

ORDINANCE 2012-08

AN ORDINANCE AMENDING CHAPTER 158, THE ZONING CODE, OF THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY, FLORIDA; AMENDING SECTION 158.006 *DEFINITIONS*; AMENDING SECTION 158.008, *ESTABLISHMENT OF DISTRICTS*; AMENDING SECTION 158.009, *DESCRIPTION OF DISTRICTS AND DISTRICT POLICIES*; AMENDING SECTION 158.065, *PURPOSE*; AMENDING SECTION 158.066, *PREAPPLICATION CONFERENCE*; AMENDING SECTION 158.067, *REVIEW AND APPROVAL PROCEDURE*; 158.070, *RESIDENTIAL DENSITY*; AMENDING SECTION 158.071, *PROPOSED LAND USES*; AMENDING SECTION 158.097, *APPLICATION FOR SITE PLAN APPROVAL*; AMENDING SECTION 158.125, *SCHEDULE OF USE REGULATIONS*; AMENDING SECTION 158.128, *OFF-STREET PARKING*; AMENDING SECTION 158.145, *SCHEDULE OF LOT, YARD AND BULK REGULATIONS*; AMENDING SECTION 158.180, *DISTRIBUTION OF 250 TOURISM UNITS*; AMENDING SECTION 158.200, *PERSONAL WIRELESS SERVICE FACILITIES*; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key ("Town") adopted amendments to its Comprehensive Plan on August 10, 2011; and

WHEREAS, the Town has determined that amendments to the Zoning Code are needed to maintain consistency with the Comprehensive Plan and to provide additional clarity for the planned unit development review and approval process, as well as to correct any misunderstanding of the intent and meaning of the Zoning Code with respect to those matters in which the Town's interpretation and application was not followed in the Order Granting Petition for Writ of Certiorari issued in Islandside Property Owners Coalition, LLC, et al. v. Town of Longboat Key, et al.; and

WHEREAS, after review of the sections and subsections within Chapter 158 *Zoning Code*, it was determined that amendments were necessary to Sections 158.006, 158.008, 158.009, 158.065, 158.066, 158.067, 158.070, 158.071, 158.097, 158.125, 158.128, 158.145, 158,180, and 158.200; and

WHEREAS, the Planning and Zoning Board finds that the subject Zoning Code amendments are consistent with the Town's existing Comprehensive Plan; and

WHEREAS, at a duly noticed public hearing on May 1, 2012, the Planning and Zoning Board recommended that the Town Commission approve the Zoning Code amendments; and

WHEREAS, the Town Commission of the Town of Longboat Key, at duly noticed public hearings on June 4, 2012, and on July 2, 2012, considered the proposed Zoning Code amendments as recommended by the Planning and Zoning Board; and

WHEREAS, the Town has received and considered comments from the public;
and

WHEREAS, the Town Commission of the Town of Longboat Key, after review of the recommendations of the Planning and Zoning Board, comments made at public hearings, and careful consideration of the issues, finds that the proposed Zoning Code amendments are consistent with the existing Comprehensive Plan and are in the best interest of the health, safety, and welfare of the citizens of Longboat Key.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. Chapter 158, *Zoning Code*, Article I *General Regulations*, Section 158.006, *Definitions*, is hereby amended to add the following as additional defined terms:

“Additional Use”. The use of land, water, or buildings and structures or a portion thereof, independent of but directly related to another permitted use. An additional use is not an accessory use.

“Nonresidential Use”. The use of land, water, or buildings and structures or a portion thereof, for anything other than a residential use, including, but not limited to, tourism, commercial, office, recreational, and institutional uses, together with facilities to support the uses including parking lots, parking garages and utility, storage and maintenance buildings.

“Recreational Use”. The use of land, water, or buildings and structures or a portion thereof, for active or passive recreational purposes either public or private. Recreational uses may also include structures and improvements designed to support recreational activities such as clubhouses, netting, screens, parking lots, parking garages, and utility, storage, and maintenance buildings. A recreational use may be an accessory or additional use to residential or nonresidential uses depending on the manner in which it is primarily used and approved.

SECTION 3. Chapter 158, Section 158.008, *Establishment of districts*, is hereby amended as follows:

158.008 Establishment of districts.

For the purpose of protecting, promoting, and improving the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the community, the town is hereby divided into the following ~~types~~ of districts, with the stated densities, and intensities as regulated by Section 158.145.

DISTRICT TYPE (MAXIMUM ALLOWABLE DENSITY) ¹	
OS	Open Space District (0 U./A.)
INS	Community Facility Institutional District (0 U./A.)
R-1IP	Island Preserve Residential District (1 D.U./5A)
R-1SF	Single-Family Low-Density Estate Residential District (1 D.U./A.)
R-2SF	Single-Family Low-Density Residential District (2 D.U./A.)
R-3SF	Single-Family Low-Medium-Density Residential District (3 D.U./A.)
R-4SF	Single-Family Medium-Density Residential District (4 D.U./A.)
R-6SF	Single-Family High-Density Residential District (6 D.U./A.)
R-3MX	Low-Medium-Density Mixed Residential District (3 D.U./A.)
R-4MX	Medium-Density Mixed Residential District (4 D.U./A.)
R-6MX	High-Density Mixed Residential District (6 D.U./A.)
PD MUC-1	Planned Development District Mixed Use Community- Bay Isles (3.26 D.U./A.)
GPD MUC-2	Gulf Planned Development District Mixed Use Community- Islandside (5.05 D.U./A.)
NPD MUC-3	Negotiated Planned Development District Mixed Use Community- Promenade/Water Club (4-8 11.26 D.U./A.)
OI	Office-Institutional District (0 U./A.)
C-1	Limited Commercial District (0 U./A.)
C-2	General Commercial District (0 U./A.)
C-3	Highway-Oriented Commercial District (3 tourism U./A.)
M-1	Marine Commercial Service District (1 accessory D.U. located on the same lot)
T-3	Low-Medium-Density Tourist Resort Commercial District (3 T.U./A.)
T-6	High-Density Tourist Resort Commercial District (6 T.U./A.)

Notes:

¹ Dwelling units per acre (du/ac) refers to residential units; units per acre (u/ac) include both tourism units and residential units.

SECTION 4. Chapter 158, Section 158.009, *Description of districts and district policies*, subsection (L) is hereby amended as follows:

(L) ~~Planned Development District (PD), Gulf Planned Development District (GPD), and Negotiated Planned Development District (NPD) Established for areas which may be developed pursuant to special conditions of a resolution or other legal instruments duly approved by the town commission pursuant to this chapter. The density for the respective Planned Development Districts reflects the following density schedule after considering vested rights issues:~~

Planned Development

District Designation	Density
Planned Development (PD)	3.26
Gulf Planned Development (GPD)	5.05
Negotiated Planned Development (NPD)	4.80

PUDs approved in a planned development district may include a mix of land uses as set forth in the regulations of this chapter. The following standards for regulating residential development in planned unit developments shall be used and is intended to accommodate planned unit developments with or without mixed uses:

(1) Notwithstanding the terms of any other section of this zoning code related to the calculation of density for residential or tourism uses, the respective densities for the PD and the GPD districts reflect the average overall density per acre of all properties included within such districts, including recreational areas, open space areas, road rights-of-way, wetland areas and other nonresidential lands. It is understood that under these zoning regulations, the density of sites within the PUD may vary, such that the clustering of density on one or more parcels within a site may be allowed.

(2) The density reflected above for the NPD is the average overall maximum density of both the dedicated site and the receiving site determined by dividing the total number of units approved by the town for the receiving site by the total number of acres of both the dedicated site and the receiving site, but in no event shall the density of the receiving site exceed a maximum average density of 11.26 dwelling units per acre.

Mixed Use Community - Bay Isles (MUC-1), Mixed Use Community - Islandside (MUC-2), and Mixed Use Community - Promenade/Water Club (MUC-3). Allows a mix of residential and nonresidential uses in planned communities developed through the planned unit development procedures and standards contained in Section 158.065 through 158.071. Notwithstanding the terms of any other section of this Zoning Code related to the calculation of density for residential or tourism uses, in each MUC density is calculated on the basis of the average overall density of tourism and dwelling units per acre of all property included in the respective MUC, including recreational areas, open space areas, road rights-of-way, wetland areas and other nonresidential lands. Clustered development patterns are encouraged and thus the density of separate parcels within each MUC may exceed the average overall density of the MUC. Provided the total amount of nonresidential development does not exceed the maximums stated herein, designated nonresidential development may be relocated to other sites within the planned unit development and the types of approved nonresidential uses may be changed to other nonresidential uses. No boundary of any existing MUC shall be expanded to include additional lands unless contiguous to the boundaries of the MUC as it existed on December 31, 2010. Redevelopment may occur up to the maximum densities authorized for each MUC and consistent with the public health, safety and welfare, quality design, expanded recreational and open space amenities, and adequate public infrastructure and services. Within the acreage allocated for nonresidential uses, additional lot coverage and height may be authorized pursuant to Section 158.067(D)(3)(i) and (j).

A minimum of 50% of the total property within the MUC shall be maintained in open space. Acreage for recreational uses is not limited. The mix of uses within the boundaries of each MUC, as calculated prior to the application of the 50% open space requirement, is allocated as follows:

(1) Mixed Use Community – Bay Isles (MUC-1). This category encompasses the Bay Isles community approved by Resolution 75-27 as it has been and may be amended from time to time. Average overall density within the boundaries of the MUC-1 shall not exceed 3.26 dwelling units per acre.

<u>Use</u>	<u>Maximum Percent of Total Property Within MUC-1</u>
<u>Residential</u>	<u>37%</u>
<u>Tourism (units and associated resort/tourism uses)</u>	<u>0%</u>
<u>Commercial/Office</u>	<u>4%</u>
<u>Institutional</u>	<u>2.5%</u>

(2) Mixed Use Community – Islandside (MUC-2). This category encompasses the Islandside community approved by Resolution 76-7 as it has been and may be amended from time to time. Average overall density within the boundaries of the MUC-2 shall not exceed 5.05 units per acre.

<u>Use</u>	<u>Maximum Percent of Total Property Within MUC-2</u>
<u>Residential</u>	<u>33%</u>
<u>Tourism (units and associated resort/tourism uses)</u>	<u>12%</u>
<u>Commercial/Office</u>	<u>1.5%</u>
<u>Institutional</u>	<u>0%</u>

(3) Mixed Use Community – Promenade/Water Club (MUC-3). This category encompasses the Promenade/Water Club communities approved by Resolution 81-8, as it has been and may be amended from time to time. Average overall density within the boundaries of the MUC-3 shall not exceed 11.26 dwelling units per acre.

<u>Use</u>	<u>Maximum Percent of Total Property Within MUC-3</u>
<u>Residential</u>	<u>100%</u>
<u>Tourism</u>	<u>0%</u>
<u>Commercial/Office</u>	<u>0%</u>
<u>Institutional</u>	<u>0%</u>

SECTION 5. Chapter 158, Section 158.065, *Purpose*, is hereby amended as follows:

158.065 Purpose.

The purpose of planned unit development (PUD) regulations is to: encourage flexibility in the design and development of land in order to promote its most appropriate

use; to facilitate the adequate and economical provision of streets, utilities, and public spaces; and to preserve the natural and scenic qualities of open areas. The PUD application review and approval procedure is intended to permit diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety, comfort, order, appearance, convenience, morals and general welfare, both in the use and occupancy of buildings and facilities in planned groups. A PUD is approved through the adoption of an outline development plan (ODP), which may be subsequently amended.

SECTION 6. Chapter 158, Section 158.066, *Preapplication conference*, is hereby amended as follows:

158.066 Preapplication conference.

In order to expedite the review of a proposed planned unit development, coordinate its local review in respect to the provisions of this chapter with the necessary county, state, and federal agency reviews, and to inform the town of a planned unit development in preparation, one or more preapplication conferences between the applicant and the planning and zoning official is required. The preapplication conference, while informal, will serve several purposes and focus on the following items:

(A) To inform the town of any planned unit development plans in progress together with the scale and character of the plan so that the town may recognize the proposed development in any of its physical or facility planning for the entire town.

