

Regular Workshop – March 20, 2013
Agenda Item 5

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 between the Town's Comprehensive Plan and Land Development Code regarding the maximum heights for certain structures. The Ordinance also clarifies the maximum heights allowed for structures that are excepted from the maximum building heights set forth in the zoning districts.

On November 12, 2012, the Town Commission reviewed the ordinance and requested that staff research why the Code included 'parapet walls' in the exception that would allow them to be 10 feet above building heights. Staff has conducted that research and is providing the additional information requested for Commission review.

Attachments: 3-7-13 Memo, PZB Director to Commission
11-2-12, Memo, P&Z Board Chair to Commission;
10-16-12 Staff Report, Planner to P&Z Board;
10-16-12 P&Z Board minutes;
Proposed Ordinance 2012-25; and
PowerPoint presentation

Recommended Action: Pending discussion, provide direction to Manager.

MEMORANDUM

DATE: March 7, 2013

TO: Town Commission

THROUGH: Dave Bullock, Town Manager

FROM: Robin D. Meyer, AICP, Director
Planning, Zoning and Building department

SUBJECT: Discussion of Height Limits for Parapets

Ordinance 2012-25 proposed amending the Zoning Code to provide consistency between the Comprehensive Plan and the Land Development Code as well as to set or clarify the maximum heights allowed for certain structures that are "excepted" from the maximum building heights set forth in the zoning districts. These structures include antennae, enclosed elevator shafts, enclosed stairwells and their parapet walls, enclosed mechanical equipment areas, chimneys, and house of worship spires.

At the November 12, 2012 Regular Workshop Meeting, the Commission requested that staff research and report on the purpose in allowing parapets on top of buildings to be up to an additional ten feet above the maximum building height, as proposed by the establishing Section 158.145, footnote (j). Staff reviewed the 1986, 1998, 2007, and current Zoning Codes to determine the purpose and intent of this Section. Staff also reviewed other jurisdictions rules to determine if there was an established consistent height or range of heights for parapets.

At present, Section 158.153 in Section (B) (1) below, clarifies when a parapet can achieve the additional ten feet of height allowed by Section 158.145 footnote (j). According to the Code the ten feet can only be added when required pursuant to the Building Code and as such staff would not permit a continuous parapet of ten feet above the height limit.

(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. (emphasis added)

For determining parapet heights in general staff uses the requirements in the Building Code. According to Wayne Thorne, the Town's Building Official, the minimum height for a parapet required by the Florida Building Code (FBC) is 30 inches although there are numerous exemptions in the FBC. Parapet heights in the FBC are for purposes of fire protection and constructed based on the distance between buildings, size of a building, fire resistance of walls, and other conditions.

Parapets on Longboat Key have also been used to screen mechanical equipment and rooftop structures from ground-level view and used to provide architectural design enhancements to buildings.

Other jurisdictions

The City of Sarasota limits parapets to a maximum of 42 inches except in their three downtown districts where parapets are required to be at least 42 inches or tall enough to hide rooftop equipment from view

The City of Naples requires all flat rooftops to have parapets of at least 2 feet. The city also allows equipment screening to be up to 7 feet in height for non-single family residential buildings and 5 feet for single family buildings.

The City of Bradenton requires that rooftop equipment be screened but does not provide a maximum height for the screening.

Request for direction

Staff requests direction from the Town Commission with regards to the existing language in 158.153 (B) (1) providing sufficient direction with regards to the allowance of a ten foot parapet exceeding the height limits. Staff will then place Ordinance 2012-25, with any modifications necessary, on the April 1, 2013 Regular Meeting for first reading and public hearing.

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

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.

NAPLES

Roofing and projection requirements.

- a. Sloped roofs must be within a 4:12 to 12:12 slope range.
- b. Roof eaves and overhangs may extend no more than 4 feet from the build-to line. Roofs must continue a minimum of 8 feet back from the build-to line. Cantilevered mansard roofs are not permitted.
- c. Flat roofs must have parapets of solid construction; such parapets must be a minimum of 2 feet in height.
- d. Habitable balconies and other architectural facade elements may project up to 4 feet beyond the build-to line.

Sec. 56-39. - Height requirements, exceptions thereto.

