review chapter.
209	Sec. 12-9-7. - Variances and appeals. (JB) (a)General. The construction board of adjustments and appeals shall hear and decide on requests for appeals and requests for variances from the strict application of this chapter. Pursuant to F.S. § 553.73(5), the construction board of adjustments and appeals shall hear and decide appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to section 3109 of the Florida Building Code, Building. (b)Appeals. The construction board of adjustments and appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this chapter. Any person aggrieved by the decision may appeal such decision by certiorari appeal to the circuit court. Recommended changes: (JB) 12-9-7a.- Change "Construction Board of Adjustments and appeals" to zoning board of adjustments in the first sentence. Second sentence- change construction board of adjustments and appeals to "Florida Building Commission" 12-9-7 b.- Change construction board of adjustments and appeals to Zoning Board of Adjustments Comments- The city is working to dissolve the Construction Board of appeals and rely on the appeals process through the Florida Building Commission per Florida Statute 553.775. This will provide consistency. (JB)	Will make a note to change		Update language.
SUBDIVISION PROCESS				
210	Sections 11-4-69 & 70 include provisions for the vacation of Streets and ROW. (Inspire)	Recommend moving to the LDC section dealing with platting and vacations.	Agree (GH) (LS) (SM)	1/30 WS2 – develop review criteria for vacation requests—one of which should be impacts to area connectivity; disregard fee discussion (addressed internally prior to meeting)
211	<u>Right to Use and/or Vacation of City right of way – this has become a frequent topic of conversation of late, as the City seeks to balance the value of using the right of way to benefit private development against its intended public purpose. Are there best practices utilized by other Florida communities – including applicable fee structures - that you are aware of that have been successful? (SM)</u>	<u>We typically discourage vacating streets as that has an impact on connectivity. However, you can't prohibit someone from requesting it. Could add language stating that if a street is vacated, the developer will need to ensure connectivity is provided in some other way (through private driveways that are open to the public and are designed like streets. The question regarding fees, it is for application fees?</u>	<u>Discuss further (CC) (LS)</u> <u>Yes – application fees and annual use fees if the ROW is approved for a License to Use vs a vacation.</u>	<u>Include criteria for reviewing street vacation applications.</u>
212	There is no "major" or "minor" subdivision anymore and that language in 12-3-105(c) is a carryover that probably should be removed (GH)			Update this section
213	Sec. 12-7-8, Preliminary plat, Sec. 12-7-9, Final plat, and Sec. 12-7-10, Final approval, should all be moved to the development review chapter. (Inspire)	Move to the development review chapter.		Move all platting provisions to the Development Review chapter.

Comment	Inspire Response	Staff Comment	Action
214. <u>Chapter 12-7 – Subdivisions – As these typically constitute a more technical review and application of regulations, any streamlining and condensing of approval processes and times (that comply with the minimum state requirements, obviously) would be a positive step. As an example, the City allows for “parcel history” to be applied in areas that originally had a higher number of lots than currently exist when restoring the original number (or fewer) of lots can be achieved with the lots created conforming to the existing lot size requirements of the zoning district. This allows for restoration of historical platting lines without going through the full-blown plat review process. (SM)</u>	<u>See comments under Chapter 12-12. Agree that some approvals can be done administratively. The final plat, however, has to be approved by the governing body (per F.S. 177.071).</u>	<u>Public Works does not support utilization of parcel history, especially for stormwater requirements. AT</u> <u>Agree (CC) (GH)</u> <u>Agree with AT on the elimination of parcel history divisions. Support retaining the “two-lot split” as an administrative approval. (LS)</u> <u>Utilizing parcel history has many benefits and I personally would not support eliminating it, but I agree it should not be exempt from stormwater requirements or internal PWF/Engineering review. (SM)</u>	<u>1/30 WS2 – continue to implement parcel history provisions with two adjustments:</u> <u>(1) development must meet the City’s and WMD’s stormwater requirements; and</u> <u>(2) clarify language to prevent developers from taking advantage of these provisions (such as using the parcel history process, but asking for adjustments to their boundaries)</u>
215. <u>Sec. 12-7-2. - Prohibition...nothing in this chapter shall be deemed to require the approval and recording of public acquisition of strips of land or the combination or recombination of portions of previously platted and recorded lots where no new parcels or residual parcels are created which are smaller than minimum restrictions required by this title in the district in which such parcels are located. - Need to eliminate the phrase “previously platted and recorded lots” Elimination of Lot History loophole (stop allowing developers to skip past the platting process and/or stormwater treatment & attenuation) (AT)</u>	<u>The language of this section is confusing. It waives platting for lot consolidation. If two contiguous nonconforming lots are under single ownership and proposed for development, they should be consolidated into a single lot meeting code. Need further discussion with staff.</u>	<u>Public Works staff believes there is misunderstanding. Staff is talking about lot divisions based on historic platted lots, so people are trying to use an old plat to not trigger stormwater issues and surface runoff. This elimination of parcel history loophole would bring us into compliance with Water Management District requirements. AT</u> <u>Agree with AT (CC) (LS)</u> <u>See my comment in 187 above. (SM)</u>	
216. <u>Sec. 12-7-5(a)(6) and (b) refer to plan submittal requirements. (Inspire)</u>	<u>Both should be moved to the development review chapter.</u>		<u>1/30 WS2 – move procedures to development review chapter and take submittal details out of the LDC.</u>
