



AGENDA MEMORANDUM

Planning Department

City Council
Meeting Date: December 2, 2025

To: City Council
From: Savannah White, Senior Planner
Date: November 20, 2025

SUBJECT: AN ORDINANCE AMENDING THE CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 78, GENERAL PROVISIONS, SECTION 78-1, RULES OF CONSTRUCTION AND DEFINITIONS; AND CHAPTER 126 ZONING. ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2, ACCESSORY STRUCTURES, ADDING A NEW SUBDIVISION V, ACCESSORY STAIRS AND PLATFORMS TO ELEVATE ELECTRICAL AND MECHANICAL EQUIPMENT, A NEW SECTION 126-921, ACCESSORY STAIRS AND PLATFORMS TO ELEVATE ELECTRICAL AND MECHANICAL EQUIPMENT; RENAMING DIVISION 16, ELECTRICAL POWER GENERATORS AND HVAC TO ELECTRICAL AND MECHANICAL EQUIPMENT; AND AMENDING SECTION 129-1307, STANDARDS; FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

REVIEW TIMELINE

Date	Meeting Type	Summary
7/8/2025	Planning Commission	Unanimous approval of Resolution 25-17
9/8/2025	City Council	Discussion and First Reading
9/9/2025	Joint City Council/Planning Commission	General Discussion
10/21/2025	City Council	Discussion
11/18/2025	Planning Commission	Unanimous approval of Resolution 25-26

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Background:

At the June 3, 2025, City Council meeting, councilmembers recommended adding an administrative deviation for impermeable coverage and developed area impacts from solar batteries during consideration of amendments to the Land Development Code for Alternative Clean Energy Technologies.

On July 8, the Planning Commission approved Resolution 25-17, which recommended an amendment to Chapter 126, Article XIV, Division 16, as well as Sections 78-1, 82-401, and 30-65 to ensure consistency with the proposed amendments, to implement the recommended administrative deviation.

Staff presented the proposed amendments to City Council on September 8. During the meeting, several concerns were raised regarding the proposed language, prompting a discussion at the joint meeting with the Planning Commission the following day. The primary concerns related to the administrative deviation process, minimum necessary standards, and implementation timelines.

In response, staff revised the language and is proposing the following updates to address the concerns raised by both bodies. On October 21, City Council directed that the draft language be forwarded to the Planning Commission for review and consideration. One question raised was whether elevated pool equipment could be included within the administrative waiver standards. After consultation with the Building Department, staff determined that pool equipment is rarely elevated higher than four feet, as doing so would require additional plumbing and a higher-powered pool pump to maintain proper water circulation. City Council also expressed interest in a referendum to remove the June 7, 2022, implementation date in regard to HVAC and emergency electrical power generators. A referendum would be necessary because it would allow for an increase in the permitted maximum impermeable coverage, vegetational removal and developed area which would be in conflict with Section 3.10.5 of the City Charter. The amendment as proposed does not require approval via referendum.

Key revisions include:

Section 78-1

- Added definition for *electrical and mechanical equipment*.

Section 126-1307

- Expands the administrative deviation to apply to solar energy system components, as well as HVAC units and emergency electrical power generators, allowing flexibility for the minimum necessary size of each improvement.
- Maintains the June 7, 2022, implementation date for HVAC units and emergency electrical power generators.
- Establishes a new implementation date for solar energy system components

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Subdivision V Accessory Stairs and Platforms to Elevate Electrical and Mechanical Equipment.

- Provides administrative deviation from limitation on impermeable coverage, vegetation removal, developed area, or required setbacks, for improvements that require a platform/stairs for electrical or mechanical equipment.

Benefits:

These amendments support renewable energy adoption by making it easier to install solar batteries and associated equipment and by simplifying permitting through the administrative deviation process. The revisions also enhance clarity and consistency by providing clear definitions, expanding the scope to accommodate evolving technologies and equipment needs, and streamlining requirements to make code compliance more straightforward for both applicants and staff.

The proposed legislative text complies with the parameters of Senate Bill 250/180.

PUBLIC COMMENT: Staff have not received public comments on this item.

FISCAL IMPACT: None.

RECOMMENDED ACTION: Discussion of Ordinance 25-019. City Council direction as to whether a subsequent ordinance should be drafted that would provide for a broader deviation that would increase permitted impermeable coverage, vegetation removal or developed area, and would require approval by voter referendum.