MEMORANDUM

Date: March 25, 2013

TO: Dave Bullock, Town Manager

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

SUBJECT: Resolution 2013-07, Amending the Comprehensive Plan, Future Land Use Element

---

At the March 20, 2013 Regular Workshop Meeting the Commission reviewed Resolution 2013-07 and forwarded it to the April 1, 2013 Regular Meeting for public hearing and formal action.

Currently Table 1 of Policy 1.1.11 of the Future Land Use Section of the Comprehensive Plan allows any property with a Future Land Use designation of TRC-6 that utilizes the Town's Outline Development (ODP) or Planned Unit Development (PUD) process, to request one additional story, from the currently allowed 4 stories to 5 stories with a maximum height of 65 feet over flood elevation as part of their development request. This proposed change adds language that would include all proposed project developing as a Site Plan under Section **158.180-Distribution of 250 tourism units** of the Land Development Code to request the same additional story of height to 65 feet above flood elevation. This proposed change does not change allowable number of stories or height, it simply adds an additional land use process that can take advantage of the extra story. The Planning and Zoning Board held a public hearing on Resolution 2013-07 at their February 19, 2013, meeting and recommended that the Commission take formal action to pass Resolution 2013-07.

Resolution 2013-07 is placed on the April 1, 2013 Regular Meeting for public hearing and formal action. If you have any questions please feel free to contact me.

RESOLUTION 2013-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, APPROVING COMPREHENSIVE PLAN AMENDMENTS FOR TRANSMITTAL FOR INITIAL REVIEW AS REQUIRED BY SECTION 163.3184(3), FLORIDA STATUTES; AMENDING POLICIES 1.1.10 AND 1.1.11 OF THE FUTURE LAND USE ELEMENT AND SUPPLEMENTAL DATA AND ANALYSIS OF THE COMPREHENSIVE PLAN REGARDING BUILDING HEIGHTS FOR ADDITIONAL TOURISM UNITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission desires the authority to authorize an additional story of height provided for TRC-6 properties through the final site plan approval process for any TRC-6 property that has been granted approval for additional tourism units through Section 158.180 of the Town's land development regulations; and

WHEREAS, the Community Planning Act, Sections 163.3161 through 163.32466, Florida Statutes, ("Act") authorizes and requires the Town of Longboat Key to adopt and amend a Comprehensive Plan in accordance with the Act; and

WHEREAS, pursuant to the Act, 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 Comprehensive Plan and amendments thereto; and

WHEREAS, the Town provided due public notice of the Planning and Zoning Board public hearing on February 19, 2013, which was conducted in a manner that afforded public participation to the fullest extent possible for the review of the proposed Comprehensive Plan amendments; and

WHEREAS, the Planning and Zoning Board reviewed the proposed comprehensive plan amendments at the February 19, 2013, public hearing and provided recommendations to the Town Commission as the local governing body; and

WHEREAS, the Town has given due public notice of the Town Commission's workshop and public hearing, which were conducted in a manner affording public participation to the fullest extent possible, for transmittal of the proposed Comprehensive Plan amendments; and

WHEREAS, the Town Commission of the Town of Longboat Key, after review of the recommendations of the Planning and Zoning Board, comments made at public hearings, and careful consideration of the issues, finds that the proposed Comprehensive Plan amendments are consistent with the existing Comprehensive Plan and are in the best interest of the health, safety, and welfare of the citizens of Longboat Key; and

WHEREAS, the Town Commission of the Town of Longboat Key, after due public hearing, wishes to transmit the proposed Comprehensive Plan Amendments to the Florida Department of Economic Opportunity as the state planning agency, the Southwest Florida Regional Planning Council, Manatee County, Sarasota County, the Florida Department of Environmental Protection, the Florida Department of Transportation, the Southwest Florida

Water Management District, and the Florida Department of State for their review and comment pursuant to the Act.

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. Future Land Use Element Policy 1.1.10 (6) is hereby amended as follows:

Tourist Resort Commercial. This category is intended to accommodate the unique land needs for resort-oriented facilities. These facilities generally are marketed as vacation accommodations for tourists and other transients seeking an environment with a high level of amenities. Uses include multifamily dwelling units, time-share units, and tourism units. Associated resort amenities, such as restaurants, shops, and recreational facilities, may be permitted on the site in conjunction with a tourist resort commercial development. All commercially provided recreational activities requiring shoreline or near-shore water utilization shall be concentrated at the commercial hotel facilities. Additional tourism units may be allowed pursuant to Future Land Use Policy 1.1.11. Lot coverage may exceed the standard lot coverage by up to 10%, and height may exceed the standard height by one story as shown on Table 1, through the Outline Development Plan (ODP) process of the land development regulations. The additional story as shown in Table 1, may also be approved through the final site plan approval process for properties that are granted additional tourism units through section 158.180 of the land development regulations. The two Tourist Resort Commercial categories are as follows:

a. Medium-Density Tourist Resort/Commercial (TRC-3). Density shall not exceed three units per acre. Tourism units and associated resort amenities shall not exceed a lot coverage of 25%, and maximum height shall be 40 feet.

b. High-Density Tourist Resort Commercial (TRC-6). Density shall not exceed six units per acre. Tourism units and associated resort amenities shall not exceed a lot coverage of 30%, and maximum height shall be 50 feet.