217. <u>City’s subdivision approval process: My personal opinion is that the process could potentially not need to include both the Planning Board and City Council. Staff should be trusted to ensure compliance of the design versus the LDC. Certainly, a public forum needs to be provided for transparency and opportunity for input from the general public, but potentially not both the Planning Board and Council. I also do not understand the basis of Final Plat approval being required at the same time as Construction Plans. It would be more logical in my opinion to require approval of Construction Plans after or concurrent with Preliminary Plat, then after construction is complete the Final Plat is submitted and approved. I would also request reconsideration of the 365 day maximum timeline between approval of Preliminary Plat and submittal of Final Plat, recognizing the City needs a mechanism to prevent approved plats and construction plans from sitting indefinitely in an ‘approved’ state. (PJ)</u>	<u>Recommended changes as follows:</u> <u>• Eliminate planning board review of preliminary and final plats. These are administrative items that comply with code and prior approvals.</u> <u>• Require preliminary plats to be approved by the city council. Once the preliminary plat is approved, the applicant can submit subdivision construction plans (final engineering).</u> <u>• Applicant would then have the option of bonding improvements and processing the final plat, or constructing the infrastructure prior to final plat approval.</u> <u>• Final plat would then be reviewed by staff and signed by the Mayor.</u> <u>Recommend updating timelines to require subdivision construction plans to be submitted within one year of preliminary plat approval and approved within two years of PSP approval. Allow ability for City Engineer to grant one-year extensions. If subdivision construction plans aren’t submitted or approved within the required timing, the PSP expires.</u>	<u>In regards to removing the Planning Board step - the planning board is being used by the City Council as a “previewer” of said preliminary plat prior to full City Council review. The desire of the role of the “previewer” is to work out all the details prior to full City Council meetings. Per F.S. Chapter 177.071, the final plat must be approved by the appropriate governing body with evidence of such approval on the face of the plat. Approval of the appropriate governing body, i.e. is the City Council and executed by the City Clerk per the City Council’s record vote. The execution of the final plat per the City Council’s record vote is not a function of the Mayor as suggested by Inspire. AT</u> <u>In regards to the timeline of the Preliminary Plat, Final Plat, and release of construction plans, - Per the LDC 12-7, upon Planning Boards approval of the preliminary plat, the developer has 365 days to submit Final Plat and Release for Construction Plans. Once the City Council approves the Final Plat, the developer has 180 days to record the Final Plat and 365 days to complete construction of infrastructure. The City Surveyor recommends changing the Final Plat submittal days from 180 days to 365 days. This would allow concurrence with the construction timetable.</u> <u>AT</u> <u>Agree with AT.</u>	<u>1/30 WS2 – Staff agree with streamlining the process (Escambia and neighboring counties have a simpler process). Will need input from the Planning Board and City Council.</u> <u>Clarify the process and timeframes as they are confusing for staff and applicants.</u>

Comment	Inspire Response	Staff Comment	Action
218. As landowners have rights to subdivide land (as regulated by the LDC), a public forum by either Planning Board or City Council should not be needed to approve a Preliminary Plat; it's my opinion that a public forum for this use should be avoided. Given the large amount of resources necessary for a comprehensive review, Staff should be responsible for determining compliance with the LDC and should review & approve Preliminary Plats accordingly. If additional restrictions are needed to ensure responsible development, these should be made part of the LDC by amendment in order to set an equal playing field. Applying requirements beyond the LDC or denying subdivisions case-by-case, as made possible by Planning Board & City Council hearings, can potentially infringe upon the landowners' rights. A staff-only review would be consistent with Escambia & Santa Rosa County's processes (CG)	See previous comment/recommendation		
219. <u>Regarding subdivisions, I support Patrick's opinion that the Final Plat process should occur after construction; this includes all infrastructure necessary to support & develop individual lots. The function of the Final Plat review process should be to verify that new lots are acceptable and have adequate access, drainage, utilities & etc. - it makes logical sense for this to occur after construction. This would be consistent with Escambia & Santa Rosa County's processes and would help clear up a lot of confusion. (CG)</u>	<u>After the approval of construction "plans" the developer should be able to build the infrastructure while processing the final plat. They should be required to post a bond or letter of credit. Per FS, the final plat has to be approved by the governing body. However, some communities take the PSP through the Council but not the final plat. It does, however, get signed by the Mayor.</u>	<u>There is currently 2 timetables in the LDC. We recommend moving to one timetable where Final Plat to be concurrent with construction plans with 365 days. AT Agree with AT (LS)</u>	
220. <u>Sec. 12-7-10(e) states that all subdivision improvements shown on the plat shall be completed within one year from the date the city council grants approval of the final plat. (Inspire)</u>	<u>Final plats typically don't show subdivision improvements. Those details are typically shown on preliminary plats and subdivision plans.</u>	<u>Agree (CC)</u> <u>Agree. The year limit has been problematic for several developments (GH) (LS) (SM)</u>	
221. Making final plats final at the Planning Board meeting and not require city council approval. (CC)	Final Plats need to be approved by the governing body (per Statutes). But they don't need to go to the Planning Board.		
