

Agenda Item 4 (Legislative Hearing)

Land Development Code Text Amendment

DEV2017-068

Amend Article 3 and 4

STAFF REPORT

DATE: July 13, 2017

TO: Planning Board Members

FROM: Richard Walton, AICP, Planning Director

AMENDMENT REQUEST

A request by Development and Administrative Services Department, Planning Division, to amend the Land Development Code, Section 3.4.K.2.c. and Section 4.2.B.3 of the Land Development Code to establish criteria for the Single-Family Residential 5 (SFR-5) zoning district property owners seeking to subdivide existing lots of record.

AMENDMENT BACKGROUND

Prior to the adoption of the March 1, 2015 Land Development Code, the single family residential district consisted of four different districts (R-1a, R-1a1, R-1b, and R-1c) with different dimensional standards. In an effort to reduce the residential categories they were collapsed into one zoning district to reduce the number of non-conforming lots and allowing for 5,000 s.f. lots to be built on provided they meet all other dimensional standards. This change may permit larger lots of record to be subdivided and therefore could change the character of the neighborhoods.

Staff supports the amendment to the Land Development Code to correct this unforeseen consequence.

AMENDMENT DESCRIPTION

The attached map (*Attachment A*) depicts all of the Single-Family Residential (SFR-5) areas in the City. Staff is seeking approval of the proposed text amendments for Article 3 (*Attachment B*) and Article 4 (*Attachment C*) of the Land Development Code.

Text Amendment Review Standards

The purpose of Section 3.4.B. is to provide a uniform means for amending the text of this Code whenever the public necessity, convenience, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so.

The advisability of amending the text of this Code is a matter committed to the legislative discretion of the City Commission and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the City Commission shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

a. Is consistent with the comprehensive plan;

The proposed text amendment is consistent with the comprehensive plan.

b. Is in conflict with any provision of this Code or the Code of Ordinances;

The proposed text amendments is in compliance with the Land Development Code and Code of Ordinances.

c. Is required by changed conditions;

The proposed text amendment is necessary to preserve the character of the existing neighborhoods.

d. Addresses a demonstrated community need;

The proposed text amendment will allow for established neighborhoods to maintain the integrity of the intent of the original subdivision and protect property owner rights.

e. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;

The proposed text amendment would allow for protection of established neighborhoods.

f. Would result in a logical and orderly development pattern; and

The proposed text amendment is not anticipated to have any adverse impacts on the existing development patterns.

g. Would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff has reviewed the proposed Land Development Code text amendment request and determined the request would not have adverse impacts on the natural environment.

