

Some county identified Issues within the LDC

Last revised 7-15-10

This list of some county identified issues within the current LDC is provided at the request of several subcommittees of the LDC Revisions Citizens Advisory Committee. The listing follows the anticipated structure and content of the revised LDC. The intent of the list is to assist the subcommittees in their initial work by directing them to several known or potential problem areas within the code. In no way is the list a limit to the subjects the advisory committee, its subcommittees or individual members may consider or address. References to corresponding LDC regulations are bracketed.

Chapter 1. General Provisions. This chapter will establish the legal and other general provisions applicable to the LDC as a whole.

Chapter 2. Administration. This chapter will establish the specific administrative responsibilities of the various officials, boards, committees, and agencies involved in confirming compliance of land uses and development activities with LDC regulations. The land use regulations of Chapter 4 and development standards of Chapter 5 are evaluated through the review and approval processes of Chapter 3 by the approving authorities described here.

A. General provisions

B. County officials

1. Should the Planning Official have more variance authority? [2.05.02]

C. County boards and committees

1. Should there be minimum technical expertise, professional experience or other qualifications for Board of Adjustment members? [2.03.00]
2. Is the BOA variance authority appropriate? [2.05.02]

Chapter 3. Land Use Review and Approval Processes. This chapter will establish the various land use review and approval processes required to confirm compliance with LDC regulations. Chapter provisions are generally arranged by reviewing authority to group reviews that share the same or similar processes. The development standards of Chapter 5 and land use regulations of Chapter 4 are evaluated by the approving authorities described in Chapter 2 through the review and approval processes prescribed here.

A. General provisions

B. General review requirements (requirements common to all review of proposed land uses and development activities - coordinated through the specific requirements applicable to the particular use or activity)

1. What types of land use or development activity should require a pre-application meeting between the applicant and the county? [2.13.02.C, 4.02.02, 13.21.01]
2. Are the required levels of public notice appropriate to the impacts from the various forms of development? [2.05.03.B, 2.13.02.B]
3. What does an engineer certify when plans are signed and sealed?

- C. Santa Rosa Island Authority (SRIA) reviews (requirements of the SRIA particular to land uses and development activities on Pensacola Beach)
- D. Single-subject reviews (requirements for certain single-subject land uses or development activities – where “single-subject” is generally descriptive)
 - 1. By title 7.15.03 appears to specifically apply to activities requiring a stormwater management permit, but includes reference to land disturbing permit while not discerning which activities would require which permit. A SWMP further requires an engineer while a LDP does not. Do current definitions further confuse the issue?
- E. Develop Review Committee (DRC) reviews
 - 1. What are appropriate criteria to determine the level of review of the various forms of land division - large parcel exemptions, major and minor subdivision? [4.01.03.G, 4.01.05, 4.02.01]
 - 2. What are appropriate criteria to determine the level of review of the various forms of site plans? [4.06.02, 4.06.03]
 - 3. How can compliance with 2.13.02.F.3.g be improved or post-approval modifications better addressed?
- F. Board of Adjustment (BOA) reviews
 - 1. Are the administrative appeal criteria adequate, and can one set of criteria work for all appeals? [2.04.01.A]
 - 2. Given no current minimum qualifications for members, is the Board’s authority or power appropriately defined for each type of review? [2.03.00, 2.04.00, 2.05.00]
 - 3. Are the variance criteria adequate? [2.05.02]
 - 4. Are the conditional use criteria appropriate? [2.05.03.C, 6.08.00]
- G. Other board and committee reviews
 - 1. Is the wait period to reapply for rezoning after denial sufficient? [2.08.02.F.2]

Chapter 4. Zoning and Other Land Use Regulations. This chapter will establish the various residential, mixed-use, and non-residential zoning districts that implement the future land use categories of the Comprehensive Plan. Regulations specific to each district will describe the allowable uses of land and structures, the intensity of those uses, and the dimensional standards that define what portion of any parcel a structure or use may occupy. The chapter will include other land use regulations that are independent of any zoning district, but supplement district regulations to address health, safety, environmental and other development compatibility issues specific to a location. Also included in the chapter will be minimum requirements for specific types of land use, including accessory structures, home-based business, and manufactured (mobile) homes. The land use regulations presented in this chapter and the development standards of Chapter 5, in coordination with other LDC provisions, are reviewed under the appropriate land use review and approval processes prescribed in Chapter 3.

- A. General provisions
 - 1. Should guest residences be allowed in any zoning as an accessory structure?
- B. Zoning district standards
- C. Other location-specific standards (other than zoning, standards that apply based on where the use is located)
- D. Use-specific standards (standards that apply based on the use)

1. How should nonconformance with each standard be corrected?

Chapter 5. Land Development Standards. This chapter will establish the specific development standards for the permitted uses of land and structures. The chapter will include standards for both subdivisions and individual lot development. The land development standards presented in this chapter and land use regulations of Chapter 4, in coordination with other LDC provisions, are reviewed under the appropriate land use review and approval processes prescribed in Chapter 3.

A. General Provisions.

1. Which standards should have variances available and under what conditions?
2. How should nonconformance with each standard be corrected?
3. Where can flexibility be included and under what criteria?
4. What diagrams or illustrations may be helpful to explain standards?

B. Adequate public facilities (concurrency)

1. What are appropriate de minimis levels?
2. Are stormwater provisions consistent with those of the water management district?

C. Subdivision (commercial and residential)

1. How is this provision to be incorporated into the design and construction of a planned subdivision of 100 lots or more? [4.04.03.A.3] For public safety, how many lots should rely on a single access?
2. What is an appropriate level of required street interconnectivity and how can it be specified? [4.04.03]
3. Can “unplatted” subdivision be replaced with a more effective method of addressing minor or small-scale subdivision? [4.01.05]
4. Is lot size averaging an attractive design option?
5. How should all parts of a parcel be included in a subdivision so that none are left with unknown development rights? [4.04.03.C]

D. Stormwater

1. Clarify what standards apply generally, what apply only to site plans, and what apply only to subdivisions.
2. Is DEP and NFWMD permitting needed before construction plan approval? [4.02.06.F]
3. Address the maximum slope of the home site without needing retaining wall. [4.02.06.D]
4. Wider easements for deep pipes and calculation to determine width? [4.04.04G]
5. Clarify “positive legal discharge.”

E. Streets and utilities

F. Vehicular access, circulation, and parking

1. Should there be a minimum setback for all sites? [7.11.08.A]

G. Sidewalks and pedestrian access

H. Screening, buffering, and adverse off-site impacts

1. What options should be available for screening?

I. Open space

1. Are open space provisions sufficient?

J. Signs and lighting

1. How can sign calculations be simplified but adequately control signage?

K. Landscaping

1. What incentives would encourage exceeding minimum standards.

2. How can long-term viability of installed landscaping be improved?

K. Tree protection

1. Are protection measures adequate? [7.01.03.C, 7.01.04]

2. Would requirements benefit from professional standards?

3. How can mitigation provisions be improved? [7.01.04.A.2]

L. Shores, beaches and dunes

M. Cultural and historical resources

Chapter 6. Definitions and Interpretation. This chapter will establish the meaning of terms used throughout the LDC and guidance as to how code provisions should be interpreted.

1. What definitions would benefit from the inclusion of an illustration?