(B) To inform the applicant of the town's informal response as to the scale and character of the proposed development and to alert the applicant to any specific areas of concern that the town may have for that specific site or proposed plan.

(C) To clarify and inform the applicant in respect to the outline development plan approval procedure and submission requirements, including an anticipated application time and review period as specifically set forth in section 158.067.

(D) To enable the applicant to inform the town of the requirements, procedure, and status of the various county, state and federal agency reviews.

SECTION 7. Chapter 158, Section 158.067, *Review and approval procedure*, is hereby amended as follows:

158.067 Review and approval procedure.

(A) Planned unit developments are a permitted use with review, and shall be subject to the approval of the ~~T~~town ~~C~~Commission after a review and ~~report~~ recommendation by the Planning and Zoning Board and after a public hearings ~~is~~ are held by the ~~T~~town ~~C~~Commission in accordance with law. ~~The review by the Planning and Zoning Board shall be to make findings pursuant to the provisions of site plan review section 158.102 and other applicable sections of this chapter, and to make recommendations thereon.~~

(B) In order to provide an expeditious method for processing a an outline development plan application for a planned unit development, under the terms of this chapter, it is hereby declared to be in the public interest that all procedures with respect to the approval or disapproval of a plan for a planned unit development, and the continuing administration thereof, shall be consistent with the following provisions:

(1) An application for an outline development plan approval for a planned unit development, including full payment of an application fee as set forth by resolution of the ~~the~~ Town eCommission, shall be filed and signed by or on behalf of the landowner by an authorized agent, with the planning and zoning official. The purpose of the outline development plan is to provide the town with information ~~in~~ with respect to the type, character, scale, and intensity of development as well as the time phasing of the proposed planned unit development in order for the town to evaluate the impact of the development ~~on~~ to the town. Any application for outline development approval shall be submitted on a form provided by the town and in addition shall include at a minimum ~~least~~ the following information, unless the planning and zoning official determines that one or more of the following elements do not apply to the particular application development:

(a) The relationship of the site to existing development in the area, including streets, utilities, residential and commercial development, and important physical features in and adjoining the project, including ecological features.

(b) The approximate location and dimensions of all boundary lines of the development, and of any contiguous lands, including those separated only by a street, canal or similar feature, in which the developer or property owner presently has any legal interest.

(c) Verified statement, including a certificate of ownership, showing each and every individual person having a legal ownership interest in the subject property except publicly held corporations whose stock is traded on a nationally recognized stock exchange, in which case the name and address of the corporation and principal executive officers will be sufficient.

(d) The approximate location, nature and extent of all existing easements, streets, buildings, land uses, zoning, tree groupings, watercourses and topographic contours (i.e., at six-inch intervals with reference to mean sea level), on the site; the existing zoning and land use for all contiguous property; and flood protection elevation data and flood zones delineated, if applicable.

(e) Tabulations by acreage and percentage as to the amount of the site that is uplands and wetlands, indicating those wetlands landward and seaward of the mean high-water line (MHWL). Additional related information shall include the extent and type of wetlands in accordance with the town's comprehensive plan.

(f) The approximate locations, intensity and acreages of general land uses (proposed), including dwelling types and general types of nonresidential uses, open spaces, recreational facilities and other proposed uses.

(g) A traffic impact analysis shall be provided, except for voluntary reconstruction without additional units, to ensure that the adopted level of service standards are not exceeded before capacity-related improvements are implemented. A circulation facilities plan indicating approximate locations and types of proposed streets, bicycle paths, pedestrian walks, and emergency vehicle access points, including all curb cuts, driveways, off-street parking and loading areas and off-street vehicular surfaces available for maneuvering shall be provided.

(h) Total project acreage and proposed densities for each tourism and dwelling unit type and total number of tourism and dwelling units by type.

(i) Floor area ratios for all land uses and approximate square footage of gross area for all nonresidential buildings by general type (e.g., offices, limited commercial, etc.). Compliance with the floor area ratio provisions of section 158.102(C)~~140~~ shall be demonstrated.

(j) Proposed development schedule indicating approximate starting and completion dates for the entire project and any phases thereof, together with appropriate identification and description of such phases.

(k) Such additional data, maps, plans or statements as may be required for the particular uses or activity involved.

(l) Such additional data, as the applicant may believe is pertinent to the development plan.

(m) Such additional material and information the town may reasonably require.

(n) A written statement by the landowner or any other entity having a cognizable interest in the land, describing fully the character and intended use of the planned unit development and setting forth the reasons why, in his opinion, a planned unit development would be in the public interest and would be consistent with the town's statement of purposes on planned unit development.

(o) A statement specifically indicating departures from article IV of this chapter and section 158.102, and a statement of any existing hardship and/or clear and specific statement of how the code departures are necessary or desirable to accomplish one or more of the stated purposes of the planned unit development as set forth in section 158.065.

(p) Applications for voluntary reconstruction of nonconformities shall include a statement specifically indicating modifications and adjustments from the requirements of this Code of Ordinances which would otherwise be applicable to the project if voluntary reconstruction were not granted by the town and a clear and specific statement of any hardship which might exist making the modifications and adjustments from the Code necessary or a clear and specific statement of how the modifications and adjustments are necessary or desirable to accomplish one or more of the stated purposes of the voluntary reconstruction ordinance as set forth in section 158.140.

(2) The application for an outline development plan of a planned unit development shall be filed with the Planning and Zoning Official. The applicant may concurrently file an application for site plan approval. If filed, the application for site plan approval shall be processed in accordance with Article III, Division 2, herein. Upon receipt of the application the Planning and Zoning Official shall review the application to determine its appropriateness and completeness and accept or reject it in writing. Upon acceptance of the application, the town's administrative staff shall refer the application, together with all supporting documentation and a staff report~~their weighted options~~, to the Planning and Zoning Board for its ~~their~~ review and recommendations. The Planning and Zoning Board and Town Commission shall not receive, review, make recommendations or act on applications for outline development plan approval except during the town's annual site and development plan season. For purposes of this chapter, the annual site and development plan season shall include the months of September, October, November, December, January, February, March, April, May and June of each year. For purposes of calculating the required processing times set forth in this section for the Planning and Zoning Board and the Town Commission, the period of time ~~between~~ from July 1 through August 31 shall not be counted in said computation. Upon receipt of the application from the Planning and Zoning Official, the Planning and Zoning Board shall review the outline development plan and make recommendations to the Town Commission ~~together with their findings in respect to the proposed development as set forth in section 158.102.~~ The Planning and Zoning Board shall base its recommendations on competent, substantial evidence of record, but shall not be required to make written findings of fact to support its decision. The Board shall

~~recommend either approve approval of the application as submitted, approve approval of the application with changes or special conditions, or disapprove disapproval of the application. The determination and recommendations of the Planning and Zoning Board shall be advisory only and shall not be binding upon the Town Commission.~~ For purposes of this section the Planning and Zoning Board shall receive an outline development plan application from the Planning and Zoning Official at the Board's next regular meeting where a quorum is present following the Planning and Zoning Official's submittal of the application to the Board. The Planning and Zoning Board is specifically authorized to continue its deliberations, request additional materials and elicit expert testimony to aid in its deliberations.

(C) A public hearing on the planned unit development application shall be held by the Town Commission upon the Commission's receipt of the application from the Planning and Zoning Board, public notice of which shall be given in accordance with the provisions of the Charter and this chapter. For purposes of this section, the Town Commission shall receive an outline development plan application from the Planning and Zoning Board at the Commission's next regular meeting where a quorum is present, following the submittal of the Board's action on the application to the Commission. A transcript of the hearing may be caused to be made by the Town Commission at the cost of the applicant, copies of which shall be made available at cost to any party to the proceedings; and all exhibits accepted in evidence shall be identified and duly preserved, or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record. During the review process, the Town may retain consultants to assist in the review of an outline development plan. The cost of retaining the consultants shall be borne by the applicant. The Town Commission is specifically authorized to continue its deliberations, request additional materials and elicit expert testimony to aid in its deliberations, and may, at its sole discretion, remand the application to the Planning and Zoning Board for additional hearing and consideration. If changes are made to the application, accompanying plans or conditions of approval after review by the Planning and Zoning Board, the Commission may, at its sole discretion, remand the application back to the Board, but is not required to do so.

(D) The Town Commission shall, following the conclusion of the public hearing, review the outline development plan application and either approve it as submitted, approve it with changes or special conditions, or disapprove it. The action taken by the Town Commission shall be by ordinance. The Town Commission may unilaterally extend the time for final action where the commission determines additional time is necessary to properly and completely review the outline development plan application.

(1) In the event approval is granted, the Town Commission shall, as part of its ordinance, specify the drawings, plan sheets, renderings, specifications, and form of performance and maintenance bonds that shall accompany an application for be considered part of the final approval.

(2) In the event approval is granted subject to changes or special conditions, the applicant shall, within 30 calendar days after receiving a copy of the ordinance of the Town Commission, notify the Town Commission in writing of ~~his~~ the applicant's acceptance or refusal of all the conditions. In the event the applicant refuses to accept all the conditions or fails to reply within 30 calendar days, the applicant shall be deemed to have withdrawn the plan. Nothing contained herein shall prevent the Town Commission and the applicant from mutually agreeing to a change in the conditions, or

an extension of the time during which the applicant shall notify the ~~€~~Town ~~€~~Commission of acceptance or refusal of the conditions.

~~(3) The €commission shall base its decision on competent, substantial evidence of record, but shall not be required to make written findings of fact to support approval or disapproval of an outline development plan application. The €commission's approval, approval with conditions or special conditions, or disapproval of an outline development plan application shall be based on the application, evidence and testimony presented in the public hearing, and the following standards: The grant of approval or disapproval by ordinance shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant of approval, with or without changes or special conditions, or for the disapproval, and the ordinance shall set forth with particularity in what respects the plan would not be in the public interest, including, but not limited to findings, of fact and conclusions as to the standards set forth in section 158.102 and on the following:~~

~~(a)In what respects the plan is or is not consistent with the statement of objectives of the planned unit development in Section 158.065 and the town's comprehensive plan.~~

~~(b)The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property.~~

~~(c)The purpose, location and amount of the common open space in the planned unit development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of development.~~

~~(d)The physical design of the plan and the manner in which the design ~~does or does not~~ makes adequate provision for public services, provides adequate control over vehicular traffic and parking, and furthers the amenities of light and air, recreation and visual enjoyment.~~

~~(e)The relationship, beneficial or adverse, of the proposed planned unit development to the neighborhood in which it is proposed to be established.~~

~~(f)In the case of a plan ~~which~~that proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the residents and owners of the planned unit development in the integrity of the plan.~~

~~(g)Departures from article IV of this chapter and section 158.102 which would otherwise be applicable to the planned unit development if the plan were not approved, and a statement of any existing hardship and/or clear and specific statement of how the code departures are necessary or desirable to accomplish one or more of the stated purposes of the planned unit development as set forth in section 158.065. For a planned unit development without an underlying zoning district (PD, GPD or NPD districts), departures shall be evaluated from the requirements of the zoning district most similar to the proposed project.~~

The departures from the standards of Article IV of this chapter and Section 158.102, which would otherwise be applicable to the planned unit development if the plan were not approved, whether the application for final site plan approval is concurrently filed or not. The ~~€~~Town ~~€~~Commission must find determine by competent, substantial evidence of record that the requested departures either meet or have no material adverse effect on the following criteria as deemed applicable to the request by the ~~€~~Town ~~€~~Commission:

i. Promote the most appropriate use of the land upon which the project is to be located, adequately protecting against adverse impacts to adjacent parcels and the surrounding area.

ii. Preserve or enhance the natural and scenic qualities of open areas or preserves a larger percentage of open space than required by the Zoning Code.

iii. Facilitate desirable infrastructure, storm water retention and public spaces, including, but not limited to, minimization of parking and maximization of understructure parking and parking waivers.

iv. Minimize Reduce traffic impacts or improve traffic circulation.

v. Enhance the project's character compatibility within the development and with adjacent developments.

vi. Allow the project to improve on-site amenities and recreational opportunities serving the development and the community.

vii. Allow the project to promote walkability, multimodal transportation, access to existing commercial, or proximity or connection to beach or bay accesses.

viii. In addition to the The criteria listed below shall apply to listed herein, applicants requesting building height departures shall also demonstrate the following:

a. The building setbacks as set forth in Section 158.145 are greater than that which is required by the Zoning Code.

b. There is adequate distance from other structures on the site and adjacent properties.

c. There is adequate distance from rights-of-way.

d. The requested additional height is appropriate in relation to the height of on- and off-site structures.

