Regular Workshop – November 12, 2012
Agenda Item 8

Agenda Item: Ordinance 2012-25, Amending Chapter 158.153, Height Regulations

Presenter: Town Manager and Staff

Summary: At their October 16, 2012 meeting the Planning & Zoning (P&Z) Board unanimously recommended Commission approval of Ordinance 2012-25, which amends the Zoning Code to provide consistency with the Town's Comprehensive Plan regarding maximum heights for certain structures. The Ordinance also clarifies the maximum heights allowed for structures that are excepted from the maximum building heights set for the underlying zoning district. This item is placed on the November 12, 2012 Regular Workshop Meeting for Commission consideration.

Attachments: 10-19-12, Memo, Planner to Manager;
11-2-12, Memo, P&Z Board Chair to Commission;
10-16-12, Staff Report, Planner to P&Z Board;
10-16-12, Draft P&Z Board minutes; and
Proposed Ordinance 2012-25.

Recommended Action: Pending discussion, provide direction to Manager.

MEMORANDUM

DATE: October 19, 2012

TO: Dave Bullock, Town Manager

FROM: Ric Hartman, Planner
Planning, Zoning and building department

SUBJECT: Ordinance 2012-25 – Establishing Height Limits for Structures Excepted From Building Heights in the Comprehensive Plan and for Waterfront Restaurants

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The Planning and Zoning Board unanimously recommended that the Town Commission adopt Ordinance 2012-25 at the October 16, 2012, meeting. The ordinance proposes to amend the Zoning Code to provide consistency with the Comprehensive Plan and to set or clarify the maximum heights allowed for certain structures that are "excepted" from the maximum building heights set for the underlying zoning district. These structures include antennae, enclosed elevator shafts, enclosed stairwells and their parapet walls, enclosed mechanical equipment areas, chimneys, and house of worship spires. In addition, the Board also recommended an additional five feet in maximum building height for waterfront restaurants, which has already been provided in the Comprehensive Plan.

The proposed ordinance would insert Footnote (j) into Section 158.145 *Lot, yard and bulk regulations*. The additional ten feet is currently allowed and would continue to be a right that would not require the applicant to request approval through the site plan review process. Staff also proposes a minor clarification that is highlighted in blue.

> *(j) 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 zoning district in which it is located.

In the course of reviewing and preparing this ordinance for Commission consideration, staff found that Section 158.153 had not been amended yet to be consistent with Comprehensive Plan Policy 1.1.10, adopted by Ordinance 2012-06. That policy included chimneys in the list of items that were "excepted" from the maximum height limits in the Comprehensive Plan. This omission was not presented to the Board and staff requests that the Commission consider it at this time.

158.153 (B)(1)

> One television or dish antenna per principal structure and enclosed elevator shafts, enclosed stairwells, ~~and~~ enclosed mechanical equipment areas, and chimneys 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.

The proposed ordinance would establish this allowance of additional height for waterfront restaurants in Section 158.145, by adding Footnote (l). The additional five feet could only be granted through the site plan amendment approval process.

> *(l) Waterfront restaurants may be granted up to five feet of additional building height through the site plan approval process.

At the meeting on September 18, 2012, the Board discussed options to establish maximum heights for non-habitable attached and unattached structures appurtenant to houses of worship. These types of appurtenant structures, including but not limited to, spires, steeples, and bell towers, are currently "excepted" from the maximum building heights established in the Zoning Code. The proposed ordinance would limit these types of structures to ten feet above that allowed under the applicable zoning district, unless additional height was granted through the site plan review process. The proposed ordinance would add a definition for *House of Worship* and for *House of Worship, Appurtenance* to the Zoning Code and allow for an additional ten feet in height for these structures unless greater height were granted through the site plan approval process. Up to an additional ten feet in height for these types of structures would be a "right" and would not require public hearings through the site plan approval process. Any height greater than ten feet would require public hearings and approval of an amended site plan.