(a)

Chimneys, elevator shafts or overruns, stair tower roofs, rooftop heating, ventilating and air conditioning equipment, ornamental screening for such equipment, energy producing devices such as solar panels and wind turbines and architectural embellishments may extend 7 feet above the peak of the building roof; however, in no case shall the maximum commercial building height limit of 42 feet as measured from the required 1st floor elevation be exceeded to accommodate such structure or equipment. Rooftop heating, ventilating and air conditioning equipment and ornamental screening for such equipment are not exempt in single-family residence districts (see fences, walls and screening regulations). Flat roof areas that are at or above the maximum allowable height or enclosed by a railing, parapet, architectural embellishment or ornamental screening that extends above the maximum allowable height may not be made accessible by means of a fixed ladder, stairway or elevator; however, hatches may be provided for maintenance purposes.

(b)

In single-family residence districts, exemptions to the maximum height requirement may only extend a maximum of 5 feet above the maximum height requirement in single-family zoning districts.

(c)

For any building, the aggregate area of the bases of architectural embellishments and ornamental screening shall not exceed 10 percent of the building's roof area

Ornamental screening means framed construction or other material, including a parapet wall, which conceals rooftop heating, ventilating and air conditioning equipment, and which is integrated into the overall design, textures, materials, and colors of the building. See section 56-39 (height requirements, exceptions thereto).

City of Sarasota

Parapet line: A continuous vertical projection or wall running horizontally for the majority of a facade. See illustration.

Notwithstanding section VI-102(p), the height limits prescribed above shall not apply to: roof-top antennae 20 feet or less in height, satellite dish receivers, **parapets or railings not more than 42 inches in height**, or chimneys.

DTN (Neighborhood)	DTNE (Neighborhood Edge) DTE (Edge)	DTC (Core) DTB (Bayfront)
Flat roofs shall have parapets no less than 42 inches high or as required to conceal any mechanical equipment from any adjoining sidewalk.	Flat roofs shall have parapets no less than 42 inches high or as required to conceal any mechanical equipment from any adjoining sidewalk.	Flat roofs shall have parapets no less than 42 inches high or as required to conceal any mechanical equipment from any adjoining sidewalk.

Bradenton

Parapet: A vertical false front or wall extension above the roof line.

6.1.5.6 *Mechanical equipment* on rooftops should be screened, preferably behind a **parapet** roof. Latticework, louvered panels, and other treatments that are compatible with the building's architecture may also be appropriate.

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.

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*(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 *(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	15,000	100	100	*(a)	20	25/10	25	1,600	2/30	25			
R-4SF	10,000 *(c)	100	100	*(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			

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 *(h)(j)(k) (stories/feet)	Max. Coverage (percent)		
O-1	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		

Tourism Unit (including time-share Tourism unit)	40,000	150	250	3	45	50/20	25	each additional bedroom	PUD/ODP) 3/40 (4/55 with PUD/ODP)	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 _____, 2013.

Adopted on the second reading and public hearing the _____ day of _____, 2013.

James L. Brown, Mayor

ATTEST:

Trish Granger, Town Clerk



Discussion of Parapet Height Limits

Town Commission
Regular Workshop Meeting
March 20, 2013



Ordinance 2012-25 Addresses:

1. Definitions by adding;

“HOUSE OF WORSHIP.” A building or structure, or groups of building 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.



Ordinance 2012-25 Addresses:

2. Adding Footnotes to 158.145- Schedule of lot, yard and bulk regulations;

(j) 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 regulation by more the ten feet of the zoning district in which it is located.



Ordinance 2012-25 Addresses:

2. Adding Footnotes to 158.145- Schedule of lot, yard and bulk regulations; (Continued)

(k) Pursuant to 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.



Ordinance 2012-25 Addresses:

2. Adding Footnotes to 158.145- Schedule of lot, yard and bulk regulations; (Continued)

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



Ordinance 2012-25 Addresses:

Amends Section 158.153 (B) (1) 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.



Section 158.153 (B)(2) is amended as follows:

(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 process.



At the workshop on November 12, 2012 the Commission asked staff to review parapet heights in other jurisdiction and research why the Town's Land Development Code allowed parapets to ten feet and bring the information back to the Commission at a future date.



Amends Section 158.153 (B) (1) 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, 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. (emphasis added)



Staff has consulted with the Town's Attorney and we both agree that Section 158.153 (B)(1) provides the necessary limits on the heights of parapet walls.

TOWN OF LONGBOAT KEY



QUESTIONS?

