

Regular Workshop – December 11, 2013
Agenda Item 13

Agenda Item: Comprehensive Plan and Land Development Code Discussion

Presenter: Town Manager

Summary: Town Staff will discuss current revisions and a path forward in light of the Urban Land Institute recommendations.

Attachments: 12-2-13 Memo, Planning, Zoning, and Building Department Interim Director to Manager;
PowerPoint Presentation.

Recommended

Action: Pending discussion, provide direction to Manager.

M E M O R A N D U M

DATE: December 2, 2013

TO: Dave Bullock, Town Manager

FROM: Alaina Ray, Interim Director
Planning, Zoning and Building Department

RE: Evaluation of the Comprehensive Plan and Land Development Code

Current Situation

During recent years, owners of a Gulf-side portion of the Islandside development applied to the Town to upgrade and redevelop their property. In 2012, the Town amended its Zoning Code to allow for development in the MUC-2. Several elements of the changed code were challenged in litigation. A court decision was delivered in the Islandside case on November 13, 2012. It found, *inter alia*, that the Town's "unfettered discretion" in its review of land development requests under the Land Development Code's (LDC) Outline Development Plan (ODP) process was illegal.

Because of the court's decision, the Town's current ODP process, which has been the principal process for reviewing and deciding land development requests, has been halted. Projects that require departures from the LDC regulations are unable to move forward at this time. The court ordered the Town to amend its LDC to provide clear criteria to apply to ODP decision-making. In response, the Town has been revising sections of the LDC to address the court order. These pending revisions are necessary to ensure that potential projects, e.g., potential tennis court modification at the Pierre Condominiums, development of currently vacant property in Bay Isles, or redevelopment of the Colony could move forward.

Moving Forward

The Town recently asked the Urban Land Institute (ULI) to provide recommendations to the Town on how best to move forward to address the Town's 21st Century challenges. A particularly significant recommendation of the ULI is to rewrite the Plan and LDC. The laws codified in these documents served the community well as it developed toward build-out over the past decades; however, they do not prevent the existing building stock from aging and may be too rigid to provide flexibility for desirable modernization.

Revisions to the Plan and Code should provide guidance for future needs and flexibility for redevelopment and modernization of properties, while providing protection to the Town's current resident's lifestyle and property values. Existing elements of the Plan and its respective Goals, Objectives, and Policies will be analyzed, with public input, to determine which components continue to serve the Town well, which components may be problematic, and whether any potential new elements might be useful. This effort should also include consideration of the State's Community Planning Act of 2011.

Critical Path

A comprehensive evaluation of the Plan and LDC would be performed to compare the existing elements against the anticipated future needs and desires of the community, utilizing both internal and external expertise. Analyses of market trends, census projections, levels of service, and other relevant research would be conducted. A design process may be utilized for certain aspects of the Plan and LDC that develops detailed standards and graphic representations, built upon the broad ideas identified by the ULI's report and enhanced through community input. In addition, review of the Plan and LDC should include guidance for making the community more socially, economically, and environmentally resilient, including but not limited to providing a high quality of life, encouraging active and healthy lifestyles, maintaining/enhancing property values, protecting the natural environment, implementing low-impact design, evaluating and protecting against effects of sea-level rise, providing advanced technology capabilities, and adapting to long-term redevelopment opportunities.

Staff envisions that this implementation effort will be comprehensive, inclusive, and robust. It will take thought, time, effort, and community conversation. It will not be complete in a year or two, but will proceed by reasonable mileposts with phased adoption and implementation. As noted above, immediate implementation efforts are ongoing. Any proposed revisions resulting from a comprehensive reevaluation of the Plan and LDC would be adopted through a very public process, including numerous public hearings before the Planning and Zoning Board and Town Commission.



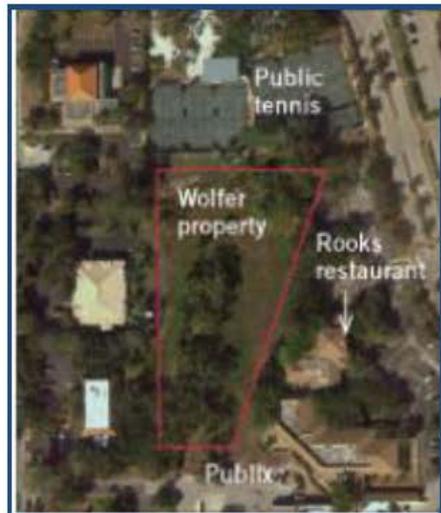
Comprehensive Plan and Land Development Code Discussion

Town Commission Workshop
December 11, 2013



Current Situation

- Court decision rendered portions of Land Development Code unusable
- Affects Outline Development Plan process
- Potential projects unable to move forward until ODP process revised to provide clear criteria.





Moving Forward

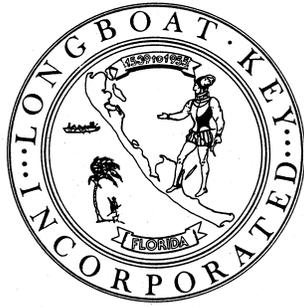
- ULI recommended changes to Comprehensive Plan and Land Development Code
 - Preserve important elements
 - Protect current resident's lifestyle and property values
 - Provide flexibility for modernization and redevelopment
- Partner with industry professionals
 - Inter-local Agreement with University of Florida
- Public Input





Critical Path

- Comprehensive evaluation of Comprehensive Plan and Land Development Code
- Include guidance for making the community more socially, economically, and environmentally resilient:
 - Provide high quality of life
 - Encourage active and healthy lifestyles
 - Maintain/enhance property values
 - Protect natural environment
 - Implement low-impact design
 - Evaluate and protect against effects of sea-level rise
 - Provide advanced technology capabilities
 - Adapt to long-term redevelopment opportunities



End of Agenda Item