(h)The extent to which the plan provides for an effective and unified treatment of the development possibilities on the project site making appropriate provision for the preservation of scenic features and amenities of the site and the surrounding areas.

(i)If the plan is for land within the T-3, T-6, MUC-1, MUC-2, INS, OI, C-1, C-2, C-3, or M-1 district, lot coverage may exceed the standard lot coverage provided by Section 158.008145 by up to 10% to encourage flexibility in design and development without the requirement for a departure pursuant to subsection (g) above when three or more of the following conditions are met and public health, safety, comfort, order, appearance, convenience, and general welfare is preserved:

i. It promotes the most appropriate use of the land;

ii. It facilitates the adequate and economical provision of infrastructure and public spaces;

iii. It preserves or enhances the natural and scenic qualities of open areas; and

iv. It improves site qualities.

(j) If the plan is for property within the T-3, T-6, or MUC-1 district, building height may exceed the standard height provided by Section 158.008145 by one story at a maximum of 15 feet, and in the MUC-2 district the height for tourism buildings with tourism units may be a maximum of 12 stories at a maximum of 130 feet, and the height of other uses may be a maximum of eight stories at a maximum of 87 feet to encourage flexibility in design and development without the requirement for a departure pursuant to subsection (g) above when two or more of the following conditions are met and public health, safety, comfort, order, appearance, convenience, and general welfare is preserved:

i. It promotes the most appropriate use of the land;

ii. It facilitates the adequate and economical provision of infrastructure and public spaces;

iii. It preserves or enhances the natural and scenic qualities of open areas; and

iv. It improves site qualities.

~~(4) In the event an outline development plan is granted approval, with or without changes or special conditions, the Ttown Ccommission shall set forth in the ordinance the time within which an application for final site plan approval, or applications in the case of a phased development, of the plan shall be filed or, in the case of a plan which provides for development over a period of years, the periods of time within which applications for final approval of an outline development plan and an application for final approval shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall not be less than six months. However, nothing herein contained shall be construed to limit an applicant from the presentation of any application for final approval earlier than the time period herein set forth.~~

(E) Within seven days after the adoption of the ordinance provided for in subsection (D) above, it shall be certified by the town clerk and shall be filed in his office, and a certified copy shall be mailed to the applicant. Where approval of an outline development plan has been granted, the same shall be noted on the zoning map maintained in the office of the town clerk. An outline development plan upon approval and acceptance, as provided herein, is defined as running with the land; however, an applicant may apply for a revision to the outline development plan in accordance with the procedures for an original submission, review and approval. Approval of an outline development plan shall not qualify a plat of the planned unit development for recording purposes or authorize development or the issuance of any building permits. ~~Approval of an outline development plan, with or without changes or special conditions, shall represent the zoning of that area contained within the plan and shall apply to the land in a manner consistent with zoning unaffected by the sale or transfer of ownership of the land.~~ Upon approval and acceptance, if applicable, the town clerk shall file with the clerk of the court the outline development plan for recordation in the official records of the county in which the property is located.

(F) An application for final site plan approval (~~i.e., site development plan approval~~) may be for all the land included in an outline development plan, or to the extent set forth in the outline development plan approval, for a section thereof. The final site plan application shall include any drawings, plan sheets, renderings, specifications, covenants, easements, conditions, and form of performance and maintenance bonds as were set forth by ~~written resolution of the Ttown Ccommission~~ in the ordinance approving at the time of approval of the outline development plan and required by subsection 157.31(B). The submission, review and approval of an application for final approval shall be subject to the procedures and provisions of a site plan review as set forth within sections 158.095 through 158.103.

(G) An application for approval of a final site plan for a portion of or all of an outline development plan shall be in compliance with the approved outline development plan with respect to open space and lot, yard and bulk regulations. If the final site plan is not in compliance with the outline development plan, the applicant shall revise the final site plan, apply for a Site Plan Exemption, or amend the outline development plan through the outline development process provided herein, in order to achieve compliance.

~~A plan submitted for final approval of a portion of an outline development plan shall be deemed to be in substantial compliance with the outline development plan previously given approval provided any modification by the applicant does not change the maximum gross residential density, decrease the amount of open space, or change other provisions of the total planned unit development and any portion thereof does not do the following:~~

~~(1) Vary the proposed intensity of use by more than ten percent, however in no instance shall the overall intensity of use, as approved by the outline development plan, be increased.~~

~~(2) Involve a reduction of the area set aside for common open space, nor the substantial relocation of the area.~~

~~(3) Increase by more than five percent the floor area proposed for nonresidential use.~~

~~(4) Increase by more than five percent the total ground areas covered by buildings, nor involve a substantial change in the height of buildings.~~

~~(5) Require the modification of any buffers or screening of adjoining properties.~~

~~(H) The procedure for reviewing an outline development plan shall not be held on an application for final approval of a plan when the plan as submitted for final approval is in substantial compliance with the outline development plan. The burden shall nevertheless be on the applicant to show the town commission good cause for any variation between the plan as submitted for final approval and the outline development plan. If the application for final approval is in substantial compliance with the outline development plan the town shall not unreasonably withhold their approval provided that the provisions of sections 158.095 through 158.103 are complied with.~~

~~(H) An outline development plan or any part thereof which~~that~~ has been given final approval by the ~~€~~Town eCommission shall be so certified without delay by the town clerk and a record plan may be filed on record forthwith in the office of the appropriate county clerk in accordance with the state plat law or other applicable state statutes and chapter 157 before any development whatsoever shall take place in accordance therewith. Pending completion within five years of the planned unit development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of the outline development plan, or part thereof, as finally approved, shall be made, nor shall it be impaired by act of the town except with the consent of the applicant or successors.~~

~~(J) In the event that a plan, or a section thereof, is given final approval, the approval shall become null and void if:~~

~~(1) The applicant shall abandon the plan or the section thereof that has been finally approved, and shall so notify the town commission in writing; or~~

~~(2) The applicant shall fail to file a complete application for a building permit within 24 months of final approval and a building permit issued; or~~

~~(3) A final certificate of occupancy for all phases of the project has not been issued three years from the date set for receipt of an application for building permit for the final building or development phase of the project.~~

~~(K)The Town Commission shall approve the planned unit development only if it finds that the planned unit development satisfies all of the requirements as set forth in sections 158.095 through 158.103 and the following standards:~~

~~(1)The planned unit development shall be consistent in all respects with the regulations governing planned unit developments as set forth within this chapter.~~

~~(2)The planned unit development shall provide for an effective and unified treatment of the development possibilities on the project site making appropriate provision for the preservation of scenic features and amenities of the site and the surrounding areas.~~

~~(3)The planned unit development shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.~~

(1E) The planned unit development shall conform with chapter 157 and all applicable ordinances in respect to the design, construction and guarantee of completion and maintenance of all required physical improvements, including but not limited to, streets, drainage, water supply and sewage collection.

SECTION 8. Chapter 158, Section 158.070, *Residential density*, is hereby amended as follows:

158.070 Tourism and Residential density.

(A) Planned unit developments shall have densities no greater than that permitted for a PUD within the district in which it is located as shown below:

Districts	Maximum PUD Density
R-1IP	<u>0.75</u> dwelling unit/5 acres
R-1SF	<u>0.75</u> dwelling unit/acre
R-2SF	<u>1.50</u> dwelling units/acre
R-3SF	<u>2.25</u> dwelling units/acre
R-4SF	<u>3.00</u> dwelling units/acre
R-6SF	<u>4.50</u> dwelling units/acre
R-3MX	<u>2.25</u> dwelling units/acre
R-4MX	<u>3.00</u> dwelling units/acre
R-6MX	<u>4.50</u> dwelling units/acre
PD <u>MUC-1</u>	<u>3.26</u> dwelling units/acre
GPD <u>MUC-2</u>	<u>5.05</u> <u>tourism and</u> dwelling units/acre
NPD <u>MUC-3</u>	<u>11.26</u> dwelling units/acre
T-3	<u>2.25</u> <u>tourism and</u> dwelling units/acre
T-6	<u>4.50</u> <u>tourism and</u> dwelling units/acre

(B) In any event a planned unit development shall be consistent with the comprehensive plan for the town and the zoning district in which it is located in respect to design compatibility, use and height regulations.

SECTION 9. Chapter 158, Section 158.071, *Proposed land uses*, is hereby amended as follows:

158.071 Proposed land uses.

(A)(1) Proposed land uses shall not adversely affect surrounding development and shall be consistent with the town's comprehensive plan.

~~(2) Where mixed uses, residential and nonresidential, are proposed, nonresidential development may be permitted to occupy up to five percent of the gross area of the planned unit development, except that commercial uses shall not be permitted in a PUD overlay unless they are permitted uses within the underlying zoning district. Notwithstanding the foregoing, nonresidential development in the PD approved by Resolution 75-27, as amended, may be permitted to occupy up to 13.60 percent of the total land area of the PD and nonresidential development in the GPD approved by Resolution 76-7, as amended, may be permitted to occupy up to 15 percent of the total land area of the GPD.~~

~~(3) Outdoor recreation areas Recreational uses, as defined in Section 158.006, shall not be included in the computation of permitted nonresidential areas of a planned unit development, except that recreation buildings, as well as accessory buildings, land areas, driveways, and parking areas associated with such buildings shall be included in such computation.~~

(B) In cases where land proposed for a planned unit development, ~~or to be included within an existing planned unit development, and where the existing zoning districts comprising the land area of the proposed planned unit development are is zoned for both residential and nonresidential uses, the following will apply: a mix of residential and nonresidential land uses may be approved by the Town Commission through the outline development plan review process in order to achieve the purposes of the planned unit development as set forth herein.~~

~~(1) Nonresidential development may be permitted to occupy up to five percent of the gross area of the planned unit development except that the town commission may approve and require nonresidential development within a planned unit development in an amount up to 100 percent of the gross area with existing nonresidential zoning. Commercial uses shall not be permitted in a PUD overlay unless they are permitted uses within the underlying zoning district.~~

~~(2) Any land with an existing nonresidential zoning classification but not proposed and approved for a nonresidential use may be considered as residentially zoned at a minimum density at one dwelling unit per two acres to a maximum density of three dwelling units per acre. However, land area with an existing nonresidential zoning classification shall not acquire any residential density solely by its inclusion in a planned unit development.~~

(C) In cases where land is proposed for planned unit development and where the existing zoning district(s) comprising the entire land area of the planned unit development is nonresidential, a nonresidential planned unit development ~~overlay may be approved by the Town Commission through the outline development plan review process in order to achieve the purposes of the planned unit development as set forth herein~~ permitted so long as the proposed uses for the planned unit development are consistent with the permitted uses with site plan review, accessory uses and special exception uses of the underlying zoning district(s).