222. Appendix B, Sample preliminary plat, seems outdated. (Inspire)	We don't think this image is necessary, but if frequently used, we recommend replacing it with a modern image and moving it to the development review chapter.		1/30 WS2 – Modernize image and move to the development review chapter
223. The implementation of a "Development Order" should be considered for site & subdivision developments. There is often confusion about what permits are to be received upon project approval, if they have all been obtained, and what the expiration dates are. Given the coordination required for reviews by multiple departments (planning & zoning, engineering, building, & etc.), it would be beneficial to both the City and Developers to have one document demonstrating project approval with an effective date. This will require an overhaul of the review processes currently outlined in the LDC. (CG)	Planning activities that get approved should get a development order. Each application type should specify expiration dates and extension opportunities.	Further discussion. I don't necessarily disagree with CG to a certain extent. However, Planning has not taken the lead role, except in facilitating Board action. (LS)	1/30 WS2 – Staff decided that Development Orders are not needed within the City. Disregard recommendation.
CONCURRENCY			
224. <u>Sec. 12-1-7 contains the concurrency management and monitoring provisions. (Inspire)</u>	<u>Recommend moving to the development review chapter.</u>	<u>Agree. AT (LS)(SM)</u> <u>No comment. (GH)</u>	<u>Move concurrency section to the development review chapter.</u>
225. Sec. 12-1-7(3)(c) in the Concurrency section requires a "realistic, financially feasible funding system based on currently available revenue sources that are adequate to fund the public facilities required to serve the development authorized by the development order and development permit and which public facilities are included in the five-year schedule of capital improvements." Should this define that the funds must be "currently available"? This may be too restrictive to allow the City to respond to a development that it wishes to incentivize. (VD)	The state does not require the comp plan or capital improvements to be financially feasible. There is a difference between "currently available <i>revenue sources</i> " and "currently available <i>funds</i> ." One could say that we have the revenue sources to fund projects in year 5 of the CIP, but we currently don't have the funds available, as they will be budgeted at the end of year 4.	Ok. (VD)	No change needed.
226. Sec. 12-1-7(3)(b)(1) states that the burden of showing compliance with the adopted levels of service and meeting the concurrency evaluation shall be upon the	Should be Sec. 12-1-7(b)(1). Does the City use checklists for development review applications? This is where that	Defer to planning staff on question (VD)	WS1 (1/29) – decided not to include specific language in the LDC as to what the applicant

Comment	Inspire Response	Staff Comment	Action
applicant. The city may require whatever documentation is necessary to make a determination. Could the documentation be defined here (or at least some guidance) to increase the certainty of approval? (VD)	information should go. The form should ask the applicant for the proposed demand and provide a phone number of email where the applicants can get the currently available supply.	City checklists are discipline specific. Planning does not generally assess concurrency. Traffic would be a function of PWF. (LS)(SM)	would need to submit to demonstrate compliance; details could be included in a checklist
227. <u>GENERAL COMMENT (Need to improve Section 12-1-7): Update LDC to include language about modifications to the City right of way to account for how your proposed development will affect transportation/traffic (trip generation requirements, install turn lanes, right in/right out driveway, traffic studies, etc.)</u>	<u>Section 12-1-7 is about Concurrency. Requirements for easements, paths, streets should go in the Streets, Circulation, and Parking chapter.</u> <u>Language should be added to require an operational analysis and traffic improvements based on impacts from the proposed development.</u> <u>Sec. 12-1-7(a)(3) addresses concurrency and focuses on “roads designated in the comprehensive plan.” If there is an issue with a failing roadway within the impact area of the project, it could be mitigated through a proportionate share agreement.</u>	<u>Policy T-1.1.4 in the Comp Plan currently has a transportation concurrency exception area, so a lot of the transportation concurrency requirements in chapter 12 is not applicable. So staff is trying to find ways to ensure transportation impacts are accounted for. Is this why you are recommending putting traffic impact analysis in the streets, circulation, parking chapter? Perhaps in the development review section Inspire mentioned?</u> <u>Because in other areas I’ve seen detailed concurrency sections in the LDC and not in the streets section. There is a concurrency determination application and usually this will require some type of traffic assessment from the applicant for major projects. Here is an example from St. Johns County: http://www.co.st-johns.fl.us/DevelopmentReview/media/DRM/Section%203.0%20Concurrency.pdf AT</u> <u>Agree with Inspire. (LS)</u>	<u>1/30 WS2 – transportation related analysis and studies for development should be identified in the Development Review Chapter. Additionally, it should include provisions that if the proposed development exceeds so many estimated trips, a traffic study will be required.</u>
228. <u>Sec. 12-1-7. Reference Level of Service Study, ATP & MUTCD (AT)</u>	<u>These capacity measures are not directly tied to LOS standards. They may be better incorporated into another portion of the code.</u>		<u>1/30 WS2 – Direct applicants to utilize the LOS calculation utilized in the City’s LOS Study</u>
229. <u>Section 12-1-7 Concurrency and capital improvements. Needs to bring attention to this section internally as staff should be reviewing LDC, comp plan, and capital improvement schedule in coordination. This can impact outcomes of any traffic impact analyses we may require. Ex. If a study shows development will impact an intersection, how can we better structure our system to better take this into account and plan for improvements? (AT)</u>	<u>This could be addressed in an internal development review manual. Does not belong In the LDC.</u>	<u>Agree development review manual would be helpful and bring attention to this coordination. Also still believe that we need to have an internal process that is better integrated so comp plan, capital improvements and concurrency stay consistent. I don’t believe Chapter 9 Capital Improvements of the comp plan has been updated in some time, but perhaps that’s not required any longer.</u> <u>AT</u>	<u>1/30 WS2 – No change to the LDC, but consider creating an administrative procedures manual.</u>
230. It is not uncommon for staff and/or the customer to wish for more flexibility & additional available options in our administrative (de minimus) variance regulations. (12-11-2(e)) (SM)	Recommend keeping staff modifications at 10% but not just setbacks and allowing >10% up to 30% to be reviewed by the ZBA or PB without having to prove hardship. Anything over 30% should be processed as a variance due to hardship.	I like this. Would like to discuss further. (CC) (GH) Discuss further. (LS) (SM)	1/30 WS2 – Create a system to allow some modifications to be approved administratively.
