

M E M O R A N D U M

TO: Planning and Zoning Board

FROM: Allen Parsons, AICP,
Director, Planning, Zoning and Building Department

REPORT DATE: December 29, 2021

MEETING DATE: January 18, 2022

SUBJECT: Ordinance 2021-11, Amending Chapter 158.103, Single-Family Residential Structure Buffering/Screening Requirements

Recommended Action

Forward Ordinance 2021-11, with a recommendation of approval, to the March 7, 2022 Town Commission Regular Meeting for first reading and public hearing.

Background

At their October 13, 2021, Regular Meeting the Planning and Zoning Board (P&Z Board) held a public hearing on draft Ordinance 2021-11, which would add buffering requirements for newly constructed single-family homes. The requirements would mitigate potential compatibility and privacy impacts associated with scale differences of new construction often due to requirements to elevate such structures to meet Federal Emergency Management Agency (FEMA) flood zone requirements. The P&Z Board provided consensus direction to bring back several amendments to the proposed ordinance language for review in a Workshop format.

The P&Z Board subsequently held two Workshop discussions, first at their November 16, 2021 Regular Meeting and subsequently at their December 14, 2021 Regular Meeting, on the proposed ordinance. The P&Z Board's consensus recommended changes are described further below. In addition, Attachment B contains an underline-strikethrough version depicting those changes, highlighted in Yellow, that were made to Ordinance 2021-11 following their November and December Workshop Discussions.

Recommended changes include:

- Revised one of the Whereas statements to more accurately reflect that the ordinance is intended to preserve privacy between new single-family residences *and* alterations that add a second-story, when such new construction is adjacent to existing single-story structures and not just those existing structures that were constructed prior to 1975, as originally drafted.
- Revised Subsection 158.103(A), Landscaping Buffer Requirements, to clarify that buffering requirements are only applicable when associated with new construction. This would apply in the existing scenarios of when a nonresidential use abuts a residential district, when a multifamily residential use abuts a single-family residential district or use *and* in the newly proposed condition of when a single-family dwelling, or alteration that adds a second-story to an existing single-family dwelling, is adjacent to an existing one-story single-family dwelling.

- Revised Subsection 158.103(A)(3), Conditions Where Landscaping/Screening Are Not Required, to clarify that exemptions are only applicable where an abutting single-family residential property does not have an existing one-story single-family dwelling.

As noted previously, other changes proposed to this Buffering and Required Landscaping Section (Sec. 158.103(A)) are minor and take advantage of an overall approach that staff takes when updating the Zoning Code to apply appropriate capitalization and to provide consistent use of terminology within a section such as the term “abutting.”

Staff Recommendation

Forward Ordinance 2021-11, with a recommendation of approval, to the March 7, 2022 Town Commission Regular Meeting for first reading and public hearing.

Attachments

- A. Ordinance 2021-11 (Available in Town Clerk's Office)
- B. Ordinance 2021-11 (Underline-Strikethrough Version depicting P&Z Board directed changes, highlighted in Yellow, following December 14, 2021 P&Z Board Meeting) (Available in Town Clerk's Office)