

TEXT AMENDMENT #: PCT150108 (Out of Cycle Amendment)
APPLICANT: Tallahassee City Commission
TEXT/ POLICY I.D. #: Urban Residential & Urban Residential 2 Future Land Use Categories
DATE: September 17, 2015

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCT150108.

A. SUMMARY:

This proposed policy amendment was authorized by Tallahassee City Commission at a Commission meeting on May 27, 2015. The amendment provides an exception to a location prohibition contained in the Urban Residential and Urban Residential 2 Future Land Use (FLUM) categories to address existing, legal non-conforming uses and/or densities. This amendment is a companion amendment to Map Amendment PCM150107.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The proposed amendment is consistent with action taken by the City Commission to address legal-nonconforming residential uses and densities that currently exist within Killlearn Estates.
2. The proposed amendment would provide an avenue by which legally established, nonconforming uses could become conforming uses.

C. PROPOSED TEXT/POLICIES:

Modify Land Use Element Policies 2.2.23 Urban Residential and 2.2.24 Urban Residential 2 as highlighted and underlined.

Policy 2.2.23: [L]

URBAN RESIDENTIAL (*Effective 7/20/05; Revision Effective 7/26/06; Renumbered 3/14/07*)

The primary intent of the Urban Residential land use category, which is to be applied only within the Urban Services Area, is to encourage medium density (4-10 dwelling units per acre) housing, thereby promoting infill development, reducing urban sprawl, and maximizing the efficiency of infrastructure. The implementing zoning district shall contain design standards as well as

locational criteria in order to accomplish these goals. The Urban Residential category allows townhouses, single-family detached, two-family, and multiple-family dwelling units as well as community facilities related to residential uses. The implementing zoning district(s) within the land development regulations shall further specify the allowable uses. Urban Residential may serve as a transition category between lower density residential categories and more intensive development such as higher density residential and/or office land uses or major roadways where alternative modes of transportation are available to support the increased residential densities. The category is not intended to be applied within the interior of an existing neighborhood, **unless to correct, legal non-conforming uses and/or densities**. The maximum residential density within the Urban Residential is 10 du/ac and the minimum is 4 du/ac.

Policy 2.2.24: [L] (*Revision Effective 7/26/06; Revision Effective 3/14/07*)

URBAN RESIDENTIAL 2

The primary intent of the Urban Residential 2 land use category, which is to be applied only within the Urban Services Area, is to encourage a range of density (4-20 dwelling units per acre) housing, thereby promoting infill development, reducing urban sprawl, and maximizing the efficiency of infrastructure. The implementing zoning district(s) shall contain design standards as well as locational criteria in order to accomplish these goals. The Urban Residential **2** category allows townhouses, single-family detached, two-family, and multiple-family dwelling units as well as open space/recreation and community facilities related to residential uses. The implementing zoning district(s) within the land development regulations shall further specify the allowable uses. Urban Residential 2 may serve as a transition category between lower density residential categories and more intensive development such as higher density residential and/or office land uses or major roadways where alternative modes of transportation are available to support the increased residential densities. The category is not intended to be applied within the interior of an existing designated residential preservation area, **unless to correct, legal non-conforming uses and/or densities**. The maximum residential density within the Urban Residential 2 category is 20 units per acre.

D. APPLICANT'S REASON FOR THE AMENDMENT:

This amendment was initiated by the City Commission to address legal non-conforming residential uses and densities that currently exist in the Killlearn Estates neighborhood. This amendment is a companion amendment to Map Amendment PCM150107.

E. STAFF ANALYSIS:

As noted above, this amendment is a companion amendment to map amendment PCM150107. In order to implement the proposed map amendment, the Urban Residential and Urban Residential 2 future land use categories must be modified to provide an exception to the location prohibition criteria. The proposed amendment would differentiate previously developed areas with existing nonconforming uses and densities from new development. In doing so, it would allow for the Urban Residential and Urban Residential 2 categories to be applied within the interior of existing neighborhoods; thereby providing a remedy for legal but nonconforming residential properties.

F. STAFF REPORT UPDATE

Below is a summary of actions that have taken place subsequent to the publication of the original staff report.

Local Planning Agency Public Hearing - September 8, 2015

The Local Planning Agency voted unanimously to approve staff's recommendation. There were no public speakers on this item.

G. CONCLUSIONS:

1. The proposed amendment is consistent with action taken by the City Commission to address legal-nonconforming residential uses and densities that currently exist within Killlearn Estates.
2. The proposed amendment would provide an avenue by which legally established, nonconforming uses could become conforming uses.