231. Section 12-11-2(a)(2)(e) – this Code Section itself should also be looked at in general as this seems to place Administrative Variances at the staff level under the authority of the Zoning Board of Adjustment due to the way it’s numbered/organized. (SM)	This section needs to be reorganized. See comment above recommending the consolidation of all variance language in one place. Process/procedures should not be mixed with board duties.	Agree (LS)	Consolidate of all variance language in one place.
232. Sec. 12-11-2(f) outlines the process for modifications to the CRA Urban Design Overlay District (CRAUDOD) standards. Sec. 12-11-2(f)(2)c states that the applicable redevelopment board chair shall review the final determination. (Inspire)	Recommend that the determination be considered by the whole board and not just the chair.	The CRA District Boards are likely being reorganized. This may provide an opportunity to revisit who is involved. The current process is very collaborative and works well due to the small group. Some of that collaboration might be lost with a larger review committee. (LS) (SM)	Revisit after the CRA Board is reorganized.
233. Sec. 12-11(4) states that the any person affected by the modification to the CRAUDOD can appeal to the ZBA. (Inspire)	Recommend sending the appeal to the city council.	No comment (LS)	Review and consolidate all appeal procedures to ensure consistency.

Comment	Inspire Response	Staff Comment	Action
234. Sec. 12-11-2 is titled appeals, modifications, and variances, but goes on to describe the duties and powers of the zoning board of adjustment. The responsibilities of each board should be in the Boards and Commissions chapter. Also, there are numerous references to variances in the code that are not processed by the ZBA (subdivisions, historic districts, etc.) (Inspire)	Recommend rewriting this section to describe the process not the board duties. There should be a section dedicated to appeals (legislative and quasi-judicial decisions), a separate section for variances, and a different section dedicated to modifications.	Agree (CC) (GH) (LS) (SM)	Reorganize into separate sections for appeals, board duties, and variances.
235. Chapter 12-11 is not organized and does not include instructions/requirements for all types of development review applications. (Inspire)	Recommend including a section dedicated to general/common procedures for development review (relevant to all application types). Could include the following subsections: - Applicability (specify which activities require a building permit, development order, Certificate of Occupancy) - Table listing all development application types noting who reviews the application and who makes the final decision. Include a cross-reference to the section that explains the application process in detail. - Pre-application meeting requirements - Application submittal - Completeness and sufficiency review general procedures. - Public hearings and notices	Agree (LS) (SM)	Consolidate all procedure sections and organize by type of application.
236.	We recommend having separate sections for the various application types (variances, zoning map amendments, FLUM amendments, Special Exceptions, plats, historic designations, Certificates of Appropriateness, etc.). Each section should include the following subsections: - Purpose of application - Application Requirements - Criteria for review - Review Process - Effect of approval - Expiration/extension		
237. Adding some language that requires (or strongly recommends) that any applicants going before the planning board hold a pre-app meeting with city staff. (CC)	Recommend requiring pre-apps for certain types of application. Wouldn't prefer not to use "encourage" or "discourage" in the code, as those words don't do anything.	Agree (CC) (GH) (SM) Suggest including language for certain type of projects within historic and redevelopment districts do the same before initiating Board review. (LS)	Require pre-apps for certain types of application.
238. Per internal discussions it may be prudent to add a required Pre-development meeting of developers with staff to eliminate developers dropping plans for review at the last minute that are new to staff. (VD)		Ok (VD) Agree (CC) (GH) (LS)	
239. There is a lot of repetition in the notification requirements found in Ch. 12-11 and Ch. 12-12. For example, the notification requirements for each application type are repeated within each section by type of application. (Inspire)	Recommend adding a table to show notification type, notification timing, and notification radius by application type. This would reduce redundancy and provide a single source of information. Recommend reviewing all the notification timing for all applications to ensure compliance with statutes.	Agree. We actually created a table for internal use and this could be referred to as opposed to being in the LDC. There was also a state statute adopted a while back that eliminated the need for municipalities to publish in a local newspaper. We should cite this statute and remove an PNJ requirements. (CC) Further discussion. There are still people who do not rely on web-based forums for their news and current information. (LS)	1/30 WS2 – create unified table listing notification requirements for various applications

Comment		Inspire Response	Staff Comment	Action
240.	giving staff more administrative approval options vs. having to go before the board which we may or may not want to do (CC)	The more defined the regulations are, the easier it would be to get developments approved administratively. Don't recommend giving too much discretion to staff. Only gets people in trouble, sets precedents.	Agree with Inspire. (LS)	No action
241.	Sec. 12-3-07 addresses conditional use permits. Subsection (a) states that these permits require further review by the planning board and city council. However, there is no reference to conditional uses in the planning board section (12-12-2). (Inspire)	Recommend adding language to Sec. 12-12-2 to establish planning board's authority to make recommendations on conditional uses.	Agree (GH) (LS) (SM)	Add language to Sec. 12-12-2 to establish planning board's authority to make recommendations on conditional uses.