158.153 (B)(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.

158.145 footnote:

*(k) 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,

After the ordinance was recommended by the Planning and Zoning Board, staff found that the table amended as part of Section 158.145 *Lot, yard and bulk regulations* contained some previously amended information. That information was corrected in the proposed Ordinance 2012-25 as part of your packet.

Proposed revisions to the code are highlighted in yellow and presented in legislative format in which words proposed for deletion are ~~struck through~~ and words proposed for addition are underlined. Staff requests that the Town Commission forward the proposed ordinance, with or without revisions, to the Town Commission regular meeting of December 3, 2012, for first reading.

MEMORANDUM

DATE: November 2, 2012

TO: Honorable Mayor and Town Commission

THROUGH: Dave Bullock, Town Manager

FROM: BJ Webb, Chair
Planning and Zoning Board

SUBJECT: ORDINANCE 2012-25, BUILDING HEIGHTS

During the public hearing held on October 16, 2012, the Planning and Zoning Board recommended APPROVAL of Ordinance 2012-25, subject to the amendment that the word 'Zoning' be included before 'District' in Section 158.153. The specific motion of the P&Z Board is as follows:

MR. WILD MOVED TO RECOMMEND APPROVAL OF 2012-25 SUBJECT TO THE AMENDMENT THAT THE WORD 'ZONING' BE INCLUDED BEFORE 'DISTRICT' IN SECTION 158.153. MR. GARNER SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.

Enclosed, for your review and consideration, please find the following support documentation:

1. Staff Report, dated 10-16-12, Planner to P&Z Board;
2. Draft minutes from the 10-16-12 regular P&Z Board meeting on this issue; and
3. Proposed Ordinance 2012-25.

If you should have any questions, or desire any additional information, please do not hesitate to contact me.

BJW/dmc

MEMORANDUM

DATE: October 16, 2012

TO: Planning and Zoning Board

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

SUBJECT: Ordinance 2012-25 – Establishing Height Limits for Structures Excepted from Building Heights in the Comprehensive Plan and for Waterfront Restaurants

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The proposed ordinance would establish or clarify height limits for certain structures that are allowed to exceed the maximum heights allowed in several zoning districts. Section 158.153 of the Zoning Code sets out an upper limit of ten additional feet for one television or dish antenna per principal structure and enclosed elevator shafts, enclosed stairwells, enclosed mechanical equipment areas, and chimneys. However, the table in Section 158.145 that provides maximum heights for all zoning districts does not provide for these additional heights. The proposed ordinance would insert Footnote (i) further clarifying the availability of these additional heights.

> *(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.

Last year during public hearings, the Town Commission adopted Ordinance 2012-06, which amended Future Land Use Element, Policy 1.1.10 (10) of the Comprehensive Plan. The amendment adopted the Board's recommendation that waterfront restaurants be allowed an additional five feet in building height above the maximum allowed in the applicable zoning district. Proposed Ordinance 2012-25 would establish this additional height in Section 158.145, Footnote (k) of the Zoning Code.

> *(k) Waterfront restaurants may be granted up to five feet of additional building height through the site plan approval process.

At the meeting on September 18, 2012, the Board discussed options to establish maximum heights in the Zoning Code for non-habitable attached and unattached

structures appurtenant to houses of worship. These types of structures, including but not limited to, spires, steeples, and bell towers, are currently not established in the Zoning Code, which is where the Comprehensive Plan Future Land Use Element Policy 1.1.10. states they are located. The Board directed staff to draft an ordinance that would limit the maximum building height of house of worship appurtenant structures to ten feet above that allowed under the applicable zoning district, unless additional height is granted through the site plan review process. The proposed ordinance would amend Section 158.006 *Definitions*, by adding a definition for House of Worship and for House of Worship, Appurtenance. It would also amend Section 158.153 (B)(2) and insert Footnote (k) in Section 158.145, providing the following language, establishing the height limits and provision for additional height through the site plan approval process, as directed by the Board.

