A G E N D A

ORMOND BEACH PLANNING BOARD

Regular Meeting

September 9, 2010 **7:00 PM**

City Commission Chambers
22 South Beach Street
Ormond Beach, FL

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO `APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

THE PLANNING BOARD WILL NOT HEAR NEW ITEMS AFTER 10:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 10:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

V. APPROVAL OF THE MINUTES

A. August 12, 2010

VI. PLANNING DIRECTOR'S REPORT

VII. PUBLIC HEARINGS

A. <u>LDC 10-111: Form Based Code Amendment – Land Development Code Amendment (Continued from August 12 Planning Board Meeting)</u>

An administrative request to delete LDC Section 2-70 in its entirety and replace said deleted section with a new Downtown Overlay District Code that will be form based and designed to implement the 2007 adopted Downtown Master Plan, as well as the 2010 Multi-Modal Strategy approved by the City Commission in June, 2010.

B. <u>LDC 10-132: Residential Parking- Land Development Code Amendment</u>

An administrative request to amend Chapter 2, Article III, subparagraph V entitled Outdoor Storage, Parking or Use of Personal Property, 1(d) of the Land Development Code. The amendment applies to existing single-family property where the property owner desires to provide, in addition to the garage and driveway, additional parking on-site.

VIII. OTHER BUSINESS: Ormond Beach Gateway Standards - request by Chairman (no material to be provided).

IX. MEMBER COMMENTS

X. ADJOURNMENT

CITY OF ORMOND BEACH

FLORIDA

PLANNING MEMORANDUM

TO: Planning Board

FROM: Planning Department

DATE: September 2, 2010

SUBJECT: Minutes of August 12, 2010

The minutes of the last regular Planning Board meeting will be forwarded to you by e-mail on Monday. A hard copy will be provided at Thursdays' meeting.

If you would like a hard copy of the minutes prior to the meeting, please call Betty Ruger at 676-3238 or e-mail her at ruger@ormondbeach.org.

CITY OF ORMOND BEACH

FLORIDA

PLANNING **MEMORANDUM**

TO: Chairman Thomas & Planning Board

FROM: Richard P Goss, AICP, Planning Director

DATE: September 2, 2010

SUBJECT: Case # M-10-110 - Form Based Code amendment

CC:

Case # M-10-110 regarding the form based code amendment to the Land Development Code was continued by the Planning Board from the August 12th meeting. One Planning Board member indicated that perhaps the amendment should be vetted more with the property owners in the downtown before further consideration and deliberation by the board.

Main Street contacted all property owners and placed an ad in the News Journal regarding a public meeting on the presentation of the form based code for August 31, 2010. Approximately 30-40 people attended the meeting. A presentation of the form based code using the power point presentation to the Planning Board in August was used. Included in attendance was News Journal of which an article was written on the form based code on September 2, 2010. In attendance was Commissioner Kelly. For the most part, people in attendance supported the code. As expressed at the Planning Board meeting, this code has many good provisions to spur redevelopment in the downtown. Administrative approvals, alternative standard provisions, recognizing nonconformities as conformities, flexible parking, elimination of suburban design standards, expansion of the color patterns, and for the first time tying implementation of the code to the Redevelopment Plan – all should assist in making redevelopment easier in the downtown. Most people understood the build-to-line and supported the idea for visibility. The issues that remain continue to be the requirement that mix use must occur and that the building must go up vertically. However, the form based code is much like a stool designed to be balanced by three legs. The form based code legs are the build-to-line, mix use, and vertical construction. If one of these legs is eliminated, the form based code will fail much like a two legged stool. Also this code is being prepared not for today's economy but for the future when the economy does improve. With Amendment 4 looming on the horizon and should it be approved, increased emphasis and focus will occur where it is easier for development to occur and referendums are not needed. Downtown and commercial corridor revitalization could replace the continued development of vacant land located on the periphery of the city.

