

SARASOTA COUNTY GOVERNMENT

Planning and Development Services Department

TO: Sarasota County Commission

THROUGH: Thomas A. Harmer, Interim County Administrator

FROM: Thomas C. Polk, Director, Planning and Development Services
Allen Parsons, Manager, Long Range Planning

DATE: November 20, 2013

SUBJECT: **Sarasota 2050 Resource Management Area (RMA) Policy Revisited**

RECOMMENDED MOTION(S) OR ACTION(S):

That Zoning Ordinance Amendment No. 78 include the revised language recommended herein which adds two housing types to the defined list of housing types within Section 11.2.3.c.4.iv., and Section 11.2.4.c.4.v. effecting Villages and Settlement Areas respectively.

BACKGROUND:

This memorandum is supplemental to the board packet distributed in support of the November 20, 2013 Sarasota County Commission Meeting Agenda Item No. 13 listed recommended motions:

- A. Public hearing to consider proposed Ordinance No. 2013-032, Zoning Ordinance Amendment No. 78, amending Zoning Ordinance No. 2003-052, as amended and codified in Appendix A of the County Code, to amend Sarasota 2050 Resource Management Area (RMA) policies relating to density and Transfer of Development Rights (TDR) calculations, allowable housing types, the requirements for Village Centers, initial conservation easements, and Village, Hamlet and Settlement Area regulations; and
- B. (Not a public hearing.) Land Development Regulation Commission (LDRC) to find proposed Ordinance No. 2013-032 to be consistent with the Sarasota County Comprehensive Plan. (Must be done prior to the final adoption of A.)

The Planning Commission voted 8 – 1 to recommend adoption of the referenced proposed changes, with the additional direction that staff work with attorney Bill Merrill, on his request to add additional housing types at the smaller end of the lot scale for Villages and Settlement Areas, and present recommended language to the board. Attorney Bill Merrill addressed the need for additional housing type choices for Villages and Settlement Areas at the public hearing, and subsequently submitted language to be considered which is attached. The draft minutes of November 7, 2013 Planning Commission public hearing are also attached.

RELEVANT PRIOR BOARD ACTION:

1. September 24, 2013 – Authorization to advertise Phase 1 amendments
2. July 9, 2013 – Approval of the Scope of Work
3. May 8, 2013 – Board Discussion Item and Direction
4. January 30, 2013 – Board Discussion Item and Direction
5. November 8, 2012 – Board Update memorandum issued
6. September 18, 2012 – Growth Management Workshop
7. January 26, 2011- Evaluation & Appraisal Report (EAR) Major Issues Public Hearing

ANALYSIS:

The proposed addition/modification of housing types for Villages and Settlement Areas effectively divides two of the existing defined housing types into four housing types. While the additional housing types do not significantly impact the goal of encouraging diverse lifestyles, ages, incomes, and family size, they do not necessarily contribute to the diversity of housing types. While there is no significant impact on the larger goal because there is no minimum percentage required for any housing type, the smaller lot sizes do contribute to the compact urban form being pursued by 2050 policy.

It needs to be recognized that these additional defined housing types are already available through the modification processes that currently exist in 2050 Zoning regulations. Including these additional housing types as defined housing types within the Zoning regulations will remove the need for requesting that type of modification with a neighborhood plan.

It should be noted that attached and detached residential housing type setbacks are to be consistent with Section 6.7, which has no standards for lots less than 6,000 square feet under conventional subdivisions. The standards (setbacks) for cluster subdivisions would apply for lots less than 6,000 square feet, and those provisions (Section 11.2.7.g.3) require residential lots of less than 50 feet in width to be served by a rear alley (rear loaded).

RECOMMENDATIONS:

That the board amend the Zoning Text Amendment No. 78 to include two additional housing types for both Villages and Settlement Areas as follows:

Proposed new language is represented with double underline: ‘New Language’
Proposed language being removed is represented with strikethrough: ‘~~Old Language~~’
(* * *) – Denotes non-applicable language omitted.