158.153 (B)(2):

> (1) ~~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.

158.145 footnote:

> *(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.

Staff requests that the Board recommend and forward the proposed ordinance, with or without revisions, to the Town Commission workshop on November 12, 2012, or provide staff with further directions.

TOWN OF LONGBOAT KEY

PLANNING AND ZONING BOARD

MINUTES OF REGULAR MEETING

OCTOBER 16, 2012

The regular meeting of the Planning and Zoning Board was called to order at 9:00 AM.

Members Present: Chair BJ Webb, Vice Chair Allen Hixon, Secretary John Wild, Members Andrew Aitken, Jack Daly, Laurin Goldner, Leonard Garner, Walter Hackett, George Symanski

Also Present: David Persson, Town Attorney; Robin Meyer, Planning, Zoning & Building Director; Ric Hartman, Planner; Steve Schield, Planner; Donna Chipman, Office Manager

ELECTION OF OFFICERS

Chair Webb discussed that the board did a lot of important work and it was critical at all times that on items that were not policy matters that they disagree in a respectful manner. She did not believe it was in the board's best interest that they have a continued divisive issue between two very qualified vice chair candidates. It was clear from the last meeting the vote would be split and she would ask the two candidates to step down so the entire body could nominate a member that the entire board agreed on.

Mr. Hackett asked if the board was in order to nominate another person when during the last meeting there were two nominations that had accepted and were on the floor at the time the nominations were closed. Chair Webb responded that she had discussed the issue with David Persson, Town Attorney, and it was appropriate to reopen the nominations and allow others to be nominated.

Vice-Chair

CHAIR WEBB MOVED TO NOMINATE JACK DALY AS VICE-CHAIR. MR. WILD SECONDED THE MOTION.

Chair Webb asked Kelly Fernandez, Assistant Town Attorney, if a simple majority vote was sufficient. Mr. Hackett commented that during the last meeting there were two nominations and it was declared that a full board would take that vote at this meeting. Attorney Fernandez explained that it was her understanding from Attorney Persson that nominations could be reopened. She reviewed *Roberts Rules of Order* and a majority vote would be needed to reopen the nominations.

CHAIR WEBB MOVED TO REOPEN THE NOMINATIONS. MR. WILD SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, NO; WEBB, AYE; WILD, AYE.

CHAIR WEBB MOVED TO NOMINATE JACK DALY AS VICE-CHAIR. MR. WILD SECONDED THE MOTION.

Mr. Aitken questioned since the nominations were reopened whether Mr. Wild and Mr. Hixon would need to be re-nominated. Chair Webb responded they were nominated previously and the nominations were continued to this meeting.

THE FOLLOWING VOTE WAS TAKEN AT THIS TIME:

AITKEN:	**WILD**	**DALY:**	**DALY**
GARNER:	**HIXON**	**GOLDNER:**	**DALY**
HACKETT:	**HIXON**	**HIXON:**	**HIXON**
SYMANSKI:	**HIXON**	**WEBB:**	**DALY**
WILD:	**DALY**		

Mr. Hixon suggested the vote for Jack Daly as Vice Chair be by acclamation.

AGENDA ITEM #1
ORDINANCE 2012-25, AMENDMENTS TO CHAPTER 158 REGARDING BUILDING HEIGHTS

Pursuant to published notice, the public hearing was opened.

