

ORDINANCE 2012-25

AN ORDINANCE OF THE TOWN COMMISSION AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING CHAPTER 158, ZONING CODE, ARTICLE 1, SECTION 158.006 DEFINITIONS, PROVIDING DEFINITIONS FOR HOUSE OF WORSHIP AND HOUSE OF WORSHIP - APPURTENANCES; AMENDING ARTICLE IV, DIVISION 2, SECTION 158.145 SCHEDULE OF LOT, YARD AND BULK REGULATIONS, TO CLARIFY HEIGHT RESTRICTIONS FOR ANTENNAE, ENCLOSED ELEVATOR SHAFTS, ENCLOSED STAIRWELLS AND PARAPET WALLS, ENCLOSED MECHANICAL EQUIPMENT AREAS, CHIMNEYS, HOUSE OF WORSHIP APPURTENANT STRUCTURES, AND FOR WATERFRONT RESTAURANTS; AND AMENDING ARTICLE IV, DIVISION 2, SECTION 158.153 HEIGHT REGULATIONS, TO PROVIDE HEIGHT RESTRICTIONS FOR HOUSE OF WORSHIP APPURTENANT STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key recently amended the Future Land Use Element of the Comprehensive Plan to clarify the maximum intensities allowed, including structural heights in several of the Town's future land use categories; and

WHEREAS, the amendments to Future Land Use Element Policy 1.1.10 and Table 1 stated that the Town's land development regulations shall limit the height of antennae, enclosed elevator shafts, enclosed stairwells and parapet walls, enclosed mechanical equipment areas, chimneys, house of worship spires, and waterfront restaurants; and

WHEREAS, the Town wishes to ensure that land development regulations are consistent with the Comprehensive Plan; and

WHEREAS, the Town of Longboat Key Zoning Code, as a part of the land development regulations, establishes the Town's zoning districts and the maximum structural heights allowed in each district; and

WHEREAS, the Town desires to clarify the maximum heights allowed for antennae, enclosed elevator shafts, enclosed stairwells and parapet walls, enclosed mechanical equipment areas, chimneys, house of worship spires, and waterfront restaurants; and

WHEREAS, pursuant to the Community Planning Act, Sections 163.3161 through 163.32466, Florida Statutes, Chapter 33 of the Town Code designates the Town of Longboat Key Planning and Zoning Board as the local planning agency, responsible for the preparation of the Zoning Code and amendments thereto; and

WHEREAS, at a duly noticed public hearing on October 16, 2012, the Planning and Zoning Board recommended that the Town Commission approve these Zoning Code amendments; and

WHEREAS, these amendments to the regulations of the Zoning Code for the Town of Longboat Key, Florida, as provided herein, are consistent with the Town's Comprehensive Plan.

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 Provisions*, Section 158.006 *Definitions* is hereby amended to add the following definitions:

“HOUSE OF WORSHIP.” A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

“HOUSE OF WORSHIP, APPURTENANCE.” Non-habitable attached or detached accessory structures, including but not limited to spires, steeples, towers, crosses, cupolas, or other religious symbols.

SECTION 3. Chapter 158, *Zoning Code*, Article IV, *General Regulations*, Division 2. *Lot, Yard and Bulk Regulations*, Section 158.145 *Schedule of lot, yard and bulk regulations* is hereby amended to read as follows:

158.145 - Schedule of lot, yard and bulk 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 158.125, which are supplemented by other sections of this chapter. Where there is more than a single building on a single lot, but fewer than ten dwelling units, the minimum distance between buildings shall be equal to the combined (both) side yards requirement for that zoning district and use. Calculations of lot coverages shall be verified by a licensed design professional.

District Uses	LOT			YARD				BULK		
	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*(i)(j) (stories/feet)	Max. Coverage (percent)
R-1IP	217,800	100	100	1DU/5 ac.	30	30/15	30	None	2/30	20
R-1SF	30,000	100	100	*(a)	20	25/10	30	2,000	2/30	20
R-2SF	16,500	100	100	*(a)	20	25/10	25	1,600	2/30	25
R-3SF	15,000	100	100	*(a)	20	25/10	25	1,600	2/30	25
R-4SF	10,000 *(c)	100	100 *(h)	*(a)	20	20/8	20	1,600	2/30	30
R-6SF	7,000	60	90	*(a)	20	20/8	15	1,000	2/30	30
R-3MX Single Family Two Family Multifamily	15,000 20,000 25,000	100 100 100	100 100 125	3 3 3	20 20 30	25/10 20/8 35/15	25 20 25	1,600 1,000/DU 750/bedroom DU and 250 each addl. bedroom	2/30 2/30 2/30	25 25 20
R-4MX Single Family Two Family Multifamily	10,000 15,000 25,000	100 100 100	100 100 125	4 4 4	20 20 40	20/8 20/8 35/15	20 20 25	1,600 1,000/DU 750/bedroom DU and 250 each addl. bedroom	2/30 2/30 2/35	30 25 30
R-6MX Single Family Two Family Multifamily	10,000 15,000 30,000	100 125 150	100 100 150	6 6 6	20 20 50	20/8 20/8 80/30	20 20 30	1,600 1,000/DU 750/bedroom	2/30 2/30 4/50	30 25 30

