

MEMORANDUM

DATE: September 10, 2012

TO: Planning and Zoning Board

FROM: Ric Hartman, Planner
Planning, Zoning and Building Department

SUBJECT: Discussion – Establishing Height Limits in the Zoning Code for Structures Excepted from Building Heights in the Comprehensive Plan

Ordinance 2012-06 amended Policy 1.1.10 of the Future Land Use Element of the Comprehensive Plan. The Policy stated that the maximum heights listed for future land use categories in the Comprehensive Plan did not apply to certain structures. The applicable language, as follows, stated that the maximum heights for these structures was or would be provided in the land development regulations (LDRs).

Policy 1.1.10

The Future Land Use Map, Figure 2, shall contain the following future land use categories, which are further detailed in and implemented by the land development regulations. Table 1 illustrates the maximum densities and intensities of development for each future land use category. Height restrictions for each category shall not apply to antennae, enclosed elevator shafts, enclosed stairwells and their parapet walls, enclosed mechanical equipment areas, chimneys, or house of worship spires, but the Town land development regulations shall limit their height.

This portion of Policy 1.1.10 was reflective of Zoning Code Section 158.153:

158.153 - Height regulations.

(A) No building or structure shall have a greater number of stories, nor have an aggregate height of a greater number of feet than is permitted in the district in which the building or structure is located, except as noted in subsection (B) below.

(B) No exceptions to the height regulations shall be permitted except as specifically provided for below:

- (1) *One television or dish antenna per principal structure and enclosed elevator shafts, enclosed stairwells, and enclosed mechanical equipment areas not exceeding 15 percent of roof area and not exceeding the height regulations by more than ten feet of the district in which it is located; however, the elevator shafts, stairwells, and mechanical equipment areas, their location and visibility from adjoining streets or properties, should be the subject of site plan review considerations. Parapet walls shall also be permitted as an exception to the height regulations where such wall is required pursuant to the building code in conjunction with an enclosed stairwell.*
- (2) **A church spire or tower may exceed the height regulations of the district within which it is located.** (emphasis added)
- (3) *No sign, nameplate, display or advertising device of any kind shall be inscribed on or attached to any antenna, tower or other structure which extends above the roof of the principal structure or height regulations, except that religious symbols or identification emblems of religious orders shall be exempt from this restriction.*
- (4) *A planned unit development shall conform to the height regulations of the district within which it is located.*
- (5) *To allow for design flexibility for buildings in site plan review under sections 158.095 through 158.103, the planning and zoning board may recommend and the town commission may grant an increase in the maximum number of stories allowed, so long as the building height does not exceed the maximum height allowed in the underlying zoning district.*

Although an additional 10-foot height limit was provided for parapet walls and other rooftop structures, no limit was provided in the code for spires, steeples, and other structures appurtenant to churches and other houses of worship (see bold above). Staff has researched several other jurisdictions to provide the Board with guidance of the various methods used to limit these structures (see attached matrix). It is important to note that, where limited, these structures are considered as non-habitable spaces, both air conditioned and non-air conditioned, and not designed to hold people for extended periods of time. Once the Board decides on a height limit, if any, staff suggests adding footnotes (i) and (j) to each applicable zoning district in Section 158.145 *Schedule of lot, yard and bulk regulations* that lists the maximum height in each zoning districts.

The following is a list of four houses of worship on the key with the maximum heights allowed by the code and the heights for appurtenant structures, attached or unattached, not limited by code.

Christ Church of Longboat Key (6400 Gulf of Mexico Drive)

Height: 50.10 ft. from grade
Zoning: 30 ft. from grade (C-1)

All Angels by the Sea (563 Bay Isles Road)

Height: 40 ft. from grade
Zoning: 30 ft. from grade (MUC-2; planned development)

Longboat Island Chapel (6200 Gulf of Mexico Drive)

Height: 67 ft. from grade
Zoning: 30 ft. from grade (INS)

St. Mary's – Star of the Sea (4280 Gulf of Mexico Drive)

Height: 58 ft. 6 in. from grade
Zoning: 30 ft. from grade (INS)

Suggested Options for Discussion (30 ft. limit for examples):

1. With or without human occupancy
2. Ten feet above zoning district height limit (40 ft.)
3. Ten feet above zoning district height limit (40 ft.) or additional height may be granted through site plan approval process (Board and Commission review) or special exception (Board review only)
4. 150 percent above the zoning district height limit (45 ft.)
5. Twice the zoning district height limit (60 ft.)
6. 150 percent above the zoning district height limit (45 ft.)
7. Establish a single maximum height.
8. No height limits

Local jurisdictions:

- Manatee County – Structures over 35 ft. shall be located away from a lot line at least at a distance equal to its height, except that structures which are self-collapsing are exempt from this requirement (no limit on height for self-collapsing structures)
- Anna Maria – 37 ft. from crown of road
- Bradenton – 85 ft. or higher in nonresidential zones in relation to size of lot and distance to property line.
- Bradenton Beach – zoning limit 29 ft. plus 4 ft. for spires = 33 ft.

- Sarasota County – Residential districts limited to maximum zoning height; Commercial districts limited to 20 percent of the maximum height allowed subject to restrictions on mass.
- City of Sarasota – zoning limit = 51 ft., may add 6 ft; 51 – 101 ft. + 9 ft; 101 – 141 ft + 12 ft; 141+ ft. + 20 ft., and subject to airport zoning regulations
- City of Venice - no limits except for airport zoning regulations

Examples from other jurisdictions:

- Brevard County - twice the maximum height allowed in zoning district
- Gainesville - no limits except for airport zoning regulations
- Jupiter - no limits except for airport zoning regulations
- Martin County - 60 ft. and not used for human occupancy
- Naples - Commercial 49 ft. (7 ft. above max); Residential 5 ft. additional
- Orange County - Appearance Review Committee
- Orlando - no limits except for airport zoning regulations
- Sanibel - limited to maximum height allowed in zoning district
- Vero Beach - “Embellishments” 15 ft. above zoning district maximum

In summary, staff is requesting direction from the Board as to what to propose in an ordinance as the maximum height of structures appurtenant to houses of worship, either attached or unattached.