Ric Hartman, Planner, reviewed the staff report and a PowerPoint presentation noting:

- The height issue was raised during adoption of Ordinance 2012-06 amending the Comprehensive Plan, and one of the things it did was it reiterated language about certain exceptions to the building height in Policy 1.1.10 of the Future Land Use Element
- Section 158.145 was where the Zoning Code established maximum building heights for the zoning districts, and what was being proposed in this ordinance was a footnote denoting certain exceptions granted in Section 158.153
- Another item recommended by the P&Z Board to the Town Commission was that waterfront restaurants be allowed an additional five feet in height through the site plan approval process; it was added in the Comprehensive Plan, but not within the land development regulations
- Staff was trying to show what the maximum heights were for all zoning districts
- Concerning bell towers, spires, or house of worship structures that were attached or unattached, the Board had voted to recommend that the maximum height be

ten feet above maximum height of the zoning district, unless additional height was granted through the site plan approval process

Discussion ensued on the following:

- Whether existing churches that might exceed the height would be grandfathered with staff noting they have site plan approval so they would not be non-conforming, because the height would have been approved
- Whether a footnote was as good as an ordinance provision; Attorney Fernandez explained they were considered part of the code and had the same impact
- Concern whether the height would be "buried" in the site plan application or approval and if the Board could include the language '*additional height was specifically granted*' on the plan; staff noted it would not be, because the applicant would have to justify the additional height being requested
- There was no criteria mentioned as to the intent of input, or decision making, for the application of the exceptions to the existing requirements; the way it was written would require "exceptions to the exception;" staff noted this process was different than the site plan approval process because the extra ten feet was a matter of right
- Whether the same philosophy would be applied for waterfront restaurants with staff noting it was the Board's decision at the time of review
- Concerning the issue of no criteria, staff explained the additional five feet did not have any criteria, and there was no criteria to make findings as to why they should be granted
- That during the previous meeting, the Board recommendation was to cap the height for existing churches and their appurtenances at ten feet above their building height
- Why the request could not be pursued as a variance; staff noted a variance would be outside the scope of the review of the site plan and would be heard before the Zoning Board of Adjustment

There was discussion concerning FEMA rules and whether it changed where the freeboard was located, and whether there was the possibility of it being different from one end of the island to the other. Mr. Hartman explained that it varied around the island and on the gulf-side it was mandated by the Florida Department of Environmental Protection (FDEP). The churches were basically measured from finished grade, because they were not considered residential structures so they were typically flood proofed, similar to commercial buildings. Mr. Wild asked if on the north end of the island it could not exceed 35 feet for residential. Mr. Hartman replied it was 30 feet measured from the freeboard. Mr. Wild asked if the Longboat Island Chapel spire was grandfathered. Mr. Hartman commented the height was approved through the site plan process and, at that time, there were exceptions, so it was not grandfathered because it went through the proper process. It was asked if a storm removed the spire would the chapel have the right to rebuild. Mr. Hartman responded yes, because it would have been through involuntary destruction.

Mr. Wild asked if the cross that was denied during the site plan process for Christ Church could be reapplied for under this ordinance. Mr. Hartman noted the maximum building height for the church was at 40 feet, so the cross would be at 50 feet.

Mr. Wild suggested the additional height be set at 15 feet.

Mr. Hackett referred to the first provision (Section 158.153), next to the last sentence, and suggested inclusion of the language, "by more than 10 feet of the **zoning** district," in order to provide clarification. Mr. Symanski asked if that would require a language change in other sections or would it mean something different. Mr. Hartman replied no.

Mr. Symanski believed a variance option would be inappropriate, because they would have to prove unreasonable use of the property. He asked if the ordinance was adopted could the Christ Church request additional height for a cross. Mr. Hartman explained that if the ordinance was adopted as written, then they would only need to apply for a building permit. Mr. Symanski asked what would they need to do if the 15 feet was adopted. Mr. Hartman responded they would need to come back and request a site plan amendment approval. Mr. Symanski asked if there was no discretion in the site plan review to determine if a request from a waterfront restaurant was detrimental to the neighborhood. Mr. Hartman commented the way it was written with 'may be granted,' it was not a right; it would be part of the site plan review process under Section 158.097. Mr. Hixon commented the issue of the cross was never discussed by the Board during Christ Church's site plan review. Mr. Wild believed the cross issue was a decision of the previous director. Mr. Hixon commented that he would like to see a cross on the church. Mr. Wild reiterated that he would like the ordinance to be amended to state 15 feet versus 10 feet.