Zoning Regulation Section 11.2.3.c.4.iv. “Village Housing Type Mix.”, and
Section 11.2.4.c.4.v. “Settlement Area Housing Type Mix.” shall be amended to include:

* * *

- (3). Front-Loaded Detached Single-Family Residential: Type 2. A single-family residential detached unit provided on a residential lot less than 10,000 square feet in size but greater than or equal to 6,000 square feet that has vehicular access from the front street by a driveway.
- (4). Front-Loaded Detached Single-Family Residential: Type 3. A single-family residential detached unit provided on a residential lot less than less than 6,000 square feet in size that has vehicular access from the front street by a driveway.
- (5). Rear-Loaded Detached Single-Family Residential: Type 1. A single-family residential detached unit provided on a residential lot less than 10,000 square feet in size but greater than or equal to 6,000 square feet that has vehicular access from the rear of the house by an alley.
- (6). Rear-Loaded Detached Single-Family Residential: Type 2. A single-family residential detached unit provided on a residential lot less than less than 6,000 square feet in size that has vehicular access from the rear of the house by an alley.

* * *

Attachments:

**Correspondence from Attorney Bill Merrill dated November 11, 2013
Draft Planning Commission Minutes for November 7, 2013**

William Spaeth

From: Bill Merrill [wmerrill@icardmerrill.com]
Sent: Monday, November 11, 2013 6:18 PM
To: William Spaeth
Cc: Allen Parsons; Thomas Polk
Subject: re: 1st Phase 2050 Public Hearing comments from Nov. 7 Planning Commission
Attachments: 2050 Ordinance - 11-11 changes.docx

Bill,

Thanks again for your well-done and easy to understand presentation at last week's PC PH on Phase 1 of 2050 revisions. And, thank you for supporting consideration of the attached changes that I suggested at the PC PH. I wish I could've presented them to you sooner and discussed them with you prior to the PC PH, but scheduling and timing just didn't work out.

These attached recommended revisions should be added to page 9 of the draft Ordinance No. 2013-032 found in the PC packet, under Section 11.2.3.c.4.iv, "Village Housing Type Mix." This same language is also found on pages 20-22 of the 51-page Staff Report.

The justification for these recommended revisions is, among other reasons:

1. The "Village Housing Type Mix" currently defines nine (9) types of units for a Village development to choose from. As the designation states, it was designed primarily for Villages which are required to include a commercial Village Center. These Village Housing Type Mix standards were then adopted for Settlement Areas as well. However, Settlement Areas are not required to include, and may not include, any commercial or non-residential uses within the Settlement Area. If no commercial uses are planned for a Settlement Area, then two (2) of the nine (9) housing types would not be available, namely "Residential Over Nonresidential" and "Live-Work Unit". Under this likely situation, the Settlement Area without commercial uses would be required to select five (5) of only seven (7) housing types overall and three (3) of seven (7) types in each neighborhood. This greatly reduces choices, flexibility and marketability for the Settlement Area. The addition of two (2) new housing types for smaller lots fixes this unintended problem.
2. The "Village Housing Type Mix" currently recognizes distinctions among very large estate lots (lots >1 acre) and large front-loaded detached single-family residential lots (i.e., lots <1 acre but >=10,000 sf, and lots <10,000 sf), but it fails to distinguish and encourage smaller front-loaded detached single-family residential lots (i.e., lots <=6,000 sf). Lots that are less than or equal to 6,000 sf should be strongly encouraged/incentivized in Settlement Areas as well as in Villages because they increase potential density, lend themselves to better new urbanism design, and help reduce urban sprawl. These additional housing types specifically make this distinction to encourage the development to include more variety in lots sizes and to include smaller lots.
3. Likewise, the "Village Housing Type Mix" currently recognizes large rear-loaded detached single-family residential lots (i.e., lots <10,000 sf), but it fails to distinguish and encourage smaller rear-loaded detached single-family residential lots (i.e., lots <=6,000 sf). Lots that are less than or equal to 6,000 sf should be strongly encouraged/incentivized in Settlement Areas as well as in Villages because they increase potential density, lend themselves to better new urbanism design, and help reduce urban sprawl. Again, these additional housing types specifically make this distinction to encourage the development to include more variety in lots sizes and to include smaller lots.