(D) Once development rights, whether residential or nonresidential, have been assigned to a parcel within a planned unit development, any subsequent request for new or additional residential or tourism density shall be considered a transfer of density under the governing resolutions and ordinances of the planned unit development which shall require amendment of the outline development plan for the planned unit development in accordance with the procedures of section 158.067. In no event shall

the average overall density of a planned unit development exceed the maximum average overall density set forth in this Code or the comprehensive plan for the planned unit development.

SECTION 10. Chapter 158, Section 158.097, *Application for site plan review*, subsection (V), is hereby amended as follows:

(V) If the project is in a planned unit development, utilizing the involuntary reconstruction provisions of section 158.139, or utilizing the voluntary reconstruction provisions of section 158.140, a statement specifically listing any departures, relaxations, modifications and adjustments from provisions of the Code of Ordinances which would otherwise be applicable to the project if the outline development plan process were not applicable. ~~If the project is in the GPD, PD or NPD district, departures should be based upon the requirements of a zoning district most similar to the use approved for the parcel being considered as determined by the town.~~

SECTION 11. Chapter 158, Section 158.125, *Schedule of use regulations*, is hereby amended for the PD, GPD, NPD, C-1, C-2, C-3, and M-1 zoning districts as adopted in Exhibit "A" attached herein.

SECTION 12. Chapter 158, Section 158.128, *Off-street parking*, subsection (D) is hereby amended as follows:

(D)*Number of spaces required.* An increase in the minimum number of required off-street parking spaces, with adequate provisions for ingress and egress, shall be provided before completion of the structure, or an increase in units or square footage, capacity, or seating, or before an approval for a change in use, in accordance with subsections (A) and (B) of this section and the schedule of off-street parking requirements, as prescribed below:

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Hotel, motel	1 per unit plus 50 percent of the parking spaces required for additional uses <u>associated with the hotel/motel</u> , including restaurants, and shops, recreational facilities, meeting centers, offices, spas, and fitness centers, <u>whether or not said additional uses are principal or accessory uses or structures or are located on the same parcel or lot as the hotel/motel.</u>
--------------	---

SECTION 13. Chapter 158, Section 158.128, *Off-street parking*, subsections (E) and (F) are hereby amended as follows:

(E) *Location of parking spaces and parking garages.* Parking spaces and parking garages for all uses or structures shall be located on the same lot or parcel, or on another lot or parcel within 600 feet having the same zoning set, ~~in accordance with subsection (F)~~ as the principal, additional, or accessory use or structure they are intended to serve ~~in accordance with subsection (F)~~, unless otherwise allowed by the provisions of this section. The connectivity of the off-site parking area shall be determined to be reasonable and safe prior to the approval of a site plan. Off-site

parking shall not be located on the opposite side of Gulf of Mexico Drive from the facility served by the parking.

(F) *Collective provision.*

(1) Multiple uses in a single building or development that cannot meet the criteria of the schedule of off-street parking in this section shall provide a minimum of 90 percent of the total off-street parking that would be required for each separate use.

(2) Owners or operators of two or more contiguous commercial buildings or uses of the same type of zoning classification requiring off-street parking facilities may make collective provision for the facilities, provided that the total of the parking spaces when combined or used together shall not be less than the sum of the requirements computed separately and provided that the combined facility is compatible with the zoning uses being served.

For the purposes of this subsection, the districts within each set below are defined as qualifying as the same type zoning classification:

Set 1:	C-1, Limited Commercial; C-2, General Commercial; C-3, Highway-Oriented Commercial; M-1, Marine Commercial Service; OI, Office/Institutional
Set 2:	INS, Community Facility Institutional
Set 3:	All Open Space Zoning Classifications
Set 4:	PDMUC-1 (Planned Development Mixed Use Community - Bay Isles); GPDMUC-2 (Gulf Planned Development Mixed Use Community - Islandside); NPDMUC-3 (Negotiated Planned Development Mixed Use Community - Promenade/Water Club)
Set 5:	T-3, Low-Medium Density Tourist Resort Commercial; and T-6, High Density Tourist Resort Commercial

SECTION 14. Chapter 158, Section 158.145, *Schedule of lot, yard and bulk regulations* is hereby amended for the O-I, INS, C-1, C-2, C-3, M-1, PD, OS-A, OS-P, OS-C, GPD, NPD, T-3 and T-6 zoning districts as adopted in Exhibit "B" attached herein.

SECTION 15. Chapter 158, Section 158.145, *Schedule of lot, yard and bulk regulations* is hereby amended to add footnote (i) to the schedule as adopted in Exhibit "B" attached herein.

SECTION 16. Chapter 158, Section 158.180, *Distribution of 250 tourism units*, subsection 158.180(B)(3), is hereby amended as follows:

(3) Tourism units under this section are allowed in residential districts as provided in subsection (B)(1) only and are not permitted in OS-A, OS-P, OS-C, ~~PDMUC-1~~, ~~NPDMUC-2~~ and ~~GPDMUC-3~~ zoning districts.

SECTION 17. Chapter 158, Section 158.200, *Personal wireless service facilities*, subsection 158.200(A)(1)(a), is hereby amended as follows:

(a) It is located on a rooftop, or on a rooftop antenna platform, the exterior of a building, or structure in the INS, R-3MX, R-4MX, R-6MX, ~~PDMUC-1~~, ~~GPDMUC-2~~, ~~NPDMUC-3~~, OI, C-1, C-2, C-3, M-1, T-3 or T-6 zoning districts.

SECTION 18. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 19. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 20. This Ordinance shall take effect upon second reading in accordance with Law and the Charter of the Town of Longboat Key.

Passed on the first reading and public hearing this _____ day of _____, 2012.

Adopted on the second reading and public hearing this _____ day of _____, 2012.

James L. Brown, Mayor

ATTEST:

Trish Granger, Town Clerk

- Exhibits: Exhibit A – Amendments to the table accompanying Section 158.125
Schedule of use regulations
Exhibit B – Amendments to the table accompanying Section 158.145
Schedule of lot, yard and bulk regulations

Exhibit "A"
Amendments to the table accompanying Section 158.125 Schedule of use regulations

158.125 Schedule of use regulations.

The restrictions and controls intended to regulate development in each zoning district are set forth in the schedule below and in the schedule in section 158.145, which are supplemented by other sections of this chapter.

DISTRICT (Maximum Gross Residential Density)	PURPOSE	PERMITTED USES WITHOUT SITE PLAN REVIEW	PERMITTED USES WITH SITE PLAN REVIEW	ACCESSORY USES	SPECIAL EXCEPTION USES
(PD) Planned Development District (MUC-1) Mixed Use Community – Bay Isles (3.26 D.U./A.)	The purpose of this district is to recognize an key area of the town approved by the Town Commission for a development with a mix of uses suitable for a planned unit development, and to provide for its submission and development in accordance with the town's Comprehensive Plan.	<ol style="list-style-type: none"> Essential services. Community residential homes with six or fewer residents plus staff. 	<ol style="list-style-type: none"> Planned unit development overlays (see §§ 158.065 through 158.071). Government buildings and services. Community residential homes. Personal wireless services rooftop antennas and building or structure mounted antennas. Uses allowed in the <u>MUC-1 district pursuant to §158.009(L).</u> 	<ol style="list-style-type: none"> Other accessory uses customarily incident to a use permitted with the plan review or special exception use. Private noncommercial dish antennas. 	<ol style="list-style-type: none"> Windwalls. Trellis, subject to the standards contained in § 158.152(J). Boat dock in excess of 500 square feet.

<p>(GPD) Gulf Planned Development District (MUC-2) Mixed Use Community - Islandside (5.05 D.U./A.)</p>	<p>The purpose of this district is to recognize an key area of the town approved by the Town Commission for a development with a mix of uses suitable for a planned unit development, and to provide for its submission and development in accordance with the town's Comprehensive Plan.</p>	<p>1. Essential services. 2. Community residential homes with six or fewer residents plus staff.</p>	<p>1. Planned unit development overlays (see §§ 158.065 through 158.071). 2. Community residential homes. 3. Personal wireless services rooftop antennas and building or structure mounted antennas. 4. Uses allowed in the MUC-2 district pursuant to §158.009(L).</p>	<p>1. Other accessory uses customarily incident to a use permitted with the plan review or special exception use. 2. Private noncommercial dish antennas.</p>	<p>1. Windwalls. 2. Trellis, subject to the standards contained in § 158.152(J). 3. Boat dock in excess of 500 square feet.</p>
<p>(NPD) Negotiated Planned Development District (MUC-3) Mixed Use Community - Promenade/Water Club (4-80 11.26 D.U./A.)</p>	<p>The purpose of this district is to recognize an key area of the town approved by the Town Commission for a development with a mix of uses suitable for a planned unit development, and to provide for its submission and development in accordance with the town's Comprehensive Plan and a negotiated</p>	<p>1. Essential services. 2. Community residential homes with six or fewer residents plus staff.</p>	<p>1. Planned unit development overlays (see §§ 158.065 through 158.071). 2. Community residential homes. 3. Personal wireless services rooftop antennas and building or structure mounted antennas. 4. Uses allowed in the MUC-3 district pursuant to §158.009(L).</p>	<p>1. Other accessory uses customarily incident to a use permitted with the plan review or special exception use. 2. Private noncommercial dish antennas.</p>	<p>1. Windwalls. 2. Trellis, subject to the standards contained in § 158.152(J). 3. Boat dock in excess of 500 square feet.</p>

(C-1) Limited Commercial District	transfer-of-density. The purpose of this district is to delineate those areas suitable for neighborhood-serving commercial and related uses.	1. Essential services.	1. Uses permitted with site plan review and special exception uses in OI districts. Residential uses are excluded. 2. Neighborhood convenience store. 3. Small limited-item shop and stores restricted to retail sales of convenience items and services including barber-beauty care and other personal services. 4. Small-scale drugstores and specialty shops. 5. Photography, art or music studios. 6. Youth recreation centers. 7. Florist shops. 8. Personal wireless services, rooftop antennas, and building or structure mounted antennas.	1. Off-street parking and loading. 2. One-dwelling units for use by owner, employee, or lessee which shall be attached to the principal structure. 3. Other accessory uses customarily incidental to use permitted with site plan review use or special exception use. 4. <u>3.</u> Private noncommercial dish antennas.	1. Restaurants (but no drive-in restaurants) including restaurants with lounges or outdoor dining (subject to the standards contained in §158.136). (Ord. 95-19, passed 1-8-96) 2. Grocery stores. 3. Continuing education centers. 4. <u>L</u> aundry and dry cleaning pickup stations. 5. Private non commercial dish antennas. 6. Windwalls. 7. Trellis, subject to the standards contained in §158.152(J). 8. Boat dock in excess of 500 square feet.
-----------------------------------	---	------------------------	--	--	--

<p>(C-2) General Commercial District</p>	<p>The purpose of this district is to delineate those areas suitable for general commercial and related uses.</p>	<p>1. Essential services.</p>	<p>1. Uses permitted with site plan review and special exception uses in O1 and C-1 districts. Residential uses are excluded. 2. General retail sales and services such as grocery stores, restaurants, including restaurants with lounges, laundry and dry cleaning pickup stations and small-scale tourist-oriented facilities. 3. Child-care services. 4. Personal wireless services, rooftop antennas, and building or structure mounted antennas.</p>	<p>1. Off-street parking and loading. 2. Other accessory uses customarily incidental to use permitted with site plan review use or special exception use. 3. Private noncommercial dish antennas.</p>	<p>1. Government buildings and services. 2. Lounges. 3. Windwalls. 4. Lawn and garden centers. 5. Trellis, subject to the standards contained in §158.152(J). 6. Boat dock in excess of 500 square feet.</p>
<p>(C-3) Highway Oriented Commercial District</p>	<p>The purpose of this district is to delineate those areas suitable for highway-oriented commercial and related uses.</p>	<p>1. Essential services.</p>	<p>1. Uses permitted with site plan review and special exception uses in O1, C-1 and C-2 districts. Residential uses are excluded. 2. Service stations and other minor retail sales, services and repairs oriented to the motoring public, excluding body repair and finishing. 3. Personal wireless services, rooftop antennas, and building or structure mounted antennas.</p>	<p>1. Off-street parking and loading. 2. Other accessory uses customarily incidental to use permitted with site plan review use or special exception use. 3. Private noncommercial dish antennas.</p>	<p>1. Hotel, motel accommodations, not exceeding three tourism units per acre. 2. Windwalls. 3. Trellis, subject to the standards contained in §158.152(J). 4. Boat dock in excess of 500 square feet.</p>