No one else wished to be heard, and the hearing was closed.

MR. WILD MOVED TO RECOMMEND APPROVAL OF ORDINANCE 2012-25 WITH THE AMENDMENT THAT THE ADDITIONAL HEIGHT BE REVISED FROM 10 FEET TO 15 FEET. MR. GARNER SECONDED THE MOTION.

MR. SYMANSKI MOVED TO AMEND THE MOTION TO LIMIT THE ADDITIONAL HEIGHT TO TEN FEET. MR. HIXON SECONDED THE MOTION.

Mr. Hixon commented that a cross was a proportionate symbol and not misconfigured if it was not a certain height. Mr. Hartman commented there were two separate issues for the ten foot rule. There was the ten foot rule for elevator shafts, parapet walls, etc., and there was a ten foot rule for house of worship – appurtenant structures. Chair Webb asked Mr. Wild to clarify whether he only wished the 15 feet to apply to house of worship-appurtenant structures or include elevator shafts, parapet walls, etc. Mr. Wild noted he was suggesting 15 feet for both.

Mr. Garner pointed out the modification from 10 feet to 15 feet did not grant a right, but an opportunity. The Board was not "giving it away," because the applicant would have to justify the additional height. Mr. Hartman noted it was a right, because it was not part of the site plan approval process. They would have to go through the site plan review process if they wish to exceed the additional height of 15 feet. Discussion ensued on the additional height and what it would allow, and the proportion and scale.

Mr. Wild withdrew his amendment. Mr. Garner withdrew his second.

Mr. Symanski withdrew his amendment to Mr. Wild's motion. Mr. Hixon withdrew his second.

MR. WILD MOVED TO RECOMMEND APPROVAL OF 2012-25 SUBJECT TO THE AMENDMENT THAT THE WORD 'ZONING' BE INCLUDED BEFORE 'DISTRICT' IN SECTION 158.153. MR. GARNER SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.

AGENDA ITEM #2
CONSENT AGENDA

MR. HIXON MOVED APPROVAL OF THE MINUTES OF THE SEPTEMBER 18, 2012, MEETING AND SETTING THE FUTURE MEETING DATE FOR NOVEMBER 20, 2012. MR. GARNER SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Mr. Aitken questioned the status of the telecommunication policy discussion that was held at the October 15, 2012, Town Commission workshop.

Robin Meyer, Planning, Zoning & Building Director, explained the purpose of the meeting was to get direction from the Town Commission as to how they wish staff to move forward with the issue of cell towers. After a lengthy discussion they directed staff to conduct more research as questions were raised regarding the actual studies that were done and what was mandated by the federal code. He noted there was also testimony that 4G antennas cover twice the distance than current antennas, so staff was asked to investigate that issue. They were also asked to review the zoning classifications for siting. He mentioned there was discussion of dropping 'towers' from the Comprehensive Plan but it created the issue to limit towers to 30 feet, which prohibition was not allowed under the federal and state regulations. There was consensus from the Board that the Town should move forward on this issue.

Mr. Daly discussed that at the last meeting the Board had reviewed a proposed hedge height ordinance and referred it back to staff for further work with the intent of bringing it back to the Board. Mr. Meyer explained that the direction of the Town Attorney was when an ordinance was recommended for denial by the Board, it did not come back to the Board and was moved forward with that recommendation to the Town Commission.

He commented there was a formal vote to deny the ordinance versus the Board requesting additional information.

Mr. Hixon discussed hedges and asked if in this instance, if every other plant was removed and relocated ten feet to the south, it would now be a row of trees on the property line and a row of trees in the middle of the side yard. Steve Schield, Planner, responded that he would have to carefully review; there would be Podocarpus on the line, and he had not deemed it as a tree, but it was a shrub. In this case it was a shrub used as a hedge. Mr. Hixon believed he was stating it was the space relationship between plant edges, and if there was open space, it was not a hedge, but if it was continuous touching vegetation, then it would tend to be defined as a hedge. Mr. Schield commented it could also be species.