Previous to the August 31st meeting meeting, the city conducted a meeting in January 2010 and contacted all property owners and tenants using the Business Tax Receipts for the principal source of information. Approximately 30 people attended the meeting. In addition,

the form based code was reviewed by Main Street over a four month period from which several changes were made as a result of their analysis and deliberation. Consequently, staff is requesting the Planning Board to make a recommendation to the City Commission regarding Case # 10-110.

It is opinion of staff that additional meetings could be held but essentially attendance will be mostly the same people who attended previous meetings. Sufficient resources and time has been spent to involve the property owners in the downtown regarding the form based code.

No additional materials are transmitted as part of this memo since the code as presented by staff is recommended without changes.

STAFF REPORT

City of Ormond Beach
Department of Planning

DATE: August 10, 2010
SUBJECT: Residential Parking
APPLICANT: City Initiated
NUMBER: M-10-132
PROJECT PLANNER: Richard P. Goss, AICP

INTRODUCTION: Staff is proposing to amend Chapter 2, Article III; subparagraph V entitled Outdoor Storage, Parking, or Use of Personal Property, 1 (d) of the Land Development Code (LDC). The amendment applies to existing single family property where the property owner desires to provide, in addition to the garage and driveway, additional parking on site.

BACKGROUND: The current trend of residential parking issues before the City Commission dates back to April 7, 2009 when the City Commission discussed at the end of the meeting concerns regarding vehicle parking in front yards on residential property. The issue was raised due to a complaint received by NID regarding a tenant at 472 Bryant Street who had approximately ten (10) vehicles of different makes and models parked in the driveway, side yard, front yard, and along the right-of-way in front of the property. It was found that the tenant collected these vehicles as a hobby. NID conducted an inspection and all of the vehicles were operable and displayed up-to-date tags and decals. Since no provision existed that prohibited front yard parking, no violations were found to exist.

On September 8, 2009 the City Commission reviewed a discussion report by the NID concerning code amendments that would regulate front yard parking on single-family and two-family residential properties. Factors discussed included societal changes in the number of cars family members possess, impervious and pervious parking surfaces, and retroactive implementation and enforcement, and staff resources. The City Commission directed staff to prepare a code amendment that required all vehicular use areas within the front and street side yards to be improved; prohibit parking in the front and street side yards in front of the residence except for approved and improved driveways, allow unimproved parking in the rear and side yard behind the front and street side setbacks, and include exception provisions for properties on dirt roads, driveways built prior to January 1, 1998, and for social gatherings with a 24-hour limitation.

On December 1, 2009 the City Commission tabled consideration of an ordinance that would restrict parking on residential properties. Fourteen residents attended the meeting to oppose the ordinance as written. One person submitted in writing his approval of the ordinance. NID recommended changes to the City Commission and staff was directed to revise the ordinance with the suggested changes.

On March 16 and April 6, 2010 the City Commission approved on first and second Reading respectively amendments to the City Code of Ordinances that:

a. Required all vehicular use areas within the front and side yards to be improved with an appropriate impervious surface;
b. Prohibited parking in front and street side yards in front of the residence except for approved driveways including circular driveways (paved or not paved);
c. Allow unimproved parking in side and rear yards behind the front and street side setback;
d. Include exception provisions for properties fronting on dirt roads, driveways built prior to January 1, 1998 and for social gatherings with a 24-hour limitation.

In May and June of 2010, residents expressed concerns to the City Commission that members of a single-family residential home intended to construct a side-yard driveway extension with mulch at a zero setback. The LDC requires only <u>improved</u> surfaces (underlining added for emphasis) to be no closer than 3 feet from the property line for drainage purposes. RV parking criteria permits parking in the side yard provided the RV is not seen beyond the fence. There is no requirement that the RV must be on an improved surface. Consequently, parking in the side yard up to the property line on mulch has been approved previously. However, new amendments to the adopted residential parking ordinance have been proposed to clarify the issue of side yard parking at the property line on unimproved surfaces.