<p>(M-1) Marine Commercial Service District</p>	<p>The purpose of this district is to delineate those areas suitable for marine commercial services and related uses. Commercial passenger operations are excluded.</p>	<p>1. Essential services.</p>	<p>1. Uses permitted with site plan review and special exception uses in C-3 districts. Residential uses are excluded except as provided for as an accessory use. 2. Marina facilities including rental of wet storage, sale of marine fuels, boat or motor rental or maintenance, sale of bait and fishing equipment, and storage or dry-docking of boats. Boat construction is not a permitted use. 3. Other marine commercial services such as waterfront or marine – related specialty shops. 4. Charter fishing. 5. Personal wireless services, rooftop antennas, and building or structure mounted antennas.</p>	<p>1. Off-street parking and loading. 2. One dwelling unit or use by owner/employee or lessee, which shall be located on the same lot. 3. Other accessory uses customarily incidental to a use permitted with site plan review or special exception use. 4. Privilege-Private noncommercial dish antennas.</p>	<p>1. Windwalls. 2. Trellis, subject to the standards contained in §158.152(J). 3. Boat dock in excess of 500 square feet.</p>
---	---	-------------------------------	--	--	--

Exhibit "B"
Amendments to the table accompanying Section 158.145 Schedule of lot, yard and bulk regulations

District Uses	LOT				YARD				BULK*(i)		
	Min. Area (sq. ft.)	Min. Width (feet)	Min. Depth (feet)	Max. Gross Res. Den.	Min. Street (feet)	Min. Side Yard (both/one, feet)	Min. Rear (feet)	Min. Floor Area *(d) (sq. ft.)	Max. Height (stories/feet)	Max. Coverage (percent)	
O-I	20,000	100	150	N.A.	45	40/15	20	N.A.	2/30	30 (40 with PUD/ODP)	
INS	20,000	100	150	N.A.	45	40/15	20	N.A.	2/30	30 (40 with PUD/ODP)	
C-1	10,000	75	125	N.A.	45	15/15*(b)	20	N.A.	2/30	30 (40 with PUD/ODP)	
C-2	30,000	150	200	N.A.	35	50/20*(b)	25	N.A.	3/40	30 (40 with PUD/ODP)	
C-3*(f)	30,000	150	175	N.A.	35	50/20*(b)	25	N.A.	3/40	40 (50 with PUD/ODP)	
M-1	30,000	150	175	N.A. 1 accessory du located on the same lot	45	50/20*(b)	25	N.A.	2/30	40 (50 with PUD/ODP)	
PD	See §§ 158.065 through 158.071 for standards			3-26	See §§ 158.065 through 158.071 for standards			According to use herein permitted	*(g)	30*(e)	
OS-A	N.A.	N.A.	N.A.	N.A.	45	40/15	20	N.A.	2/30	30	
OS-P	N.A.	N.A.	N.A.	N.A.	45	40/15	20	N.A.	1/15	15	

OS-C	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	0
GPD	See §§ 158.065 through 158.071 for standards	See §§ 158.065 through 158.071 for standards	5.05	See §§ 158.065 through 158.071 for standards	See §§ 158.065 through 158.071 for standards	See §§ 158.065 through 158.071 for standards	According to use herein permitted	*(g)	30*(e)	
NPD	See §§ 158.065 through 158.071 for standards	See §§ 158.065 through 158.071 for standards	11.26	See §§ 158.065 through 158.071 for standards	See §§ 158.065 through 158.071 for standards	See §§ 158.065 through 158.071 for standards	According to use herein permitted	*(g)	30	
MUC-1	*(g)	*(g)	3.26	*(g)	*(g)	*(g)	*(g)	4/50 (5/65 with PUD/ODP)	30*(e) (40 with PUD/ODP)	
MUC-2	*(g)	*(g)	5.05	*(g)	*(g)	*(g)	*(g)	4/50 (12/130 for tourism units and 8/87 for other with PUD/ODP)	30*(e) (40 with PUD/ODP)	
MUC-3	*(g)	*(g)	11.26	*(g)	*(g)	*(g)	*(g)	4/50 (10/120 with PUD/ODP)	30*(e)	
T-3 Multifamily	25,000	100	3	40	35/15	25	750/ bedroom D.U. and 250 each additional bedroom	3/40 (4/55 with PUD/ODP)	25 (35 with PUD/ODP)	
Tourism Unit (including time-share)	40,000	150	3	45	50/20	25	300/ bedroom D.U. and	3/40 (4/55 with PUD/ODP)	25 (35 with PUD/ODP)	

<u>Tourism unit)</u> Time-share tourism-unit	40,000	150	250	3	45	50/20	25	125 each additional bedroom 300/ bedroom D.U. and 125 each additional bedroom	3/40	25
T-6 Multifamily	30,000	150	150	6	50	80/30	30	750/ bedroom D.U. and 250 each additional bedroom	4/50 (5/65 with <u>PUD/ODP</u>)	30 (40 with <u>PUD/ODP</u>)
Tourism Unit (including <u>time-share Tourism unit)</u>	55,000	175	300	6	50	80/30	30	300/ bedroom D.U. and 125 each additional bedroom	4/50 (5/65 with <u>PUD/ODP</u>)	30 (40 with <u>PUD/ODP</u>)
Time-share tourism-unit	55,000	175	300	6	50	80/30	30	300/ bedroom D.U. and 125 each additional bedroom	4/50	30

(i) Pursuant to Section 158.067(D)(3)(i) and (j), additional lot coverage and height may be authorized through the Outline Development Plan approval process.

ORDINANCE 2012-08

AN ORDINANCE AMENDING CHAPTER 158, THE ZONING CODE, OF THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY, FLORIDA; AMENDING SECTION 158.006 *DEFINITIONS*; AMENDING SECTION 158.008, *ESTABLISHMENT OF DISTRICTS*; AMENDING SECTION 158.009, *DESCRIPTION OF DISTRICTS AND DISTRICT POLICIES*; AMENDING SECTION 158.065, *PURPOSE*; AMENDING SECTION 158.066, *PREAPPLICATION CONFERENCE*; AMENDING SECTION 158.067, *REVIEW AND APPROVAL PROCEDURE*; 158.070, *RESIDENTIAL DENSITY*; AMENDING SECTION 158.071, *PROPOSED LAND USES*; AMENDING SECTION 158.097, *APPLICATION FOR SITE PLAN APPROVAL*; AMENDING SECTION 158.125, *SCHEDULE OF USE REGULATIONS*; AMENDING SECTION 158.128, *OFF-STREET PARKING*; AMENDING SECTION 158.145, *SCHEDULE OF LOT, YARD AND BULK REGULATIONS*; AMENDING SECTION 158.180, *DISTRIBUTION OF 250 TOURISM UNITS*; AMENDING SECTION 158.200, *PERSONAL WIRELESS SERVICE FACILITIES*; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key ("Town") adopted amendments to its Comprehensive Plan on August 10, 2011; and

WHEREAS, the Town has determined that amendments to the Zoning Code are needed to maintain consistency with the Comprehensive Plan and to provide additional clarity for the planned unit development review and approval process, as well as to correct any misunderstanding of the intent and meaning of the Zoning Code with respect to those matters in which the Town's interpretation and application was not followed in the Order Granting Petition for Writ of Certiorari issued in Islandside Property Owners Coalition, LLC, et al. v. Town of Longboat Key, et al.; and

WHEREAS, after review of the sections and subsections within Chapter 158 *Zoning Code*, it was determined that amendments were necessary to Sections 158.006, 158.008, 158.009, 158.065, 158.066, 158.067, 158.070, 158.071, 158.097, 158.125, 158.128, 158.145, 158,180, and 158.200; and

WHEREAS, the Planning and Zoning Board finds that the subject Zoning Code amendments are consistent with the Town's existing Comprehensive Plan; and

WHEREAS, at a duly noticed public hearing on May 1, 2012, the Planning and Zoning Board recommended that the Town Commission approve the Zoning Code amendments; and

WHEREAS, the Town Commission of the Town of Longboat Key, at duly noticed public hearings on June 4, 2012, and on July 2, 2012, considered the proposed Zoning Code amendments as recommended by the Planning and Zoning Board; and

WHEREAS, the Town has received and considered comments from the public;
and

WHEREAS, the Town Commission of the Town of Longboat Key, after review of the recommendations of the Planning and Zoning Board, comments made at public hearings, and careful consideration of the issues, finds that the proposed Zoning Code amendments are consistent with the existing Comprehensive Plan and are in the best interest of the health, safety, and welfare of the citizens of Longboat Key.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. Chapter 158, *Zoning Code*, Article I *General Regulations*, Section 158.006, *Definitions*, is hereby amended to add the following as additional defined terms:

“Additional Use”. The use of land, water, or buildings and structures or a portion thereof, independent of but directly related to another permitted use. An additional use is not an accessory use.

“Nonresidential Use”. The use of land, water, or buildings and structures or a portion thereof, for anything other than a residential use, including, but not limited to, tourism, commercial, office, recreational, and institutional uses, together with facilities to support the uses including parking lots, parking garages and utility, storage and maintenance buildings.

“Recreational Use”. The use of land, water, or buildings and structures or a portion thereof, for active or passive recreational purposes either public or private. Recreational uses may also include structures and improvements designed to support recreational activities such as clubhouses, netting, screens, parking lots, parking garages, and utility, storage, and maintenance buildings. A recreational use may be an accessory or additional use to residential or nonresidential uses depending on the manner in which it is primarily used and approved.

SECTION 3. Chapter 158, Section 158.008, *Establishment of districts*, is hereby amended as follows:

158.008 - Establishment of districts.

For the purpose of protecting, promoting and improving the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the community, the town is hereby divided into the following types of districts.

DISTRICT TYPE (MAXIMUM ALLOWABLE DENSITY) ¹	
OS	Open Space District (0 U./A.)
INS	Community Facility Institutional District (0 U./A.)
R-1IP	Island Preserve Residential District (1 D.U./5A)
R-1SF	Single-Family Low-Density Estate Residential District (1 D.U./A.)
R-2SF	Single-Family Low-Density Residential District (2 D.U./A.)
R-3SF	Single-Family Low-Medium-Density Residential District (3 D.U./A.)
R-4SF	Single-Family Medium-Density Residential District (4 D.U./A.)
R-6SF	Single-Family High-Density Residential District (6 D.U./A.)
R-3MX	Low-Medium-Density Mixed Residential District (3 D.U./A.)
R-4MX	Medium-Density Mixed Residential District (4 D.U./A.)
R-6MX	High-Density Mixed Residential District (6 D.U./A.)
MUC-1	Mixed Use Community- Bay Isles (3.26 D.U./A.)
MUC-2	Mixed Use Community- Islandside (5.05 U./A.)
MUC-3	Mixed Use Community- Promenade/Water Club (11.26 D.U./A.)
OI	Office-Institutional District (0 U./A.)
C-1	Limited Commercial District (0 U./A.)
C-2	General Commercial District (0 U./A.)
C-3	Highway-Oriented Commercial District (3 tourism U./A.)
M-1	Marine Commercial Service District (1 accessory D.U. located on the same lot)
T-3	Low-Medium-Density Tourist Resort Commercial District (3 U./A.)
T-6	High-Density Tourist Resort Commercial District (6 U./A.)