Mr. Aitken questioned the status of the Longboat Island Chapel application for a cell tower and asked if the applicant was aware of what was needed in order the deem the application complete. Mr. Meyer replied yes.

George Spoll, Fairway Bay, informed the Board that Tom Aposporous, president of the Longboat Key/Lido Key/St. Armand's Key Chamber of Commerce was resigning as president. He commented that part of Mr. Aposporous' frustration was with the telecommunication issue and the lack of support from the community for the cell tower. He noted that Mr. Aposporous would be running for commissioner on Anna Maria, but would continue to work with the Revitalization Task Force on Longboat Key.

ADJOURNMENT

The meeting was adjourned at 10:12 am.

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Laurin Goldner, Secretary
Planning and Zoning Board

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.

	LOT			YARD				BULK*(i)		
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)(k) (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	15,00	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	15,000	100	100	3	20	25/10	25	1,600	2/30	25
Two Family	20,000	100	100	3	20	20/8	20	1,000/DU	2/30	25
Multifamily	25,000	100	125	3	30	35/15	25	750/bedroom DU and 250 each addl. bedroom	2/30	20
R-4MX										
Single Family	10,000	100	100	4	20	20/8	20	1,600	2/30	30
Two Family	15,000	100	100	4	20	20/8	20	1,000/DU	2/30	25
Multifamily	25,000	100	125	4	40	35/15	25	750/bedroom DU and 250 each addl. bedroom	2/35	30
R-6MX										
Single Family	10,000	100	100	6	20	20/8	20	1,600	2/30	30
Two Family	15,000	125	100	6	20	20/8	20	1,000/DU	2/30	25
Multifamily	30,000	150	150	6	50	80/30	30	750/bedroom DU and 250 each addl. Bedroom	4/50	30

LOT				YARD				BULK*(i)		
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)(k) (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*~~(k)~~(l)	30 (40 with PUD/ODP)
C-2	30,000	150	200	N.A.	35	50/20*(b)	25	N.A.	3/40*~~(k)~~(l)	30 (40 with PUD/ODP)
C-3*(f)	30,000	150	175	N.A.	35	50/20*(b)	25	N.A.	3/40*~~(k)~~(l)	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*~~(k)~~(l)	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)
MUC-2	*(g)	*(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)	*(g)	11.26	*(g)	*(g)	*(g)	*(g)	4/50 (10/120 with PUD/ODP)	30*(e)
T-3 Multifamily	25,000	100	125	3	40	35/15	25	750/ bedroom D.U. and 250	3/40 (4/55 with	25 (35 with

								each additional bedroom	PUD/ODP)	PUD/ODP)
Tourism Unit (including time-share Tourism unit)	40,000	150	250	3	45	50/20	25	300/ bedroom D.U. and 125 each additional bedroom	3/40 (4/55 with PUD/ODP)	25 (35 with PUD/ODP)
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 PUD/ODP)	30 (40 with PUD/ODP)
Tourism Unit (including time-share Tourism unit)	55,000	175	300	6	50	80/30	30	300/ bedroom D.U. and 125 each additional bedroom	4/50 (5/65 with PUD/ODP)	30 (40 with PUD/ODP)

(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 percent 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, section 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 manmade 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) Pursuant to subsections 158.067(D)(3)(i) and (j), additional lot coverage and height may be authorized through the outline development plan approval process.
(j) ~~Per~~ Pursuant to 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 zoning district in which it is located.
(k) 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.
(l) 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, and chimneys 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 the _____ day of _____, 2012.

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

_____
James L. Brown, Mayor

ATTEST:

_____
Trish Granger, Town Clerk

End of Agenda Item