								DU and 250 each addl. bedroom		
O-I	20,000	100	150	NA	45	40/15	20	NA	2/30	30
INS	20,000	100	150	NA	45	40/15	20	NA	2/30	30
C-1	10,000	75	125	NA	45	15/15*(b)	20	NA	2/30*(k)	30
C-2	30,000	150	200	NA	35	5/20*(b)	25	NA	3/40*(k)	30
C-3 *(f)	30,000	150	175	NA	35	50/20*(b)	25	NA	3/40*(k)	40
M-1	30,000	150	175	NA	45	50/20*(b)	25	NA	2/30*(k)	40

LOT				YARD				BULK		
District Uses	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*(i)(j) (stories/feet)	Max. Coverage (percent)
PD	See 158.065 thru 158.071 for standards			3.26	See 158.065 thru 158.071 for standards			According to use herein permitted	*(g)	30*(e)
O-S	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
GPD	See 158.065 thru 158.071 for standards			5.05	See 158.065 thru 158.071 for standards			According to use herein permitted	*(g)	30*(e)
NPD	See 158.065 thru 158.071 for standards			11.26	See 158.065 thru 158.071 for standards			According to use herein permitted	*(g)	30
T-3 Multifamily	25,000	100	125	3	40	35/15	25	750/bedroom DU and 250 each addl. Bedroom	3/40	25
Tourism Unit	40,000	150	250	3	45	50/20	25	300/bedroom DU and 125 each addl. Bedroom	3/40	25
Time-share Tourism Unit	40,000	150	250	3	45	50/20	25	300/bedroom DU and 125 each addl.	3/40	25

								Bedroom	
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District Uses	LOT			YARD				BULK		
	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*(i)(j) (stories/feet)	Max. Coverage (percent)
T-6 Multifamily	30,000	150	150	6	50	80/30	30	750/bedroom DU and 250 each addl. Bedroom	4/50	30
Tourism Unit	55,000	175	300	6	50	80/30	30	300/bedroom DU and 125 each addl. Bedroom	4/50	30
Time-share Tourism Unit	55,000	175	300	6	50	80/30	30	300/bedroom DU and 125 each addl. Bedroom	4/50	30

- *(a) Density expressed in terms of dwelling units per acre is fractional and dependent upon lot sizes.
- *(b) If commercial use adjoins another commercial use or district no side yard setback is required: however, if one is provided, it shall be 15 feet. If commercial use adjoins a residential use or district, the minimum side yard setback shall be 30 feet.
- *(c) In R-4SF Districts all lots which existed on October 15, 1969, shall contain a minimum of 9,500 square feet of area with an average width between front and rear lines to be at least 80 feet with at least 40 feet fronting on the street.
- *(d) Minimum floor area with respect to residential, hotel, motel or other tourism use means minimum living area of the first habitable floor, not including garage.
- *(e) The maximum ground coverage by all buildings or structures (principal and accessory) shall be limited to 15% when one or more of the buildings or structures on the lot is six or more stories in height.
- *(f) For minimum area, width, depth and special regulations governing service stations, see § 158.130.
- *(g) To be determined at the time of outline development plan approval and site plan approval.
- *(h) In the Special Canal Waterfront Yard District for all lots abutting privately owned man-made residential canals, credit shall be given for lot depth and area by measuring lot depth to the middle of the canal. Under these circumstances, the required lot depth shall be reduced to a minimum of 80 feet. For purposes of determining all other provisions of this Code, including, but not limited to, lot coverage and setbacks, the road right-of-way, mean high-water line, bulkhead and bulkhead line shall be used in accordance with this chapter in making those determinations.
- *(i) Per Section 158.153, the following exceptions to the listed maximum heights are allowed: One television or dish antenna per principal structure and enclosed elevator shafts, enclosed stairwells and parapet walls, enclosed mechanical equipment areas, and chimneys shall not exceed the height regulations by more than ten feet of the district in which it is located..
- *(j) Per Section 158.153, the maximum height for a house of worship appurtenance shall not exceed ten feet above the maximum building height allowed by the applicable zoning district, unless additional height is granted through the site plan approval process.
- *(k) Waterfront restaurants may be granted up to five feet of additional building height through the site plan approval process.

SECTION 4. Chapter 158, *Zoning Code*, Article IV, *General Regulations*, Division 2. *Lot, Yard and Bulk Regulations*, Section 158.153 *Height regulation*, subsection 158.153(B) is hereby amended to read as follows:

(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. The maximum height for a house of worship appurtenance shall not exceed ten feet above the maximum building height allowed by the applicable zoning district, unless additional height is granted through the site plan approval process.~~

(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.

SECTION 5. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 6. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 7. This Ordinance shall become effective upon adoption in accordance with Florida 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