242.	Sec. 12-11-2(d) states, <i>"Any person, jointly or severally, aggrieved by any decision of the board, or the city, upon approval by the city council, may apply to the circuit court of the First Judicial Circuit of Florida within 30 days after rendition of the decision by the board."</i> The wording is not clear and seems to require city council approval to appeal. (Inspire)	Reword to clarify.	Agree (LS)	Reword Sec. 12-11-2(d) and Sec. 12-12-2(6)f.4 to clarify that city council approval is not needed to appeal.
243.	Sec. 12-12-2(6)f.4 states, <i>"Any person, jointly or severally, aggrieved by any quasi-judicial decision of the planning board on an application for a variance under subsection (6)f of this section, or the city, upon approval by the city council, may apply to the circuit court of the First Judicial Circuit of Florida within 30 days after rendition of the decision by the planning board."</i> The wording is not clear and seems to require city council approval to appeal. (Inspire)	Reword to clarify		
244.	Sec. 12-11-3 is titled Amendments, but it seems to apply to all rezonings and FLUM amendments (Inspire)	Change title and separate into two sections (rezonings and FLUM amendments).	Agree (LS) It also applies to LDC amendments. (SM)	Change the title of Sec. 12-11-3 and separate into two sections (rezonings, FLUM amendments, and LDC Amendments).
245.	Sec. 12-11-3(3)a states that applications for zoning or FLUM amendments must be submitted to the planning services department 30 days prior to the regularly scheduled meeting of the planning board. (Inspire)	Recommend moving timelines out of the LDC and into a development review manual or the actual application forms. Also, this does not allow adequate time to process. Staff will need to do a sufficiency review, potentially a request for additional information, prepare and send notices, prepare and run an advertisement, and write a staff report in what is essentially a two-week period.	Disagree. This timeline was increased from 21 days to 30 days to provide enough time for staff to assess the application and route for comments. (LS)	1/30 WS2 – Move timelines out of LDC and into Development Review Manual, which should be adopted by reference (therefore keeping timelines enforceable)
246.	Sec. 12-11-3(3)c.2.ii references proof of ownership. (Inspire)	Recommend adding an option for a notarized agent authorization form for third-party applicants acting on behalf of owners.	Disagree (LS)	1/30 WS2 – clarify that if an agent is submitting the application on behalf of a property owner, they must have their written consent
247.	Sec. 12-11-3(5) speaks to city council review of the planning board's action on rezonings and FLUM amendments (as covered in Sec. 12-11-3(4)). However, Sec. 12-11-3(5) only references zoning amendments and not FLUM amendments. (Inspire)	This should be fixed if separate sections are created for each type of application. Does the City allow FLUM amendments and rezonings to be processed concurrently? Needs to be stated.	Agree. Yes, we allow them to be processed concurrently. (GH) (LS) (SM)	Rewrite Sec. 12-11-3(5) to clarify that the City allows FLUM amendments and rezonings to be processed concurrently.
248.	Sec. 12-11-13 has many references to the Department of Community Affairs and the Department of Economic Opportunity. (Inspire)	Recommend revising all to Florida Department of Commerce and updating all timelines to refer to the statute (30 days for State Expedited Review).	No comment (LS)	Update change to Florida Department of Commerce and plan amendment timelines.
249.	Sec. 12-11-3(6)a.12 encourages applicants to hold informational community meetings for zoning and/or FLUM amendments; however it is under the zoning amendments section and not the FLUM section. (Inspire)	This should be fixed if separate sections are created for each type of application.	No comment (LS)	Create separate sections for rezonings and FLUM amendments.
250.	Sec. 12-11-3(6)a.13 requires two advertised public hearings for rezonings of 10 contiguous acres or more. However, the bottom of the section states that if the city council approves at the first public hearing, the adoption ordinance will be read two times following the first public hearing. (Inspire)	Recommend clarifying if the first reading occurs at the first public hearing or if there need to be two additional readings after that. Need to clarify if the planning board meeting is a public hearing. Is it one public hearing at planning board, one public hearing / ordinance reading at		Clarify Sec. 12-11-3(6)a.13 to reflect current practice.

Comment		Inspire Response	Staff Comment	Action
		city council, and then one final ordinance reading that is not a public hearing?		
251.	Sec. 12-11-3(6)b addresses the process for small scale FLUM amendments. (Inspire)	Recommend updating for consistency with state statutes. There is no maximum annual acreage threshold.	Agree (LS) (SM)	Update Sec. 12-11-3(6)b for consistency with state statutes.