RECOMMENDATION

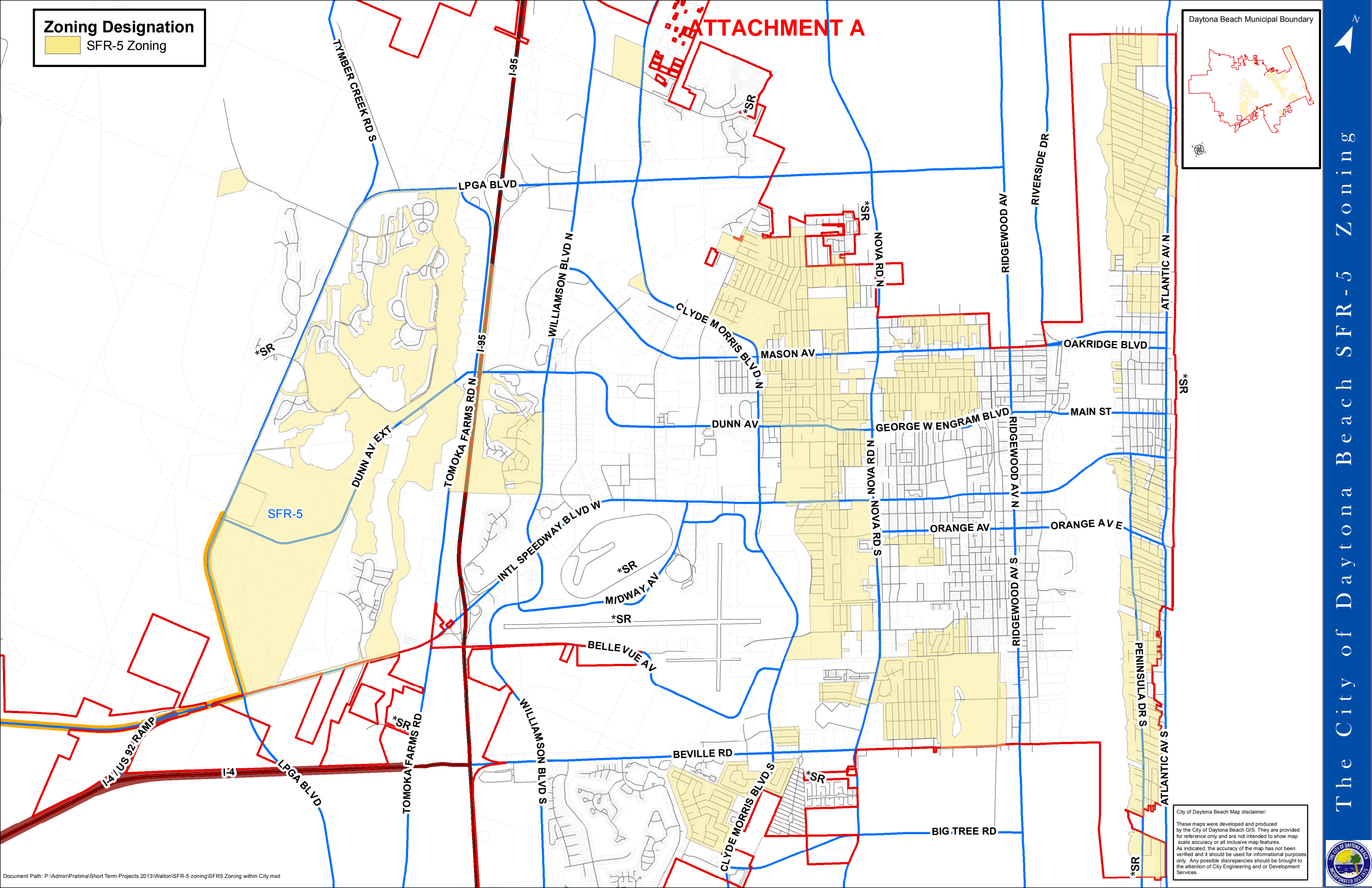
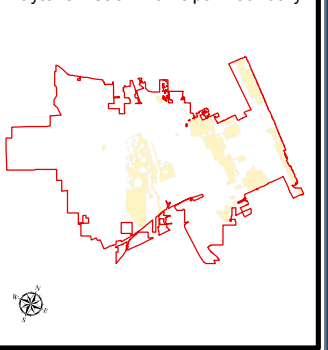
Based on staff analysis and review of the above standards, approval of the requested text amendments are recommended. A majority vote of the Planning Board members present and voting is required to recommend approval to the City Commission.

Zoning Designation

SFR-5 Zoning

ATTACHMENT A

Daytona Beach Municipal Boundary



City of Daytona Beach Map disclaimer:
These maps were developed and produced by the City of Daytona Beach GIS. They are provided for reference only and are not intended to show map scale accuracy or all inclusive map features. As indicated, the accuracy of the map has not been verified and it should be used for informational purposes only. Any possible discrepancies should be brought to the attention of City Engineering and/or Development Services.



Sec. 3.4. - Application—Specific procedures.

K. Subdivision Plat.

1. *Purpose.* The purpose of this subsection is to provide a uniform means for the approval of divisions of land and to ensure, in conjunction with Article 7: Subdivision and Infrastructure, that subdivisions promote the health, safety, convenience, order, prosperity, and welfare of the present and future inhabitants of the City by:
 - a. Providing for the orderly growth and development of the City;
 - b. Coordinating streets and roads within proposed subdivisions with the City's street system and transportation plans, and with other public facilities;
 - c. Providing rights-of-way for streets and utility easements;
 - d. Avoiding congestion and overcrowding, and encouraging the proper arrangement of streets in relation to existing or planned streets;
 - e. Ensuring there is adequate open space and recreation facilities to serve development; and
 - f. Ensuring there is proper recordation of landownership or property owner association records, where applicable.

2. *Applicability.*
 - a. *General.* Unless exempted in accordance with subparagraph d below, approval of a Major Subdivision or a Minor Subdivision in accordance with the provisions of this section is required before the division of land (whether improved or unimproved) into two or more lots or parcels is recorded or otherwise made effective.
 - b. *Major Subdivision.* A Major Subdivision is any subdivision other than a Minor Subdivision (see subparagraph [c] below). Development of a Major Subdivision requires approval of a Major Subdivision Preliminary Plat in accordance with paragraph 3 below, and a Final Plat in accordance with paragraph 5 below.
 - c. *Minor Subdivision.* A Minor Subdivision is a subdivision proposing not more than four lots, all of which abut an existing dedicated street with permanent paving and for which all required infrastructure improvements have been installed. Development of a Minor Subdivision requires approval of a Minor Subdivision Plat in accordance with paragraph 4 below. A lot of record existing prior to March 1, 2015 in the Single-Family Residential (SFR-5) zoning district shall only be subdivided if each lot meets the minimum lot size of 9,000 s.f. and all other dimensional standards of the zoning district.