4. The "Village Housing Type Mix" currently fails to recognize a distinction in the real estate market between small detached single-family residential lots (whether front- or rear-loaded) and large lots. The typical buyer for the smaller homes on lots less than or equal to 6,000 sf is different than those buyers interested in the large lots. The amenity packages for smaller lots is often different and more inclusive (e.g., maintenance free options) than for larger lots. The smaller lots provide more affordability options than larger lots. Smaller lots should be encouraged and promoted by having two separate categories for lots less than or equal to 6,000 sf, one in the front-load type and one in the rear-load type.

Please call me if you wish to discuss these revisions further. Thanks again for your cooperation and assistance.

On Friday, November 08, 2013 11:53 AM, William Spaeth wrote:

Date: Fri, 8 Nov 2013 11:53:16 -0500
From: William Spaeth
To: William Bill Merrill <wmerrill@icardmerrill.com>
cc: Allen Parsons <aparsons@scgov.net>
Subject: 1st Phase 2050 Public Hearing comments from Nov. 7 PlanningCommission

Good afternoon,

Thank you for your comments at last night's public hearing.

In your comments, you suggested a number of additional housing types for Villages and Settlement Areas.

As you are aware, the Planning Commission's recommended action was for approval of the changes presented inclusive of the consideration for inserting the additional housing types.

Language was to be worked out, prepared, and presented to the Board for their consideration.

Would it be possible for you to forward a copy of your notes so that they can be reviewed?

It would be much appreciated.

Thank you.

WmKS



William K. Spaeth, AICP

Planning & Development Services

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Please take a few moments to complete our [Customer Service Survey](#).

Thank you in advance for letting us know what you think.

William W. Merrill, III

Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A.

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Sarasota, FL 34237

Telephone: (941) 366-8100 -- Facsimile: (941) 366-6384
email address: wmerrill@icardmerrill.com



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3. *Front-Loaded Detached Single-Family Residential: Type 2.* A single-family residential detached unit provided on a residential lot less than 10,000 square feet in size but greater than or equal to 6,000 square feet that has vehicular access from the front street by a driveway.

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4. *Front-Loaded Detached Single-Family Residential: Type 3.* A single-family residential detached unit provided on a residential lot less than less than 6,000 square feet in size that has vehicular access from the front street by a driveway.

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45. *Rear-Loaded Detached Single-Family Residential: Type 1.* A single-family residential detached unit provided on a residential lot less than 10,000 square feet in size but greater than or equal to 6,000 square feet that has vehicular access from the rear of the house by an alley.

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6. *Rear-Loaded Detached Single-Family Residential: Type 2.* A single-family residential detached unit provided on a residential lot less than less than 6,000 square feet in size that has vehicular access from the rear of the house by an alley.

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ROBERT L. ANDERSON ADMINISTRATION CENTER
4000 SOUTH TAMiami TRAIL
COMMISSION CHAMBER
VENICE, FLORIDA

6:30 p.m.

Bob Burrus, Chair
Robert A. Morris, III, Vice Chair
John Ask
Michael Beaumier
Jack Bispham
Vanessa Carusone
Philip Kellogg
Michael A. Moran
Terry Richardson

Also present were:

Alan Roddy, Deputy County Attorney
Debbie Shaffer, Deputy Clerk
Tamika Herring, Deputy Clerk

PLEDGE OF ALLEGIANCE

Chair Burrus

Chair Burrus noted the absence of Mr. Richardson and School Board Representative Ken Marsh.

(06:32 p.m.)

1. **OPEN TO THE PUBLIC** - Opened and closed without comment.

(06:33 p.m.)

2. **SPECIAL EXCEPTION**

Public hearing continued from September 19, 2013, to consider proposed Special Exception Petition No. 1715, a petition by Anne Merrill, Agent, representing First Christian Church of Venice, Inc., to allow a Place of Worship, a Child Care Center, and a School in an OUE-2 (Open Use, Estate, 1 unit/2 acres) zone district on approximately 8.52 acres located south of Center Road and west of Venice East Boulevard.

Staff Presenters: Planning and Development Services Planning Professional Kirk Crane, Planning and Development Services Current Planning Manager Tate Taylor, Transportation and Real Estate Transportation Planning Manager Paula Wiggins, and Deputy County Attorney Alan Roddy

Public Presenters: Agent Anne Merrill, Mark Beebe, Paul Heim, Patrick Venti, Suzette Bryan, Ray Uhlorn, Rob Deforge, Jim Dellecker, and Marjorie Dellecker

Items submitted: A copy of an e-mail received on the petition and a copy of the binding Development Concept Plan dated October 23, 2013

(Note: Mr. Richardson arrived at the meeting at 7:02 p.m.)