252.	Sec. 12-11-3(6)b refers back to steps for rezoning (subsection (6)a.1 through 12) for small scale amendments. However, the small scale threshold was increased from 10 acres to 50 acres. Sec. 12-11-3.a.13 includes a separate process for rezonings of 10 acres or more. (Inspire)	Recommend referring to Sec. 12-11-3.a.13 for small scale amendments above 10 acres or increasing cap in Sec. 12-11-3.a.13 to 50 acres, depending on intent.	Agree (LS) (SM)	
253.	Sec. 12-11-3(6)c only allows two cycles per year for regular cycle FLUM amendments. This cap is no longer in the statutes. (Inspire)	Recommend reconsideration of twice per year cap. Some jurisdictions are going monthly, and some are going quarterly. Some maintain the twice per year cycles. This may not be as important since the small scale cap has been raised to 50 acres.	Agree (LS) (SM)	
254.	Sec. 12-11-3(6)c includes references for rezonings. These are FLUM amendments. (Inspire)	This should be fixed if separate sections are created for each type of application.	No comment (LS)	Clean up language in Sec. 12-11-3(6)c
255.	Sec. 12-11-3(6)c.8 references a 60-day state review period. (Inspire)	Recommend updating to 30-day review period for expedited state review and 60-days for state coordinated review.	No comment (LS)	Update Sec. 12-11-3(6)c.8 for consistency with state statutes.
256.	Sec. 12-11-4(2) and Sec. 12-11-4(3)b have repetitive language regarding ADA accessibility to the public. (Inspire)	Recommend noting only once.	Agree (LS)	Duplicative language to be addressed in reorganization.
257.	Sec. 12-11-8. Regulation of patrons' dogs at permitted food service establishments. (Inspire)	Move to Code of Ordinances (possibly Title IV – Health and Sanitation)	Further discussion (LS) (SM)	1/30 WS2 – Move to Code of Ordinances (possibly Title IV – Health and Sanitation)
	CH 12-12 - BOARDS AND COMMISSIONS			
258.	Sec. 12-12-2(6)c requires the planning board to submit recommendations to the city council on proposed subdivision plats. (Inspire)	Recommend reconsidering whether these applications need to be handled by the planning board. Preliminary subdivision plats should be administrative in nature. Staff can review for code requirements and make a recommendation directly to the city council.	Yes, this should be removed from Planning Board’s processes and handled administratively. (GH) (SM) Agree (CC) (LS)	1/30 WS2 – Staff agree with streamlining the process (Escambia and neighboring counties have a simpler process). Will need input from the Planning Board and City Council.
259.	Sec. 12-12-2(6)f allows for the planning board to grant zoning variances for the waterfront redevelopment district and the gateway redevelopment district. (Inspire)	This may be more appropriately handled by the ZBA, as the board that typically reviews variances for dimensional standards.	The City granted authority for Variance approval to the Board which would review/approve the aesthetic/site designs. This streamlines the review process. (LS) (SM)	1/30 WS2 – Keep LDC current provisions
260.	Sec. 12-12-2(12) is a procedure for city council review of planning board decisions. (Inspire)	Should this apply to the ZBA too?	No. Historically, appeals of ZBA have gone to first judicial court of FL since ZBA hearings are quasijudicial. (GH) (SM) Agree with GH. (LS)	1/30 WS2 –No changes needed.
	CH. 12-13 - DEFINITIONS			
261.	Sec. 12-1-8 addresses the interpretation of certain terms (Inspire)	Recommend moving to the Definitions chapter	Agreed. (LS)(SM)	Move Sec. 12-1-8 to definitions chapter
262.	Sec. 12-1-8 addresses potential conflicts between text and support graphics or tables in the LDC and states that figures, tables and illustrations specifically designated as such shall be deemed to be a part of the text. It may be useful to simplify this language as it feels like it is conflicting in terms of “table and figure”. (VD)	Agree. Too many similar terms used.	Ok. (VD) Disagree, all 3 are used within the LDC. (LS)	WS1 (1/29) – Update terminology for consistency and simplicity as needed

Comment	Inspire Response	Staff Comment	Action
263. Affordable housing needs to be defined as to what this means and what would constitute acceptable documentation to prove that the property will actually be used as an affordable unit and what the consequence would be if it’s not. Coordinate with the Housing Office and CRA Office. (VD)	Agree. Many communities have adopted definitions. Would recommend targeting incomes at or below 80% of the median household income of the region. Also need timeframe (30 or 50 years) within which the unit needs to remain affordable. A Land Use Agreement should be required. The City should have a system for certifying units affordable.	Ok (VD) Agree (CC) (GH) (LS) (SM) Discuss further. 80% is preferred, but some LLA and other City incentives reference 120% AMI. (MR)	WS (2/2) – Move forward with 120% AMI to be consistent with recent state legislation (note: density bonus system could be more specific)
264. Provide a definition for ‘affordable’ consistent with Florida Statutes to assist with local housing market affordability analyses and policymaking			WS (2/2) – Proceed with Inspire’s recommendation
265. Redefine Impervious Area – The challenge has been when we have had other materials type that still produce a high runoff coefficient. (Example stone/rock). Possibly anything with a Curve Number (SCS method) higher than 30. (AT)	Recommend keeping the definition simple or providing a list of materials that the city does not consider pervious.	Public Works believes defining impervious area anything with a Curve Number (SCS method) higher than 30 is very simple. This definitely would eliminate all subjectivity. AT Agree (LS) (SM)	WS (2/2) - Expand current definition with list of potential materials and refer to SCS method for further determinations
266. There should be a better definition as to what would be considered a “storefront” and what would not. The storefront standards appear to apply to a highly urbanized area and may not be appropriate along all streets. (VD)	There are some areas where storefronts should be required. Where that is the case, the standards should specifically state what constitutes a storefront (display windows, bulkheads, glass doors, awning or canopy, etc.). In other areas, maybe ground floor retail is all that is needed.	Ok (VD) Agree (LS) (SM)	Proceed with Inspire’s recommendation (no discussion)