<u>ANALYSIS:</u> Given that the primary complaint to the City Commission was in front yards, the Neighborhood Improvement Division (NID) raised the question to the City Commission whether it would be the City Commissions' intention to prohibit parking of vehicles on unimproved surfaces in **all** yard areas including front, side, street side, and rear yards or just limit the parking of vehicles in the front and street side yards to approved driveways and allow parking on unimproved surfaces in the side and rear yard. Problems with drainage and lot coverage limitations would increase if all vehicular use areas are required to be improved. Impacts on City staff due to additional site review, permitting, and enforcement activities would also be encountered to a greater degree if all vehicular use areas are required to be improved.

The attached parking study conducted by the NID details what other jurisdictions' requirements concerning parking in yard areas and on improved surfaces. Types of improved surfaces that may be required by each jurisdiction have also been provided.

Six of the nine jurisdictions limit parking to improved surfaces. Two of the six consider mulch as an improved surface. The City of Ormond Beach does not consider mulch as an improved surface for purposes of parking. One of the six jurisdictions allows grass parking based on City Commission approval. Four of the jurisdictions prohibit parking in front yards except for approved driveways, including circular driveways and driveway extensions on the exterior side of the driveway. Two of these four jurisdictions do not enforce the prohibition of parking in front yards.

Continuous parking in front yards is an aesthetic problem as it detracts from the property and causes the ground cover to deteriorate. To prevent this from continuing, parking in front and street side yards to be limited to improved driveways was considered. This proposal would have eliminated the concerns expressed by citizens and members of the City Commission but will still provide citizens some flexibility with regard to parking on unimproved surfaces in side yards behind the front building line of the residence and in rear yards.

Consideration was also given to existing developed acreage lots fronting on dirt roadways and conventional single-family residential lots that currently exist without improved parking surfaces or improved driveways. The requirement for improved surfaces did not exist until January 1, 1998. Driveways existing prior to that time may have been gravel, dirt or some other material. These driveways may not meet current standards but still serve as the primary parking location. Since the issue is not with regard to the driveway itself but with vehicles parking on the lawn in front of the residence, staff suggested that if improved surfaces will be required for parking that the improved surface requirements for vehicular use areas in the front and street side yards not be implemented retroactively. It would be impractical to require improved driveways on properties that abut dirt roadways such as seen in Durrance Acres. Using pavers without surfacing the pavers constitutes an improved surface but does not adversely impact drainage as pavers are not considered as an impervious surface.

There are also a number of properties where front yard parking exists because the number of vehicles owned exceeds the driveway space available for parking. Many lots do not have sufficient spacing along the side property lines to allow placement of vehicles in either the side or rear yard limiting citizens' ability to adjust their current parking situation. Based on these issues, NID requested direction concerning whether any code amendment that may prohibit parking in the front and street side yards would be applied retroactively. Implementing retroactive requirements will result in increased workload for City staff in terms of

enforcement and potentially permitting. The Commission indicated that the amendments would not be retroactive.

There are also various types of activities that may be conducted at residential locations. Such activities may include but are not limited to family reunions and gatherings, holiday and other types of parties, weddings, bible study, etc. To provide improved parking to accommodate occasional social gatherings is impractical. Exceptions to any provisions that restrict parking from front and street side yards should be considered.

Criteria for the location of improved surfaces in the front and street side yards were also presented to the City Commission. The commission indicated they wanted to restrict front yards to improved driveways including circular driveways and permit improved surfaces along the side yard to include the use of mulch or gravel as an improved surface.