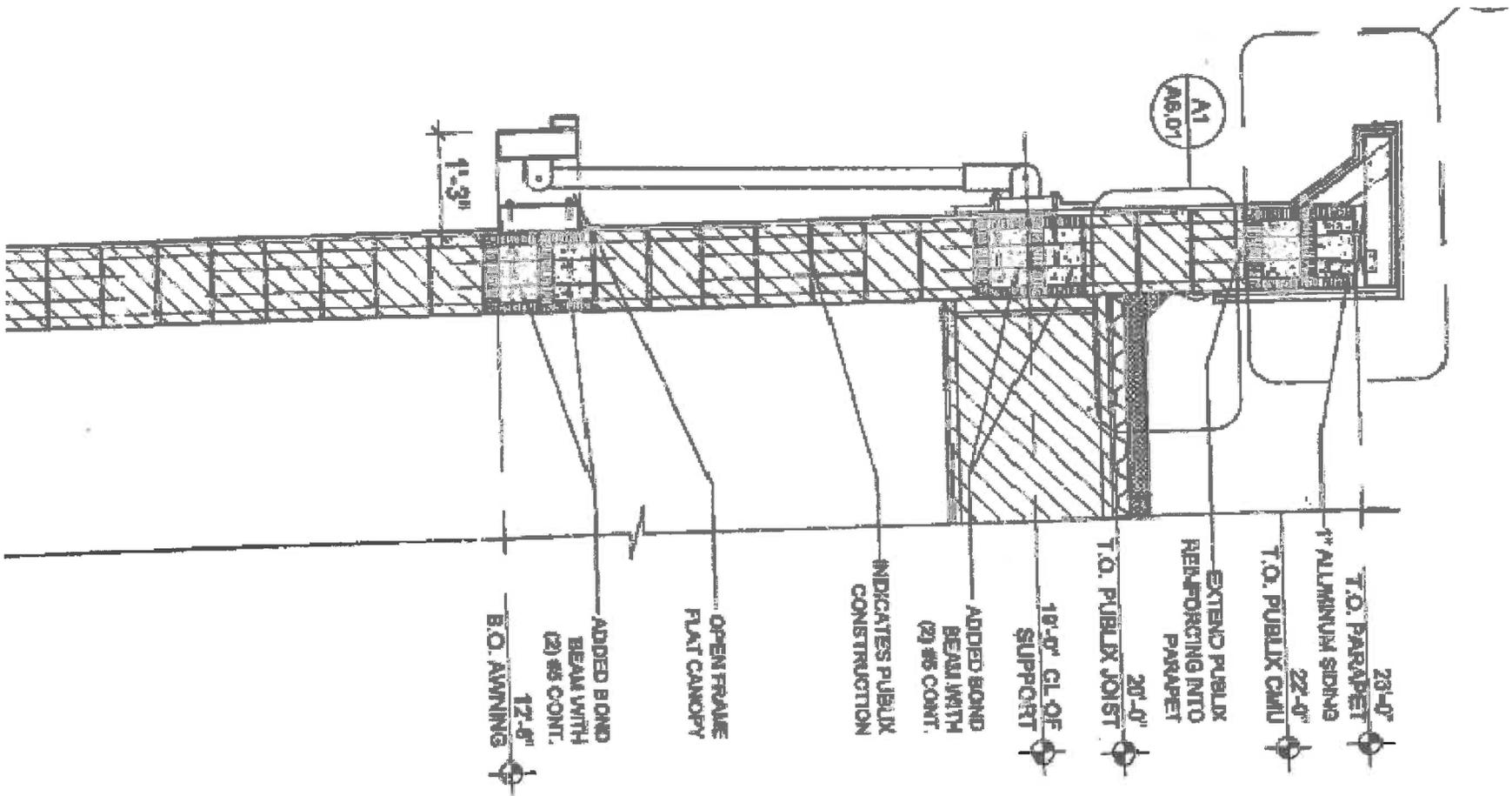


36-INCH PARAPET

BUILDING CODE FEATURE







PUBLIX FACADE

TOWN SHOPPES OF LONGBOAT KEY

STORE TYPE 49.1



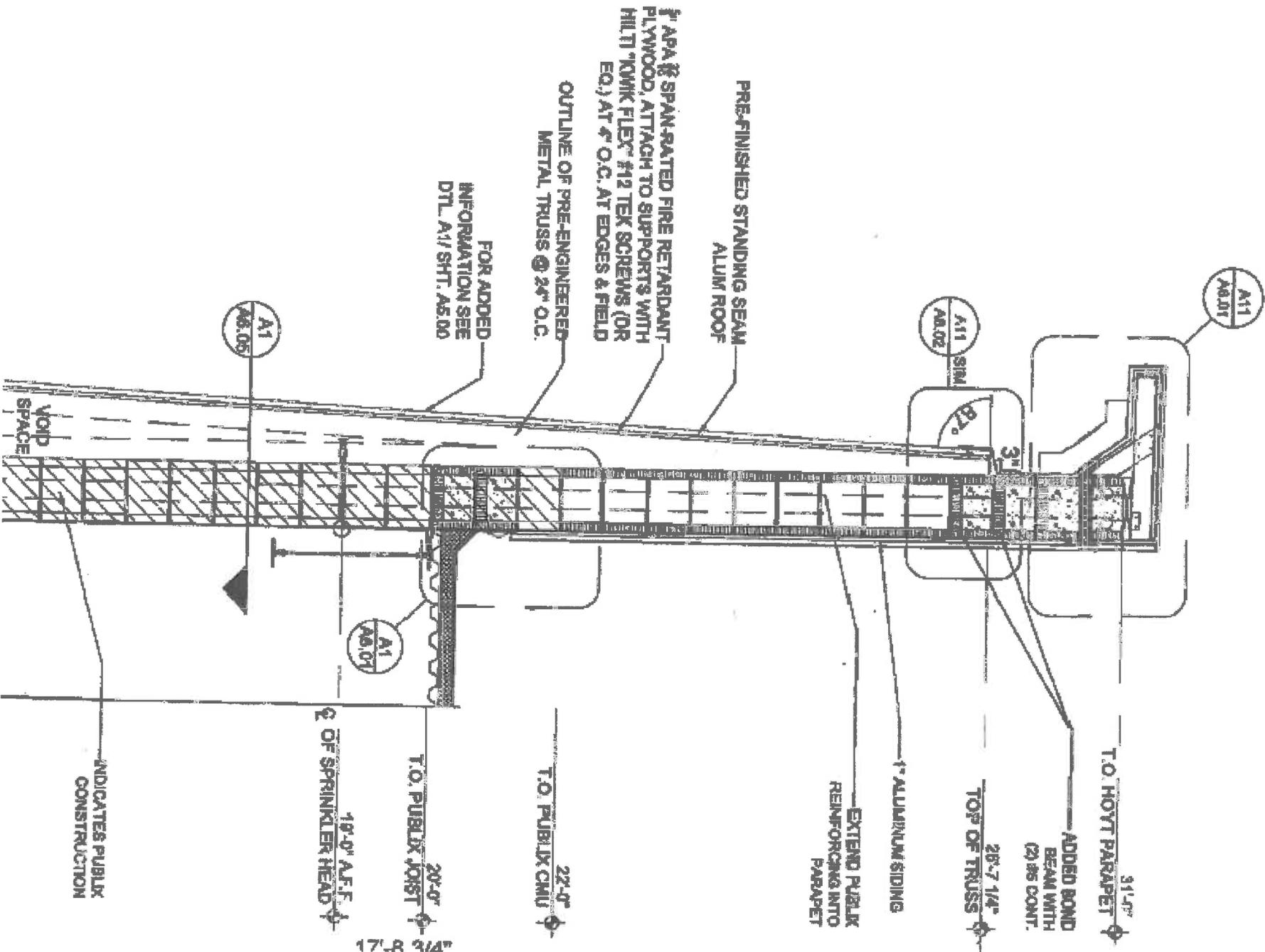
Architectural Comments



10-FOOT PARAPET AND OTHERS
ARCHITECTURAL DESIGN FEATURES







A11
AL01

A11
S101
AL02

A1
AL05

A1
AL07

31'-0"

T.O. HOYT PARAPET

ADDED BOND
BEAM WITH
(2) BS CONT.

28'-7 1/4"
TOP OF TRUSS

1" ALUMINUM SIDING

EXTEND PUBLIC
REINFORCING INTO
PARAPET

PRE-FINISHED STANDING SEAM
ALUMINUM ROOF

1" APA RATED FIRE RETARDANT
PLYWOOD, ATTACH TO SUPPORTS WITH
HILTI "Kwik Flex" #12 TEK SCREWS (OR
EQ.) AT 4" O.C. AT EDGES & FIELD

OUTLINE OF PRE-ENGINEERED
METAL TRUSS @ 24" O.C.