267. Primary and secondary frontage definitions should be reviewed (VD)	Agree. Should specify which streets would be primary at intersections or double frontage lots.	Ok (VD) Disagree. It is customary to defer to the “tier of the lots” to determine the primary and secondary frontages. Additionally, absent a definition, staff can be flexible in applying the standards based upon the development type and surrounding area. (LS)	WS (2/2) – Keep the definitions as is, as Staff is happy with the flexible language provided therein
268. Provide a definition for ‘compatibility’ consistent with Florida Statutes to provide further guidance and consideration criteria for local boards and staff. (Inspire)			WS (2/2) – Proceed with Inspire’s recommendation

PJ – Patrick Jehle
AW – Adrienne Walker
AT – Amy Toole (also Public Works & Facilities)
CW – Christian Wagley

CC – Cynthia Cannon
CG – Clint Geci
GH – Gregg Harding
LS – Leslie Statler

SM- Sherry Morris
VD – Victoria Dangelo
KO – Comments gathered during the kick-off meeting
Inspire - Consultant

COMPREHENSIVE PLAN

Policy	Inspire Comment	Staff Response	Action
Policy FLU-1.2.2: Land uses which are potentially incompatible due to type of use and/or intensity of use, shall be buffered from one another through the use of physical and/or natural vegetative barriers within required yards established in the adopted Land Development Code. Policy FLU-1.2.2: Land uses which are potentially incompatible due to type of use and/or intensity of use, shall be buffered from one another through the use of physical and/or natural vegetative barriers within required yards established in the adopted Land Development Code.	The buffer requirements are in the Zoning chapter, but also sprinkled throughout the Zoning chapter. We recommend consolidating them in the Landscape chapter and using a table specifying width, landscaping materials, and screening requirements (wall, hedge, or none).	Agree (SM)	Consolidate buffer requirements in the Landscape chapter and using a table specifying width, landscaping materials, and screening requirements
Policy FLU-1.1.6: The following uses shall be allowed in all future land use districts, except for Conservation and Interstate Corridor, subject to regulations set forth in the adopted Land Development Code, and Chapter 333 of the Florida Statutes: Community residential homes, schools with curriculum the same as public schools, libraries, churches, home occupations and accessory structures incidental to any permitted use. Parks and playgrounds and utility structures shall be allowed in every district.	Need to make sure the table of uses addresses this policy. Community Residential Homes of more than 6 residents, however, do not have to be permitted in all districts.		Verify that the uses are allowed as noted.
Policy FLU-1.1.7: Adaptive reuse of vacant public, semipublic, institutional or historically significant structures within the Medium and High Density Residential Land Use Districts and the Residential Neighborhood Commercial Land Use District shall be allowed subject to issuance of a conditional use permit. Applicants for a conditional use permit must submit development plans, undergo site review process through the Planning Board, provide for public notification of property owners within an established radius and obtain approval from the City Council. To ensure the compatibility of the conditional use development with the surrounding residential neighborhood the City Council may prescribe appropriate conditions and safeguards as follows: • Limit or otherwise designate the following: the manner in which the use is conducted; the height, size or location of a building or other structure; the number, size, location, height or lighting of signs; the location and intensity of outdoor lighting or require its shielding. • Establish special or more stringent buffer, yard or other open space requirements. • Designate the size, number, location or nature of vehicle access points. • Require berming, screening, landscaping or similar methods to protect adjacent or nearby property and designate standards for installation or maintenance of the facility. • Designate the size, height, location or materials for a fence or wall.	This is a Comp Plan directive. Need to maintain consistency (or amend the policy).	Agree (SM)	Verify consistency of LDC with this policy.
Policy FLU-1.2.1: Expansion or replacement of land uses, which are incompatible with the Future Land Use Plan, shall be prohibited. Existing nonconforming uses will be permitted as provided in the City's Land Development Code.	The LDC (Section 12-1-6(d)) does not have a reference to this policy and it allows replacement under certain circumstances.	Agree - Language should be cleaned up in both areas. (SM)	Compare Policy and LDC language and ensure consistency.
Policy FLU-1.3.4: Regulate the location of hazardous waste disposal, storage, and treatment facilities within the City through enforcement of land development regulations.	No mention in the LDC about this policy. Are any of those uses currently allowed within the city limits?	No, but M-2 (Heavy Industrial) allows for any use approved by Council not listed in M-1. (SM)	Cross-reference policy in M-2.
Policy FLU-1.4.2: Public access to the waterfront shall be encouraged in all developments utilizing City funds except for industrial developments.	Sec. 12-3-69 addresses the use of ROW terminus at the waterfront. Recommend adding waterfront access to one of the development bonus incentives. The developer may get additional density or intensity, or reduced parking if they provide on-site public access to the water.		List access to the waterfront as a desired element in the bonus/incentives section.
Policy FLU-1.4.3: Future residential land use developments in the CHHA shall be limited to the following densities by location: • Low density - along Escambia Bay north of Hyde Park Road and south of Gadsden Street, and along both shores of Bayou Texar. • Medium density - along Pensacola Bay (except for the Historic District), and along Bayou Chico. • High density - Historic District.	Need to implement in the LDC.		Verify consistency.