Notes:

¹ Dwelling units per acre (du/ac) refers to residential units; units per acre (u/ac) include both tourism units and residential units.

SECTION 4. Chapter 158, Section 158.009, *Description of districts and district policies*, subsection (L) is hereby amended as follows:

(L) Mixed Use Community - Bay Isles (MUC-1), Mixed Use Community - Islandside (MUC-2), and Mixed Use Community - Promenade/Water Club (MUC-3). Allows a mix of residential and nonresidential uses in planned communities developed through the planned unit development procedures and standards contained in Section 158.065 through 158.071. Notwithstanding the terms of any other section of this Zoning Code related to the calculation of density for residential or tourism uses, in each MUC density is calculated on the basis of the average overall density of tourism and dwelling units per acre of all property included in the respective MUC, including recreational areas, open space areas, road rights-of-way, wetland areas and other nonresidential lands. Clustered development patterns are encouraged and thus the density of separate parcels within each MUC may exceed the average overall density of the MUC. Provided the total amount of nonresidential development does not exceed the maximums stated herein, designated nonresidential development may be relocated to

other sites within the planned unit development and the types of approved nonresidential uses may be changed to other nonresidential uses. No boundary of any existing MUC shall be expanded to include additional lands unless contiguous to the boundaries of the MUC as it existed on December 31, 2010. Redevelopment may occur up to the maximum densities authorized for each MUC and consistent with the public health, safety and welfare, quality design, expanded recreational and open space amenities, and adequate public infrastructure and services. Within the acreage allocated for nonresidential uses, additional lot coverage and height may be authorized pursuant to Section 158.067(D)(3)(i) and (j).

A minimum of 50% of the total property within the MUC shall be maintained in open space. Acreage for recreational uses is not limited. The mix of uses within the boundaries of each MUC, as calculated prior to the application of the 50% open space requirement, is allocated as follows:

(1) Mixed Use Community – Bay Isles (MUC-1). This category encompasses the Bay Isles community approved by Resolution 75-27 as it has been and may be amended from time to time. Average overall density within the boundaries of the MUC-1 shall not exceed 3.26 dwelling units per acre.

<u>Use</u>	<u>Maximum Percent of Total Property Within MUC-1</u>
Residential	37%
Tourism (units and associated resort/tourism uses)	0%
Commercial/Office	4%
Institutional	2.5%

(2) Mixed Use Community – Islandside (MUC-2). This category encompasses the Islandside community approved by Resolution 76-7 as it has been and may be amended from time to time. Average overall density within the boundaries of the MUC-2 shall not exceed 5.05 units per acre.

<u>Use</u>	<u>Maximum Percent of Total Property Within MUC-2</u>
Residential	33%
Tourism (units and associated resort/tourism uses)	12%
Commercial/Office	1.5%
Institutional	0%

(3) Mixed Use Community – Promenade/Water Club (MUC-3). This category encompasses the Promenade/Water Club communities approved by Resolution 81-8, as it has been and may be amended from time to time. Average overall density within the boundaries of the MUC-3 shall not exceed 11.26 dwelling units per acre.

<u>Use</u>	<u>Maximum Percent of Total Property Within MUC-3</u>
Residential	100%
Tourism	0%

Commercial/Office
Institutional

0%
0%

SECTION 5. Chapter 158, Section 158.065, *Purpose*, is hereby amended as follows:

158.065 Purpose.

The purpose of planned unit development (PUD) regulations is to: encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economical provision of streets, utilities, and public spaces; and to preserve the natural and scenic qualities of open areas. The PUD application review and approval procedure is intended to permit diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety, comfort, order, appearance, convenience, morals and general welfare, both in the use and occupancy of buildings and facilities in planned groups. A PUD is approved through the adoption of an outline development plan (ODP), which may be subsequently amended.

SECTION 6. Chapter 158, Section 158.066, *Preapplication conference*, is hereby amended as follows:

158.066 Preapplication conference.

In order to expedite the review of a proposed planned unit development, coordinate its local review in respect to the provisions of this chapter with the necessary county, state, and federal agency reviews, and to inform the town of a planned unit development in preparation, one or more preapplication conferences between the applicant and the planning and zoning official is required. The preapplication conference, while informal, will serve several purposes and focus on the following items:

(A) To inform the town of any planned unit development plans in progress together with the scale and character of the plan so that the town may recognize the proposed development in any of its physical or facility planning for the entire town.

(B) To inform the applicant of the town's informal response as to the scale and character of the proposed development and to alert the applicant to any specific areas of concern that the town may have for that specific site or proposed plan.

(C) To clarify and inform the applicant in respect to the outline development plan approval procedure and submission requirements, including an anticipated application time and review period as specifically set forth in section 158.067.

(D) To enable the applicant to inform the town of the requirements, procedure, and status of the various county, state and federal agency reviews.

SECTION 7. Chapter 158, Section 158.067, *Review and approval procedure*, is hereby amended as follows:

158.067 Review and approval procedure.

(A) Planned unit developments are a permitted use with review, and shall be subject to the approval of the town commission after review and recommendation by the

Planning and Zoning Board and after public hearings are held by the town commission in accordance with law.

(B) In order to provide an expeditious method for processing an outline development plan application for a planned unit development, under the terms of this chapter, it is hereby declared to be in the public interest that all procedures with respect to the approval or disapproval of a plan for a planned unit development, and the continuing administration thereof, shall be consistent with the following provisions:

(1) An application for an outline development plan for a planned unit development, including full payment of an application fee as set forth by resolution of the town commission, shall be filed and signed by or on behalf of the landowner by an authorized agent, with the planning and zoning official. The purpose of the outline development plan is to provide the town with information with respect to the type, character, scale, and intensity of development as well as the time phasing of the proposed planned unit development in order for the town to evaluate the impact of the development to the town. Any application for outline development approval shall be submitted on a form provided by the town and in addition shall include at a minimum the following information, unless the planning and zoning official determines that one or more of the following elements do not apply to the particular application:

(a) The relationship of the site to existing development in the area, including streets, utilities, residential and commercial development, and important physical features in and adjoining the project, including ecological features.

(b) The approximate location and dimensions of all boundary lines of the development, and of any contiguous lands, including those separated only by a street, canal or similar feature, in which the developer or property owner presently has any legal interest.

(c) Verified statement, including a certificate of ownership, showing each and every individual person having a legal ownership interest in the subject property except publicly held corporations whose stock is traded on a nationally recognized stock exchange, in which case the name and address of the corporation and principal executive officers will be sufficient.

(d) The approximate location, nature and extent of all existing easements, streets, buildings, land uses, zoning, tree groupings, watercourses and topographic contours (i.e., at six-inch intervals with reference to mean sea level), on the site; the existing zoning and land use for all contiguous property; and flood protection elevation data and flood zones delineated, if applicable.

(e) Tabulations by acreage and percentage as to the amount of the site that is uplands and wetlands, indicating those wetlands landward and seaward of the mean high-water line (MHWL). Additional related information shall include the extent and type of wetlands in accordance with the town's comprehensive plan.

(f) The approximate locations, intensity and acreages of general land uses (proposed), including dwelling types and general types of nonresidential uses, open spaces, recreational facilities and other proposed uses.

(g) A traffic impact analysis shall be provided, except for voluntary reconstruction without additional units, to ensure that the adopted level of service standards are not exceeded before capacity-related improvements are implemented. A circulation facilities plan indicating approximate locations and types of proposed streets, bicycle paths, pedestrian walks, and emergency vehicle access points, including all curb cuts, driveways, off-street parking and loading areas and off-street vehicular surfaces available for maneuvering shall be provided.

(h) Total project acreage and proposed densities for each tourism and dwelling unit type and total number of tourism and dwelling units by type.

(i) Floor area ratios for all land uses and approximate square footage of gross area for all nonresidential buildings by general type (e.g., offices, limited commercial, etc.). Compliance with the floor area ratio provisions of section 158.102(C) shall be demonstrated.

(j) Proposed development schedule indicating approximate starting and completion dates for the entire project and any phases thereof, together with appropriate identification and description of such phases.

(k) Such additional data, maps, plans or statements as may be required for the particular uses or activity involved.

(l) Such additional data, as the applicant may believe is pertinent to the development plan.

(m) Such additional material and information the town may reasonably require.

(n) A written statement by the landowner or any other entity having a cognizable interest in the land, describing fully the character and intended use of the planned unit development and setting forth the reasons why, in his opinion, a planned unit development would be in the public interest and would be consistent with the town's statement of purposes on planned unit development.

(o) A statement specifically indicating departures from article IV of this chapter and section 158.102, and a statement of any existing hardship and/or clear and specific statement of how the code departures are necessary or desirable to accomplish one or more of the stated purposes of the planned unit development as set forth in section 158.065.

(p) Applications for voluntary reconstruction of nonconformities shall include a statement specifically indicating modifications and adjustments from the requirements of this Code of Ordinances which would otherwise be applicable to the project if voluntary reconstruction were not granted by the town and a clear and specific statement of any hardship which might exist making the modifications and adjustments from the Code necessary or a clear and specific statement of how the modifications and adjustments are necessary or desirable to accomplish one or more of the stated purposes of the voluntary reconstruction ordinance as set forth in section 158.140.

(2) The application for an outline development plan of a planned unit development shall be filed with the Planning and Zoning Official. The applicant may concurrently file an application for site plan approval. If filed, the application for site plan approval shall be processed in accordance with Article III, Division 2, herein. Upon receipt of the application the Planning and Zoning Official shall review the application to determine its appropriateness and completeness and accept or reject it in writing. Upon acceptance of the application, the town's administrative staff shall refer the application, together with all supporting documentation and a staff report, to the Planning and Zoning Board for its review and recommendations. The Planning and Zoning Board and town commission shall not receive, review, make recommendations or act on applications for outline development plan approval except during the town's annual site and development plan season. For purposes of this chapter, the annual site and development plan season shall include the months of September, October, November, December, January, February, March, April, May and June of each year. For purposes of calculating the required processing times set forth in this section for the Planning and Zoning Board and the town commission, the period of time from July 1 through August

31 shall not be counted in said computation. Upon receipt of the application from the Planning and Zoning Official, the Planning and Zoning Board shall review the outline development plan and make recommendations to the town commission. The Planning and Zoning Board shall base its recommendations on competent, substantial evidence of record, but shall not be required to make written findings of fact to support its decision. The board shall recommend approval of the application as submitted, approval of the application with changes or special conditions, or disapproval of the application. The determination and recommendations of the Planning and Zoning Board shall be advisory only and shall not be binding upon the town commission. For purposes of this section the Planning and Zoning Board shall receive an outline development plan application from the Planning and Zoning Official at the board's next regular meeting where a quorum is present following the Planning and Zoning Official's submittal of the application to the board. The Planning and Zoning Board is specifically authorized to continue its deliberations, request additional materials and elicit expert testimony to aid in its deliberations.

(C) A public hearing on the planned unit development application shall be held by the town commission upon the commission's receipt of the application from the Planning and Zoning Board, public notice of which shall be given in accordance with the provisions of the Charter and this chapter. For purposes of this section, the town commission shall receive an outline development plan application from the Planning and Zoning Board at the commission's next regular meeting where a quorum is present, following the submittal of the board's action on the application to the commission. A transcript of the hearing may be caused to be made by the town commission at the cost of the applicant, copies of which shall be made available at cost to any party to the proceedings; and all exhibits accepted in evidence shall be identified and duly preserved, or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record. During the review process, the Town may retain consultants to assist in the review of an outline development plan. The cost of retaining the consultants shall be borne by the applicant. The town commission is specifically authorized to continue its deliberations, request additional materials and elicit expert testimony to aid in its deliberations, and may, at its sole discretion, remand the application to the Planning and Zoning Board for additional hearing and consideration. If changes are made to the application, accompanying plans or conditions of approval after review by the Planning and Zoning Board, the town commission may, at its sole discretion, remand the application back to the board, but is not required to do so.