Based upon the above discussions and various City Commission meetings it was decided to amend the City Code of ordinances in March and April of this year. As indicated earlier, residents expressed concerns to the City Commission during the summer that members of a single-family residential home intended to construct a side-yard driveway extension with mulch at a zero setback. There was no setback for mulch or gravel parking from the property line. This determination was made since RV's are permitted to park in the side yard on unimproved surfaces and there is no setback required other than the buffering requirement. In addition, homeowners if they wanted to could mulch their entire yard if they were inclined to do so. There is no requirement that a certain percentage of the yard must be "green." In review of the code ordinance, the Legal Department decided it would be better for the city code amendments to be codified into the LDC to ensure that a 3 foot setback was reviewed by the City.

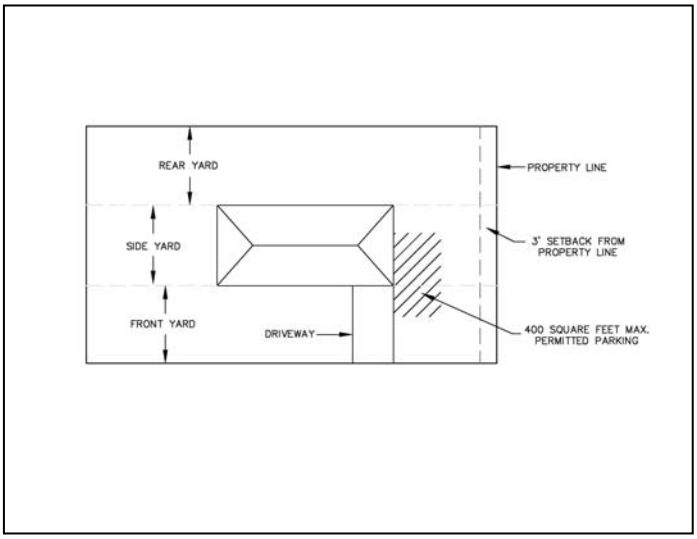
Consequently, the amendments as proposed are to remove them from the City Code of Ordinances and placed them into the LDC necessitating an LDC amendment requiring Planning Board review and recommendation. Placement into the LDC will require a zoning approval to park in the front and side yard using any of the materials identified to include mulch and/or gravel. A zoning approval is needed because the issue to be reviewed is compliance with the 3 foot setback from the property line. No changes are proposed to the RV parking in the side yard. The expanded driveway must access from the existing driveway if gravel or mulch is used. The LDC currently permits driveway extensions to the rights-of-way if the material is asphalt or concrete and an engineering permit for the driveway is issued by the city.

It is proposed to amend the LDC, Chapter 2, Article III; subparagraph V entitled Outdoor Storage, Parking, or Use of Personal Property, 1 (d) as follows:

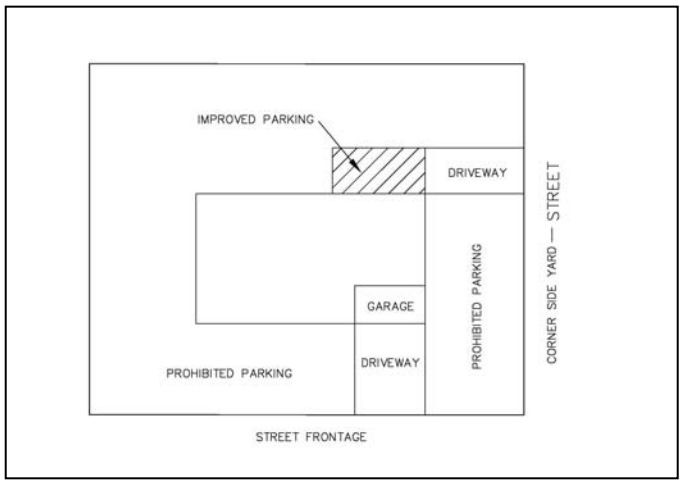
a. There shall be no parking of vehicles in the front yard of any residential property or in the side yard of a corner lot property excerpt as follows:

1) On driveways constructed in accordance with an approved driveway permit and that meet the requirements of this code.
2) Vehicles (s) that are parked for a period of 72 hours or less for occasional social gatherings (including but not limited to: weddings, family reunions, holidays, parties, etc.) that do not occur more than once a month**.**
3) On driveways that are widened up to a maximum of 400 square feet in area provided the driveway widening is contiguous to the existing driveway, extends from the existing driveway toward the side lot line away from the front of the house, is improved as defined below, does not extend into the right-of-way, and complies with all other driveway and set back requirements of this code.
4) A widened parking is improved if it is constructed with one of the following approved materials; asphalt, bituminous brick, concrete, turf block, brick pavers or pervious concrete, stone gravel or mulch.
5) The diagrams below illustrate the correct placement of parking in the front and side yard area.

Interior Residential Lot



Corner Lot



<u>CONCLUSION:</u> There are certain criteria that must be evaluated before M-10-110 can be approved. According to Article I of the Land Development Code, the Planning Board shall consider the following when making its recommendation:

1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.

The amendments are designed to support neighborhood preservation policies contained in the Comprehensive Plan. Parking on unimproved front yards presents an un-kept appearance in residential neighborhoods. The purpose of this regulation is to:

- Stabilize neighborhoods;
- improve quality of life for citizens;
- maintenance and perhaps enhance property values;
- promote perceptions that Ormond Beach is a great place to live, work, play; and
- blight prevention.

2. The proposed development is consistent with the Comprehensive Plan.

The code amendment is consistent with the adopted Housing policies of the Comprehensive Plan as it relates to neighborhood preservation and stability. Ormond Beach, outside of Ormond Crossing, is essentially a built out community. Consequently, maintaining and improving existing neighborhood conditions should be a priority. When residential neighborhoods of a community are not maintained, property values fall and the perception that the community is not a good place to live or conduct business is perpetuated. In fact, the US Census has indicated that property values in a neighborhood

can be affected as much as 13% due to overall initial neighborhood appearance. Given the tremendous supply of existing homes for sale, a perspective buyer can avoid neighborhoods that appear un-kept.

3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.

This is not a project-specific development application and the proposed Land Development Code amendment will not have an adverse impact on environmentally sensitive lands.

4. The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.

This is not a project-specific development application and the proposed Land Development Code amendments will have no adverse effect on surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare or visual impacts on adjoining properties.

5. There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.

The proposed Land Development Code amendment is not applicable to public facilities.

6. Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.

This is not a project-specific development application. The city-initiated application pertains to a Land Development Code amendment.

7. The proposed development is functional in the use of space and aesthetically acceptable.

There is no development proposed for this amendment. The city initiated application pertains to a Land Development Code amendment.

8. The proposed development provides for the safety of occupants and visitors.

There is no development proposed for this amendment. The city initiated application pertains to a Land Development Code amendment.

9. **The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.**

   The amendment will inconvenience certain homeowners however overall the amendment promotes neighborhood stability and aesthetics thus working to preserve if not improve property values.

10. **The testimony provided at public hearings**.

   There has not been a public hearing at this time. However this issue has a long history of public comments. Excerpts of minutes from various City Commission meetings regarding this issue are attached to this report.

RECOMMENDATION: It is recommended that the Planning Board approve Case No. M-10-132.

Attachments: as

ORDINANCE NO. 2010-XX

AN ORDINANCE RELATIVE TO AN AMENDMENT TO THE CITY LAND DEVELOPMENT CODE, CHAPTER 2, ARTICLE III, SUBSECTION V, ENTITLED, "OUTDOOR STORAGE, PARKING, OR USE OF PERSONAL PROPERTY," SETTING FORTH STANDARDS FOR THE PARKING OF VEHICLES ON SINGLE FAMILY AND TWO-FAMILY LOTS, REPEALING ALL INCONSISTENT CODE SECTION REFERENCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, it is necessary from time to time to amend the city's Code of Ordinances in an attempt to address changing economic, social or technical conditions, and