Policy	Inspire Comment	Staff Response	Action
Policy FLU-1.4.4: Future residential land use developments in the dense business area constructed in the CHHA shall be limited to medium density (18 or fewer residential dwelling units per acre). Allowable density above the medium density limit established by future land use category may be transferred to portions of the development site outside the CHHA.	Need to implement in the LDC.	Discuss further (SM)	Address during LDC update. Need to ensure consistency with policy of change it.
Policy FLU-1.8.2: Land development regulations shall allow flexibility, within some zoning districts to provide for affordable housing and other redevelopment opportunities. Policy FLU-1.8.3: Land development regulations shall include standards for residential density bonuses and density transfers above the limit otherwise established by future land use category in exchange for the construction of affordable housing and as an incentive to achieve superior building and site design, preserve environmentally sensitive lands and open space, and provide public benefit uses including access to the waterfront.	Recommend establishing incentives for the provision of affordable housing	Agree – SM	LDC to establish a bonus system to promote the development of affordable housing.
Policy FLU-1.9.1: Promote infill development of vacant and underutilized parcels within City limits through use of appropriate land development regulations, and provision of effective urban services.	Those areas should have the most flexibility	Agree – SM	LDC already offers flexibility in the core.
Policy FLU-1.9.2: Encourage mixed-use development as a means to increase density in the designated urban core and inner-city redevelopment areas of the City in accordance with adopted redevelopment area plans through EAR-based amendments of the Comprehensive Plan and revisions of the Land Development Code. Policy FLU-1.9.4: Continue to encourage mixed use development through the use of innovative land development techniques such as planned unit developments, cluster housing, mixed-uses on individual parcels and other approaches as provided in the land development code. Policy FLU-1.9.5: Promote innovative arrangements of development types and promote a complimentary mix of residential/commercial/recreation uses along primary vehicular corridors of neighborhoods so as to minimize the impacts of new development on existing resources and facilities by allowing a variety of uses in close proximity to one another. Policy FLU-1.9.6: Allow development of a mixture of residential, commercial and office land uses in the mixed residential/office/commercial zoning districts along primary vehicular corridors of the Urban Core and inner-city Community Redevelopment Areas, through review and revision of the Land Development Code. Policy FLU-1.11.3: Review land use regulations in the Land Development Code and revise where necessary to encourage the vertical and horizontal integration of a complementary mix of commercial, service and other non- residential uses that address the needs of families and other household types living in downtown neighborhoods. Policy FLU-1.12.5: Promote redevelopment of existing automobile-oriented corridors and the upgrading of existing commercial development to create vibrant, mixed-use boulevards that balance efficient movement of motor vehicles with the creation of attractive pedestrian-friendly districts that serve the adjoining neighborhoods as well as passing motorists pursuant to adopted redevelopment plans.	Recommend providing incentives to achieve this character/form. May offer additional density, intensity, height, and/or reduced parking in exchange for mixed-use. Should discourage the use of PUD for any type of development.	Agree- SM	Recommend providing incentives to achieve this character/form.
Policy FLU-1.9.3: Support increased density in proximity to existing and proposed urban elementary schools, and seek to use such schools as neighborhood focal points by collocating public facilities such as parks and community centers with schools to the extent possible.	This policy should be amended as colocation is no longer recommended (due to safety issues)	Discuss further (SM)	Recommend amending policy as colocation is no longer recommended (due to safety issues)
Policy FLU-1.10.3: Explore Neighborhood Conservation Overlay Districts to ensure compatible infill development in existing traditional neighborhoods.	Is this still an option to consider? We recommend against creating more districts, especially overlays.	This was in conjunction with the desire to allow neighborhoods to adopt specific regulations/plans, which was never approved by Council. SM	No change to LDC. May want to eliminate policy.
Policy FLU-1.11.2: Review land use regulations in the Land Development Code and revise where necessary to support walkability and pedestrian activity, arts, and entertainment uses in the City’s downtown. Policy T-3.2.2: The City will continue to include requirements for provision of sidewalks by developers around future commercial developments to aid in pedestrian transportation needs.	The Off-Street parking chapter needs to be expanded to address streets and circulation (vehicular and pedestrian). Recommend moving relevant sections from Title XI to the LDC.	Agree - SM	Moving relevant pedestrian circulation provisions from Title XI to the LDC.

Policy	Inspire Comment	Staff Response	Action
Policy T-1.1.2: The City of Pensacola shall continue to examine traffic impacts associated with development on roadways within the City to ensure that adopted Level of Service standards are not degraded.	Didn't see any requirements for traffic studies. Are they not required? Recommend adding to the development review chapter.	Public Works and Engineering does not currently have any requirements for traffic studies and would like to implement this process.	Incorporate thresholds in LDC for traffic studies.
Policy T-1.3.1: The City will use the following definitions from the Land Development Code section 12-14-1 to classify streets within City limits. The City will identify the classification of local streets on the Roadway Functional Classification Map which shall be contained in the City's Land Development Code, and updated periodically to reflect current roadway function.	This policy should be amended. Should not repeat text from the LDC. There should be less reliance on functional classification; should use context classification instead (FDOT uses it now too).	The active transportation plan has information on level of stress and also roadway design based on context classification and type of road (arterial, collector, local).	Policy should be updated for consistency with the active transportation plan.
Policy T-1.4.3: The City shall work to reduce excess surface parking along new and existing development through revisions to the Land Development Code where appropriate.	See Parking chapter recommendations related to restricting parking to a maximum.	Agree- SM	LDC already has maximum parking provisions. Need to explore other options.