FOR ADDED
INFORMATION SEE
DTL A1/ SHT. A5.00

22'-0"
T.O. PUBLIC CMU

20'-0"
T.O. PUBLIC JOIST

19'-0" A.F.F.
OF SPRINKLER HEAD

17'-0" 2/A

INDICATES PUBLIC
CONSTRUCTION

VOID
SPACE





TOWN OF LONGBOAT KEY



**8-FOOT HIGH MECHANICAL
EQUIPMENT SCREENING ENCLOSURE**





TOWN OF LONGBOAT KEY



PUBLIX

THE RETAIL SHOPS

TOWN OF LONGBOAT KEY



36-INCH PARAPET

BUILDING CODE FEATURE





TOWN OF LONGBOAT KEY



THE PROMENADE

10-STORY CONDOMINIUM BUILDING

TOWN OF LONGBOAT KEY



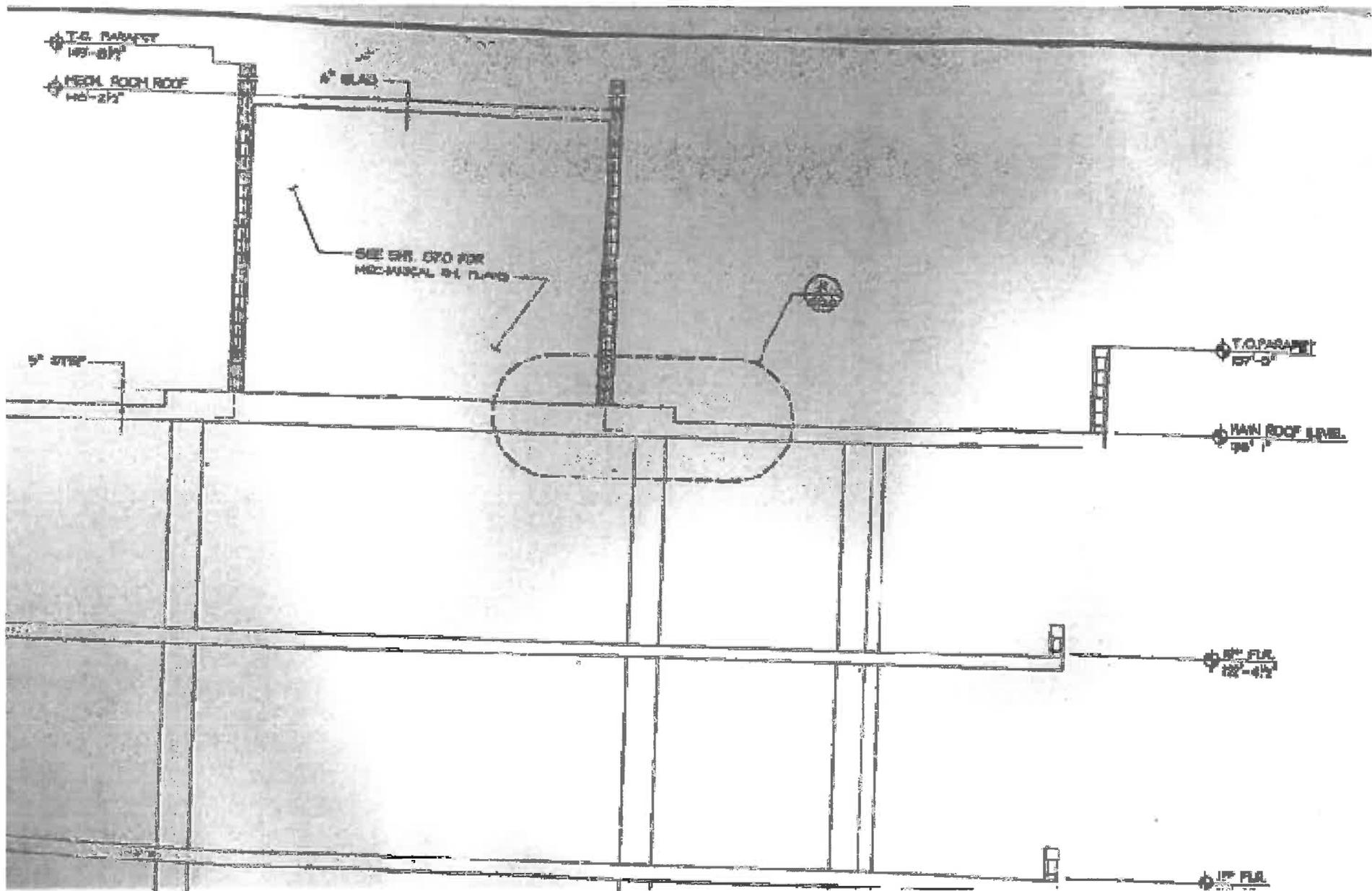
4-FOOT PARAPET

BUILDING CODE FEATURE











- Possible options:
 - maintain current maximum 10-foot height allowance;
 - restrict parapets to minimum required by FBC/Building Official;
 - allow additional height (up to 10 feet, higher) through site plan approval process;
 - provide differing height limits for screening and for design enhancement.

TOWN OF LONGBOAT KEY



● Questions?



End of Agenda Item