

MEMORANDUM

DATE: January 10, 2013

TO: Planning and Zoning Board

FROM: Bill Spikowski
Spikowski and Associates, Inc.

**SUBJECT: ORDINANCE 2013-07, AMENDING CHAPTER 158, SECTION
158.180, DISTRIBUTION OF 250 TOURISM UNITS**

This draft is limited to amendments to 158.180 regarding the allocation of 250 additional tourism units. There are other revisions that could be relevant to this allocation process, such as the new departure criteria I've been working on, and some revisions to general standards for the T-3 and T-6 zoning districts. However, those revisions aren't essential at this time and have implications on other properties, so I am holding them for the second part of the code revisions.

These amendments to 158.180 are modeled on a draft provided by David Persson where the allocation to tourist-zoned properties can use the site plan review process instead of the ODP process. This special eligibility would now be limited to T-6-zoned properties, which have previously been designated as the highest-density tourism properties in the town. There are about ten T-6 properties in the town, including the Hilton and the Colony.

Adding tourism units to previously developed resort properties requires various technical standards in the zoning code to be loosened. Under the existing code, this loosening would have been evaluated through the review of proposed "departures" from the zoning code for each application. Under this draft, a number of technical standards would be loosened by amending the zoning code itself, in place of the case-by-case analysis. This approach is consistent with the recent court order in *Islandside Property Owners Coalition v. Town of Longboat Key*. The modified standards are in subsection 158.180(D).

Non-T-6 properties wishing to build some of the 250 additional tourism units would still use the ODP process. This draft provides new standards for the Town Commission to use in evaluating such applications. The previous standards anticipated that numerous competing applications would be reviewed simultaneously by the Town Commission; due to the recession, this never took place. The proposed new standards are better suited to the review of individual applications as they are filed; they contain objective "better" and "best" criteria that would be adopted into zoning code. Please review these criteria (in subsection 158.180(E)) to make sure they are aligned with the town's policies and values; we can modify or replace the criteria as necessary.