<u>Min. Lot Area sq. ft.</u>	<u>Min. Living Area sq. ft.</u>	<u>Min. Lot Width at Bldg. Line</u>	<u>Min. Lot Depth</u>	<u>Min. Front Yard Setback</u>	<u>Min. Side Yard Interior</u>	<u>Min. Side Yard Street</u>	<u>Min. Rear Yard</u>	<u>Max % of Lot Coverage</u>	<u>Max Bldg. or Structure Height</u>
<u>9,000</u>	<u>1,400</u>	<u>75'</u>	<u>100'</u>	<u>30'</u>	<u>10'</u>	<u>20'</u>	<u>25'</u>	<u>35%</u>	<u>35'</u>

- d. *Exemptions.* Subdivision plat approval in accordance with this section is not required for the following:
 - i. The combination or recombination of portions of previously subdivided and recorded lots or parcels where:
 - (a) The total number of lots or parcels is not increased;

ATTACHMENT B

Sec. 4.2. - Residential Base Zoning Districts.

B. Single-Family Residential-5 (SFR-5).

1. *Purpose.* The purpose of the Single-Family Residential-5 (SFR-5) district is to accommodate primarily single-family detached dwellings at moderate densities on lots greater than 5,000 square feet in area. The district also accommodates limited group living, institutional, and open space uses, generally as special uses or public or semi-public uses.
2. *Use Standards.* See use tables and use-specific standards in Article 5 and any modified use standards for any overlay districts (Section 4.9), subject to the following modification:
 1. Outdoor facilities for field sports, swimming, or court games that are operated for profit are prohibited.
3. *Intensity and Dimensional Standards* ¹.

	Platted Lot Width		
	≤50 ft	50≤60 ft	>60 ft
Lot area, minimum ²	5,000 sf ²⁹		
Lot width, minimum	50 ft		
Lot depth, minimum	100 ft		
Lot frontage on an improved street, minimum	50 ft ³		
Density, maximum (du/ac)	n/a		
Floor area ratio (FAR), maximum ⁴	0.5		
Living area per dwelling unit, minimum	900 sf	900 sf	1,400 sf
Lot coverage, maximum (% of lot area)	35%		
Structure height, maximum	35 ft ⁵		
Front yard setback, minimum	25 ft	25 ft	30 ft
Street side yard setback, minimum	15 ft		
Interior side yard setback, minimum	5 ft	7.5 ft	10 ft
Rear yard setback, minimum	25 ft		

ATTACHMENT B

Special Standards for Accessory Structures of Single-Family Dwellings ⁶	
Number of detached structures per lot, maximum	2
Floor area, maximum (% of principal building floor area)	50%
Structure height, maximum	20 ft
Floor area in rear yard, maximum	200 sf ^{7,8}
Rear yard coverage, maximum (% of rear yard area)	30%
Setback from rear or side lot line, minimum	7.5 ft
Spacing from principal building, minimum	5 ft

NOTES: [sf = square feet; ft = feet; du/ac = dwelling units/acre]

1. See measurement rules and allowed exceptions/variatioins in Section 11.4, Measurement, Exceptions, and Variations of Intensity and Dimensional Standards.
2. May be reduced for an irregularly shaped lot such as those on a cul-de-sac turnaround, provided the lot is at least 50 ft wide at a line located within 400 ft from the right-of-way of an improved street.
3. Applicable to regularly shaped lots containing a dwelling; 20 ft for all other lots.
4. Applicable only to nonresidential development.
5. May be exceeded for a nonresidential structure with a Special Use Permit if the site is at least two acres in area and fronts on an existing arterial or major collector street, and all setbacks for the structure are increased 6 inches for each foot the structure's height exceeds 35 feet.
6. No accessory structure other than one commonly located in a front yard (e.g., lightpost, mailbox), shall be located closer to the front lot line than the front wall of the principal building on the lot. (Swimming pools and tennis courts shall not be deemed commonly located in a front yard.)
7. Accessory structures greater than 200 square feet in floor area shall not be located within a required yard.
8. Accessory structures greater than 200 square feet in floor area must have the same or similar exterior finish and roof design as the principal building on the site.

9. A lot of record existing prior to March 1, 2015 shall only be subdivided if each lot meets the minimum lot size of 9,000 s.f. and all other dimensional standards (see chart below).

ATTACHMENT B

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