(D) The town commission shall, following the conclusion of the public hearing, review the outline development plan application and either approve it as submitted, approve it with changes or special conditions, or disapprove it. The action taken by the town commission shall be by ordinance. The town commission may unilaterally extend the time for final action where the commission determines additional time is necessary to properly and completely review the outline development plan application.

(1) In the event approval is granted, the town commission shall, as part of its ordinance, specify the drawings, plan sheets, renderings, specifications, and form of performance and maintenance bonds that shall be considered part of the final approval.

(2) In the event approval is granted subject to changes or special conditions, the applicant shall, within 30 calendar days after receiving a copy of the ordinance of the town commission, notify the town commission in writing of the applicant's acceptance or refusal of all the conditions. In the event the applicant refuses

to accept all the conditions or fails to reply within 30 calendar days, the applicant shall be deemed to have withdrawn the plan. Nothing contained herein shall prevent the town commission and the applicant from mutually agreeing to a change in the conditions, or an extension of the time during which the applicant shall notify the town commission of acceptance or refusal of the conditions.

(3) The town commission shall base its decision on competent, substantial evidence of record, but shall not be required to make written findings of fact to support approval or disapproval of an outline development plan application. The commission's approval, approval with conditions or special conditions, or disapproval of an outline development plan application shall be based on the application, evidence and testimony presented in the public hearing, and the following standards:

(a) In what respects the plan is or is not consistent with the statement of objectives of the planned unit development in Section 158.065 and the town's comprehensive plan.

(b) The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property.

(c) The purpose, location and amount of common open space in the planned unit development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of development.

(d) The physical design of the plan and the manner in which the design makes adequate provision for public services, provides adequate control over vehicular traffic and parking, and furthers the amenities of light and air, recreation and visual enjoyment.

(e) The relationship, beneficial or adverse, of the proposed planned unit development to the neighborhood in which it is proposed to be established.

(f) In the case of a plan that proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the residents and owners of the planned unit development in the integrity of the plan.

(g) The departures from the standards of Article IV of this chapter and Section 158.102, which would otherwise be applicable to the planned unit development if the plan were not approved, whether the application for final site plan approval is concurrently filed or not. The town commission must determine by competent, substantial evidence of record that the requested departures either meet or have no material adverse effect upon the following criteria as deemed applicable to the request by the town commission:

i. Promote the most appropriate use of the land upon which the project is to be located, adequately protecting against adverse impacts to adjacent parcels and the surrounding area.

ii. Preserve or enhance the natural and scenic qualities of open areas or preserves a larger percentage of open space than required by the Zoning Code.

iii. Facilitate desirable infrastructure, storm water retention and public spaces

iv. Reduce traffic impacts or improve traffic circulation.

v. Enhance the project's character compatibility within the development and with adjacent developments.

vi. Allow the project to improve on-site amenities and recreational opportunities serving the development and the community.

vii. Allow the project to promote walkability, multimodal transportation, access to existing commercial, or proximity or connection to beach or bay accesses.

viii. The criteria listed below shall apply to applicants requesting building height departures:

a. The building setbacks as set forth in Section 158.145 are greater than that which is required by the Zoning Code.

b. There is adequate distance from other structures on the site and adjacent properties.

c. There is adequate distance from rights-of-way.

d. The requested additional height is appropriate in relation to the height of on- and off-site structures.

(e) The extent to which the plan provides for an effective and unified treatment of the development possibilities on the project site making appropriate provision for the preservation of scenic features and amenities of the site and the surrounding areas.

(i) If the plan is for land within the T-3, T-6, MUC-1, MUC-2, INS, OI, C-1, C-2, C-3, or M-1 district, lot coverage may exceed the standard lot coverage provided by Section 158.145 by up to 10% to encourage flexibility in design and development without the requirement for a departure pursuant to subsection (g) above when three or more of the following conditions are met and public health, safety, comfort, order, appearance, convenience, and general welfare is preserved:

i. It promotes the most appropriate use of the land;

ii. It facilitates the adequate and economical provision of infrastructure and public spaces;

iii. It preserves or enhances the natural and scenic qualities of open areas; and

iv. It improves site qualities.

(j) If the plan is for property within the T-3, T-6, or MUC-1 district, building height may exceed the standard height provided by Section 158.145 by one story at a maximum of 15 feet, and in the MUC-2 district the height for buildings with tourism units may be a maximum of 12 stories at a maximum of 130 feet, and the height of other uses may be a maximum of eight stories at a maximum of 87 feet to encourage flexibility in design and development without the requirement for a departure pursuant to subsection (g) above when two or more of the following conditions are met and public health, safety, comfort, order, appearance, convenience, and general welfare is preserved:

i. It promotes the most appropriate use of the land;

ii. It facilitates the adequate and economical provision of infrastructure and public spaces;

iii. It preserves or enhances the natural and scenic qualities of open areas; and

iv. It improves site qualities.

(4) In the event an outline development plan is granted approval, the town commission shall set forth in the ordinance the time within which an application for final site plan approval, or applications in the case of a phased development, shall be filed.

(E) Within seven days after the adoption of the ordinance provided for in subsection (D) above, it shall be certified by the town clerk and shall be filed in his office, and a certified copy shall be mailed to the applicant. Where approval of an outline development plan has been granted, the same shall be noted on the zoning map

maintained in the office of the town clerk. An outline development plan upon approval and acceptance, as provided herein, is defined as running with the land; however, an applicant may apply for a revision to the outline development plan in accordance with the procedures for an original submission, review and approval. Approval of an outline development plan shall not qualify a plat of the planned unit development for recording purposes or authorize development or the issuance of any building permits. Upon approval and acceptance, if applicable, the town clerk shall file with the clerk of the court the outline development plan for recordation in the official records of the county in which the property is located.

(F) An application for final site plan approval may be for all the land included in an outline development plan, or to the extent set forth in the outline development plan approval, for a section thereof. The final site plan application shall include any drawings, plan sheets, renderings, specifications, covenants, easements, conditions, and form of performance and maintenance bonds as were set forth by the town commission in the ordinance approving the outline development plan and required by subsection 157.31(B). The submission, review and approval of an application for final approval shall be subject to the procedures and provisions of a site plan review as set forth within sections 158.095 through 158.103.

(G) An application for approval of a final site plan for a portion of or all of an outline development plan shall be in compliance with the approved outline development plan with respect to open space and lot, yard and bulk regulations. If the final site plan is not in compliance, the applicant shall revise the final site plan, apply for a Site Plan Exemption, or amend the outline development plan through the outline development process provided herein, in order to achieve compliance.

(H) An outline development plan or any part thereof that has been given final approval by the town commission shall be so certified without delay by the town clerk and a record plan may be filed on record forthwith in the office of the appropriate county clerk in accordance with the state plat law or other applicable state statutes and chapter 157 before any development whatsoever shall take place in accordance therewith. Pending completion within five years of the planned unit development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of the outline development plan, or part thereof, as finally approved, shall be made, nor shall it be impaired by act of the town except with the consent of the applicant or successors.

(I) The planned unit development shall conform with chapter 157 and all applicable ordinances in respect to the design, construction and guarantee of completion and maintenance of all required physical improvements, including but not limited to, streets, drainage, water supply and sewage collection.

Section 8. Chapter 158, Section 158.070, *Residential density*, is hereby amended as follows:

158.070 Tourism and Residential density.

(A) Planned unit developments shall have densities no greater than that permitted for a PUD within the district in which it is located as shown below:

Districts	Maximum PUD Density
R-1IP	0.75 dwelling unit/5 acres
R-1SF	0.75 dwelling unit/acre
R-2SF	1.50 dwelling units/acre
R-3SF	2.25 dwelling units/acre
R-4SF	3.00 dwelling units/acre
R-6SF	4.50 dwelling units/acre
R-3MX	2.25 dwelling units/acre
R-4MX	3.00 dwelling units/acre
R-6MX	4.50 dwelling units/acre
MUC-1	3.26 dwelling units/acre
MUC-2	5.05 tourism and dwelling units/acre
MUC-3	11.26 dwelling units/acre
T-3	2.25 tourism and dwelling units/acre
T-6	4.50 tourism and dwelling units/acre

(B) In any event a planned unit development shall be consistent with the comprehensive plan for the town and the zoning district in which it is located in respect to design compatibility, use and height regulations.

Section 9. Chapter 158, Section 158.071, *Proposed land uses*, is hereby amended as follows:

158.071 Proposed land uses.

(A)(1) Proposed land uses shall not adversely affect surrounding development and shall be consistent with the town's comprehensive plan.

(2) Recreational uses, as defined in Section 158.006, shall not be included in the computation of permitted nonresidential areas of a planned unit development.

(B) In cases where land proposed for a planned unit development is zoned for both residential and nonresidential uses, a mix of residential and nonresidential land uses may be approved by the town commission through the outline development plan review process in order to achieve the purposes of the planned unit development as set forth herein.

(C) In cases where land is proposed for planned unit development and where the existing zoning district(s) comprising the entire land area of the planned unit development is nonresidential, a nonresidential planned unit development may be approved by the town commission through the outline development plan review process in order to achieve the purposes of the planned unit development as set forth herein.

(D) Once development rights, whether residential or nonresidential, have been assigned to a parcel within a planned unit development, any subsequent request for new or additional residential or tourism density shall be considered a transfer of density under the governing resolutions and ordinances of the planned unit development which shall require amendment of the outline development plan for the planned unit

development in accordance with the procedures of section 158.067. In no event shall the average overall density of a planned unit development exceed the maximum average overall density set forth in this Code or the comprehensive plan for the planned unit development.

Section 10. Chapter 158, Section 158.097, *Application for site plan review*, subsection (V), is hereby amended as follows:

(V) If the project is in a planned unit development, utilizing the involuntary reconstruction provisions of section 158.139, or utilizing the voluntary reconstruction provisions of section 158.140, a statement specifically listing any departures, relaxations, modifications and adjustments from provisions of the Code of Ordinances which would otherwise be applicable to the project if the outline development plan process were not applicable.

Section 11. Chapter 158, Section 158.125, *Schedule of use regulations*, is hereby amended for the PD, GPD, NPD, C-1, C-2, C-3, and M-1 zoning districts as adopted in Exhibit "A" attached herein.

Section 12. Chapter 158, Section 158.128, *Off-street parking*, subsection (D) is hereby amended as follows:

(D) *Number of spaces required.* An increase in the minimum number of required off-street parking spaces, with adequate provisions for ingress and egress, shall be provided before completion of the structure, or an increase in units or square footage, capacity, or seating, or before an approval for a change in use, in accordance with subsections (A) and (B) of this section and the schedule of off-street parking requirements, as prescribed below:

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Hotel, motel	1 per unit plus 50 percent of the parking spaces required for additional uses associated with the hotel/motel, including restaurants, shops, recreational facilities, meeting centers, offices, spas, and fitness centers, whether or not said additional uses are principal or accessory uses or structures or are located on the same parcel or lot as the hotel/motel.
--------------	---

Section 13. Chapter 158, Section 158.128, *Off-street parking*, subsections (E) and (F) are hereby amended as follows:

(E) *Location of parking spaces and parking garages.* Parking spaces and parking garages for all uses or structures shall be located on the same lot or parcel, or on another lot or parcel within 600 feet having the same zoning set in accordance with subsection (F) as the principal, additional, or accessory use or structure they are intended to serve, unless otherwise allowed by the provisions of this section. The connectivity of the off-site parking area shall be determined to be reasonable and safe

prior to the approval of a site plan. Off-site parking shall not be located on the opposite side of Gulf of Mexico Drive from the facility served by the parking.

(F) *Collective provision.*

(1) Multiple uses in a single building or development that cannot meet the criteria of the schedule of off-street parking in this section shall provide a minimum of 90 percent of the total off-street parking that would be required for each separate use.