WHEREAS, all applicable notice requirements of Section 166.041(3)(a), *Florida Statutes*, have been complied with, and

WHEREAS, the City Commission finds the requested amendments to be consistent with the provisions of the Comprehensive Plan of the City of Ormond Beach, and in the overall best interest of the public health, safety and welfare, now therefore,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE. Chapter 2, Article III; subparagraph V entitled "Outdoor Storage, Parking, or Use of Personal Property, 1 (d)" of the City Land Development Code is hereby amended to read as follows:

CHAPTER 2,
ARTICLE III

V. Outdoor Storage, Parking, or Use of Personal Property

. . . no change in text

d. There shall be no parking of vehicles in the front yard of any residential property or in the side yard of a corner lot property excerpt as:

1) On driveways constructed in accordance with an approved driveway permit and that meet the requirements of this code.
2) Vehicles (s) that are parked for a period of 72 hours or less for occasional social gatherings (including but not limited to: weddings, family reunions, holidays, parties, etc.) that do not occur more than once a month**.**
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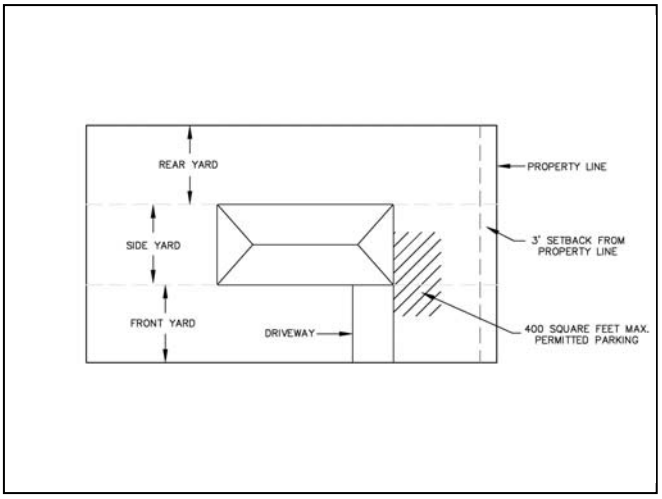
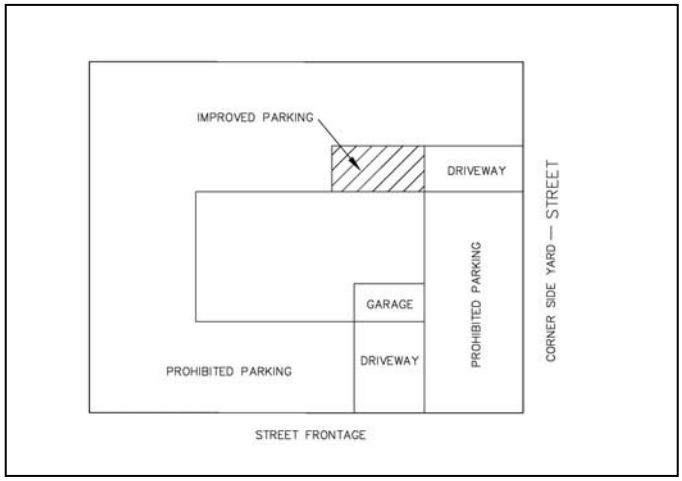


Corner Lot



SECTION TWO: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION THREE: In the event any work, phrase, clause, sentence, paragraph, term or provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, such judicial determination shall not affect any other work, clause, phrase, sentence, paragraph, term or provision, of this Ordinance, and the remainder of this Ordinance shall remain in full force and effect.

SECTION FOUR: This Ordinance shall take effect immediately upon its adoption.

PASSED UPON at the first reading of the City Commission, this _____ day of _____, 2010.

PASSED UPON at the second and final reading of the City Commission, this _____ day of _____, 2010.

_____

FRED COSTELLO
Mayor

ATTEST:

_____
VERONICA PATTERSON
City Clerk