Discussions were held on the following topics/issues:

- the date of the binding Development Concept Plan
- opacity/additional plantings/limitation to one-story buildings
- a private agreement between the Church and a neighboring Homeowners Association

2. SPECIAL EXCEPTION - (Continued)

- noise concerns/existing Noise Ordinance/stipulation proffered by the Applicant
- traffic study/concurrency
- use of the proposed pavilion
- the roof ornament design/height.

7:34 p.m. Commission Action Amended the Applicant's proffered stipulation as follows: (additions shown as underlined text/deletions shown as ~~strike through~~ text): ". . . levels of amplified ~~music~~ sound by using the measurement process provided . . . subsequent to any outdoor event with amplified ~~music~~ sound." Moved by Ask, seconded by Bispham, carried by a 9-0 vote.

7:36 p.m. Commission Action: Closed the public hearing. Closed by Burrus, without objection.

7:36 p.m. Commission Action: Recommended approval of Special Exception Petition No. 1715 in accordance with Staff's report with six stipulations, as amended, and favorable findings of fact. Moved by Ask, seconded by Carusone, carried by a 9-0 vote.

Note: Oath/Signature Cards Filed for Record.

RECESS: 7:38 p.m. - 7:47 p.m.

(07:47 p.m.)

3. ZONING ORDINANCE AMENDMENT

Public hearing to consider proposed Zoning Ordinance Amendment No. 78, a County-initiated petition amending Ordinance No. 2003-052, as amended and codified in Appendix A of the County Code, to amend the Zoning Regulations of the Sarasota 2050 Resource Management Area (RMA) Policy.

Staff Presenters: Planning and Development Services Long Range Planning Manager Allen Parsons, Planning and Development Services Planning Professional William Spaeth, and Deputy County Attorney Alan Roddy

Public Presenter: Attorney William Merrill

Item submitted: A copy of a document entitled "Proposed Zoning Regulation Changes Summary"

Discussions were held on the following topics/issues:

- the origination of the proposed changes
- definition/interpretation of "internal"/Comprehensive Plan/consistency
- Transfer Development Rights (TDR)/Sending Zones/allocations/proposed land use/low intensity agriculture
- the calculation of Developed Units/gross acres
- possible continuation of proposed Section NU-2: Commercial Location Requirements
- the definition of housing types.

8:38 p.m. Commission Action: Closed the public hearing. Closed by Burrus, without objection.

8:44 p.m. Commission Action: Authorized transmittal of proposed Zoning Ordinance Amendment No. 78 to the Board of County Commissioners with a recommendation for approval and requested that Staff work with Attorney Merrill relative to the housing type amendments discussed this date. Moved by Bispham, seconded by Kellogg, carried by an 8-1 vote; Burrus voted "No."

Note: Oath/Signature Cards Filed for Record.

Minutes in draft form and are not official until approved by the Planning Commission.

(08:48 p.m.)

4. MINUTES

8:48 p.m. Commission Action: Approved the Minutes of the meeting dated October 3, 2013. Moved by Moran, seconded by Carusone, carried by a 9-0 vote.

(08:51 p.m.)

5. COMMISSION REPORTS

Staff Presenter: Planning and Development Services Long Range Planning Manager Allen Parsons

8:54 p.m. Commission Action: Noted consensus by Burrus to request that Staff work with the Enterprise Information Technology Department relative to Planning Commissioner's e-mail accounts and the resetting of passwords.

(08:48 p.m.)

6. MEETING SCHEDULE

Planning and Development Services Long Range Planning Manager Allen Parsons noted the January 16, 2014, meeting and commented on the following meeting schedule:

November 21, 2013 - 6:30 p.m.
County Administration Center
Commission Chamber
1660 Ringling Boulevard
Sarasota, Florida

December 5, 2013 - 6:30 p.m.
Robert L. Anderson Administration Center
Commission Chamber
4000 South Tamiami Trail
Venice, Florida

MEETING ADJOURNED: 8:54 p.m.

MINUTES APPROVED: _____

Chair

Minutes in draft form and are not official until approved by the Planning Commission.