(2) Owners or operators of two or more contiguous commercial buildings or uses of the same type of zoning classification requiring off-street parking facilities may make collective provision for the facilities, provided that the total of the parking spaces when combined or used together shall not be less than the sum of the requirements computed separately and provided that the combined facility is compatible with the zoning uses being served.

For the purposes of this subsection, the districts within each set below are defined as qualifying as the same type zoning classification:

Set 1:	C-1, Limited Commercial; C-2, General Commercial; C-3, Highway-Oriented Commercial; M-1, Marine Commercial Service; OI, Office/Institutional
Set 2:	INS, Community Facility Institutional
Set 3:	All Open Space Zoning Classifications
Set 4:	MUC-1 (Mixed Use Community - Bay Isles); MUC-2 (Mixed Use Community - Islandside); MUC-3 (Mixed Use Community - Promenade/Water Club)
Set 5:	T-3, Low-Medium Density Tourist Resort Commercial; and T-6, High Density Tourist Resort Commercial

Section 14. Chapter 158, Section 158.145, *Schedule of lot, yard and bulk regulations* is hereby amended for the O-I, INS, C-1, C-2, C-3, M-1, PD, OS-A, OS-P, OS-C, GPD, NPD, T-3 and T-6 zoning districts as adopted in Exhibit "B" attached herein.

Section 15. Chapter 158, Section 158.145, *Schedule of lot, yard and bulk regulations* is hereby amended to add footnote (i) to the schedule as adopted in Exhibit "B" attached herein.

Section 16. Chapter 158, Section 158.180, *Distribution of 250 tourism units*, subsection 158.180(B)(3), is hereby amended as follows:

(3) Tourism units under this section are allowed in residential districts as provided in subsection (B)(1) only and are not permitted in OS-A, OS-P, OS-C, MUC-1, MUC-2 and MUC-3 zoning districts.

Section 17. Chapter 158, Section 158.200, *Personal wireless service facilities*, subsection 158.200(A)(1)(a), is hereby amended as follows:

(a) It is located on a rooftop, or on a rooftop antenna platform, the exterior of a building, or structure in the INS, R-3MX, R-4MX, R-6MX, MUC-1, MUC-2, MUC-3, OI, C-1, C-2, C-3, M-1, T-3 or T-6 zoning districts.

Section 18. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

Section 19. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

Section 20. This Ordinance shall take effect upon second reading in accordance with Law and the Charter of the Town of Longboat Key.

Passed on the first reading and public hearing this _____ day of _____, 2012.

Adopted on the second reading and public hearing this _____ day of _____, 2012.

James L. Brown, Mayor

ATTEST:

Trish Granger, Town Clerk

Exhibits: Exhibit A – Amendments to the table accompanying Section 158.125
Schedule of use regulations
Exhibit B – Amendments to the table accompanying Section 158.145
Schedule of lot, yard and bulk regulations

Exhibit "A"
Amendments to the table accompanying Section 158.125 Schedule of use regulations

158.125 Schedule of use regulations.

The restrictions and controls intended to regulate development in each zoning district are set forth in the schedule below and in the schedule in section 158.145, which are supplemented by other sections of this chapter.

DISTRICT (Maximum Gross Residential Density)	PURPOSE	PERMITTED USES WITHOUT SITE PLAN REVIEW	PERMITTED USES WITH SITE PLAN REVIEW	ACCESSORY USES	SPECIAL EXCEPTION USES
(MUC-1) Mixed Use Community – Bay Isles (3.26 D.U./A.)	The purpose of this district is to recognize an area of the town approved by the town commission for a development with a mix of uses.	<ol style="list-style-type: none"> Essential services. Community residential homes with six or fewer residents plus staff. 	<ol style="list-style-type: none"> Planned unit development overlays (see §§ 158.065 through 158.071). Government buildings and services. Community residential homes. Personal wireless services rooftop antennas and building or structure mounted antennas. Uses allowed in the MUC-1 district pursuant to §158.009(L). 	<ol style="list-style-type: none"> Other accessory uses customarily incident to a use permitted with the plan review or special exception use. Private noncommercial dish antennas. 	<ol style="list-style-type: none"> Windwalls. Trellis, subject to the standards contained in § 158.152(J). Boat dock in excess of 500 square feet.

<p>(MUC-2) Mixed Use Community - Islandside (5.05 D.U./A.)</p>	<p>The purpose of this district is to recognize an area of the town approved by the town commission for a development with a mix of uses.</p>	<ol style="list-style-type: none"> Essential services. Community residential homes with six or fewer residents plus staff. 	<ol style="list-style-type: none"> Planned unit development overlays (see §§ 158.065 through 158.071). Community residential homes. Personal wireless services rooftop antennas and building or structure mounted antennas. Uses allowed in the MUC-2 district pursuant to §158.009(L). 	<ol style="list-style-type: none"> Other accessory uses customarily incident to a use permitted with the plan review or special exception use. Private noncommercial dish antennas. 	<ol style="list-style-type: none"> Windwalls. Trellis, subject to the standards contained in § 158.152(J). Boat dock in excess of 500 square feet.
<p>(MUC-3) Mixed Use Community – Promenade/Water Club (11.26 D.U./A.)</p>	<p>The purpose of this district is to recognize an area of the town approved by the town commission for a development with a mix of uses.</p>	<ol style="list-style-type: none"> Essential services. Community residential homes with six or fewer residents plus staff. 	<ol style="list-style-type: none"> Planned unit development overlays (see §§ 158.065 through 158.071). Community residential homes. Personal wireless services rooftop antennas and building or structure mounted antennas. Uses allowed in the MUC-3 district pursuant to §158.009(L). 	<ol style="list-style-type: none"> Other accessory uses customarily incident to a use permitted with the plan review or special exception use. Private noncommercial dish antennas. 	<ol style="list-style-type: none"> Windwalls. Trellis, subject to the standards contained in § 158.152(J). Boat dock in excess of 500 square feet.

<p>(C-1) Limited Commercial District</p>	<p>The purpose of this district is to delineate those areas suitable for neighborhood-serving commercial and related uses.</p>	<p>1. Essential services.</p>	<p>1. Uses permitted with site plan review and special exception uses in OI districts. 2. Neighborhood convenience store. 3. Small limited-item shop and stores restricted to retail sales of convenience items and services including barber-beauty care and other personal services. 4. Small-scale drugstores and specialty shops. 5. Photography, art or music studios. 6. Youth recreation centers. 7. Florist shops. 8. Personal wireless services, rooftop antennas, and building or structure mounted antennas.</p>	<p>1. Off-street parking and loading. 2. Other accessory uses customarily incidental to use permitted with site plan review use or special exception use. 3. Private noncommercial dish antennas.</p>	<p>1. Restaurants (but no drive-in restaurants) including restaurants with lounges or outdoor dining (subject to the standards contained in §158.136). (Ord. 95-19, passed 1-8-96) 2. Grocery stores. 3. Continuing education centers. 4. Laundry and dry cleaning pickup stations. 5. Private non commercial dish antennas. 6. Windwalls. 7. Trellis, subject to the standards contained in §158.152(J). 8. Boat dock in excess of 500 square feet.</p>
--	--	-------------------------------	--	---	---

<p>(C-2) General Commercial District</p>	<p>The purpose of this district is to delineate those areas suitable for general commercial and related uses.</p>	<p>1. Essential services.</p>	<p>1. Uses permitted with site plan review and special exception uses in OI and C-1 districts. 2. General retail sales and services such as grocery stores, restaurants, including restaurants with lounges, laundry and dry cleaning pickup stations and small-scale tourist-oriented facilities. 3. Child-care services. 4. Personal wireless services, rooftop antennas, and building or structure mounted antennas.</p>	<p>1. Off-street parking and loading. 2. Other accessory uses customarily incidental to use permitted with site plan review use or special exception use. 3. Private noncommercial dish antennas.</p>	<p>1. Government buildings and services. 2. Lounges. 3. Windwalls. 4. Lawn and garden centers. 5. Trellis, subject to the standards contained in §158.152(J). 6. Boat dock in excess of 500 square feet.</p>
<p>(C-3) Highway Oriented Commercial District</p>	<p>The purpose of this district is to delineate those areas suitable for highway-oriented commercial and related uses.</p>	<p>1. Essential services.</p>	<p>1. Uses permitted with site plan review and special exception uses in OI, C-1 and C-2 districts. 2. Service stations and other minor retail sales, services and repairs oriented to the motoring public, excluding body repair and finishing. 3. Personal wireless services, rooftop antennas, and building or structure mounted antennas.</p>	<p>1. Off-street parking and loading. 2. Other accessory uses customarily incidental to use permitted with site plan review use or special exception use. 3. Private noncommercial dish antennas.</p>	<p>1. Hotel, motel accommodations, not exceeding three tourism units per acre. 2. Windwalls. 3. Trellis, subject to the standards contained in §158.152(J). 4. Boat dock in excess of 500 square feet.</p>

<p>(M-1) Marine Commercial Service District</p>	<p>The purpose of this district is to delineate those areas suitable for marine commercial services and related uses. Commercial passenger operations are excluded.</p>	<p>1. Essential services.</p>	<p>1. Uses permitted with site plan review and special exception uses in C-3 districts. 2. Marina facilities including rental of wet storage, sale of marine fuels, boat or motor rental or maintenance, sale of bait and fishing equipment, and storage or dry-docking of boats. Boat construction is not a permitted use. 3. Other marine commercial services such as waterfront or marine – related specialty shops. 4. Charter fishing. 5. Personal wireless services, rooftop antennas, and building or structure mounted antennas.</p>	<p>1. Off-street parking and loading. 2. One dwelling unit or use by owner/employee or lessee, which shall be located on the same lot. 3. Other accessory uses customarily incidental to a use permitted with site plan review or special exception use. 4. Private noncommercial dish antennas.</p>	<p>1. Windwalls. 2. Trellis, subject to the standards contained in §158.152(J). 3. Boat dock in excess of 500 square feet.</p>
---	---	-------------------------------	--	---	--

Exhibit "B"
Amendments to the table accompanying Section 158.145 Schedule of lot, yard and bulk regulations

District Uses	LOT				YARD				BULK*(i)		
	Min. Area (sq. ft.)	Min. Width (feet)	Min. Depth (feet)	Max. Gross Res. Den.	Min. Street (feet)	Min. Side Yard (both/one, feet)	Min. Rear (feet)	Min. Floor Area *(d) (sq. ft.)	Max. Height (stories/feet)	Max. Coverage (percent)	
O-I	20,000	100	150	N.A.	45	40/15	20	N.A.	2/30	30 (40 with PUD/ODP)	
INS	20,000	100	150	N.A.	45	40/15	20	N.A.	2/30	30 (40 with PUD/ODP)	
C-1	10,000	75	125	N.A.	45	15/15*(b)	20	N.A.	2/30	30 (40 with PUD/ODP)	
C-2	30,000	150	200	N.A.	35	50/20*(b)	25	N.A.	3/40	30 (40 with PUD/ODP)	
C-3*(f)	30,000	150	175	N.A.	35	50/20*(b)	25	N.A.	3/40	40 (50 with PUD/ODP)	
M-1	30,000	150	175	1 accessory du located on the same lot	45	50/20*(b)	25	N.A.	2/30	40 (50 with PUD/ODP)	
OS-A	N.A.	N.A.	N.A.	N.A.	45	40/15	20	N.A.	2/30	30	
OS-P	N.A.	N.A.	N.A.	N.A.	45	40/15	20	N.A.	1/15	15	
OS-C	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	0	
MUC-1	*(g)	*(g)	*(g)	3.26	*(g)	*(g)	*(g)	*(g)	4/50 (5/65 with PUD/ODP)	30*(e) (40 with PUD/ODP)	



End of Agenda Item