SECTION 3. Future Land Use Element Policy 1.1.11 is hereby amended as follows:

Historically, tourism has been an important element of the Town's economy. The Town will maintain land development regulations that implement the Town referendum vote of March 16, 2008, that permits a limited increase of no more than a total additional 250 tourism units islandwide to help restore the historic balance between residential and tourism uses. Development of the 250 tourism units, which are additional to allowed under the Comprehensive Plan at the time of the referendum, will be limited to parcels within the Medium Density Tourist Resort/Commercial (TRC-3), High Density Tourist Resort/Commercial (TRC-6), Limited Commercial (CL), General Commercial (CG), Highway-Oriented Commercial (CH), Office-Institutional (OI), and Marina Commercial Service (MCS) future land use categories and parcels in residential future land use categories that contain an existing legal tourism use. Tourism units on Longboat Key shall provide transient lodging accommodations of less than 30 consecutive calendar days or one entire calendar month, whichever is less, and are not to be used as dwelling units for

permanent occupancy. The standard maximum lot coverage and height of the future land use category in which the tourism units are located shall apply, except that up to an additional 10% of lot coverage and an additional story as shown in Table 1 may be approved through the Outline Development Plan (ODP) process of the land development regulations. The additional story shown on Table 1, to allow the additional story for TRC-6 properties, may also be approved through the final site plan approval process for properties that are granted additional tourism units through section 158.180 of the land development regulations. In the residential land use categories, the standard maximum lot coverage and height of the zoning district in which the tourism units are located shall apply, except that up to an additional 10% of lot coverage may be approved through the ODP process of the land development regulations. The town must find by competent substantial evidence that the project incorporating the tourism units is in the best interest of the town and its citizens and does not adversely impact or affect the public interest.

Table 1
Land Use Densities and Intensities in the Town of Longboat Key

Symbol	Category	Density	Nonresidential Intensities			
			Maximum Lot Coverage		Maximum Height (stories/feet)	
			Standard	PUD or ODP	Standard	PUD or ODP
OS	Open Space					
▪ OS-A	Open Space – Active		30%			
▪ OS-P	Open Space – Passive		15%			
▪ OS-C	Open Space – Conservation		See Policy 1.1.10			
IP	Island Preserve	1 du/5 ac				
RL-1	Low Density SF Residential	1 du/ac				
RL-2	Low Density SF Residential	2 du/ac				
RM-3	Medium Density SF/Mixed Residential	3 du/ac				
RM-4	Medium Density SF/Mixed Residential	4 du/ac				
RH-6	High Density SF/Mixed Residential	6 du/ac				
TRC-3	Medium Density Tourist Resort/Commercial	3 u/ac	25%	35%	3/40	4/55
TRC-6	High Density Tourist Resort/Commercial	6 u/ac	30%	40%	4/50	5/65**
MUC-1	Mixed Use Community (Bay Isles)	3.26 du/ac	30%	40%	4/50	5/65
MUC-2	Mixed Use Community (Islandside)	5.05 u/ac	30%	40%	4/50	12/130 (tourism units) 8/87 (other)
MUC-3	Mixed Use Community (Promenade/Water Club)	11.26 du/ac				
INS	Institutional		30%	40%	2/30	
OI	Office-Institutional		30%	40%	2/30	
CL	Limited Commercial		30%	40%	2/30*	
CG	General Commercial		30%	40%	3/40*	
CH	Highway Commercial	3 tourism u/ac	40%	50%	3/40*	
MCS	Marina Commercial Service	1 accessory du located on the same lot	40%	50%	2/30*	

Note: Dwelling units per acre (du/ac) refers to residential units; units per acre (u/ac) includes both tourism units and residential units.

* An additional five feet in building height allowed for a waterfront restaurant.

** This additional story for TRC-6 properties may also be approved through the final site plan approval process for properties that are granted additional tourism units through section 158.180 of the land development regulations

SECTION 4. Section IV.D. of the Supplemental Data and Analysis for the Future Land Use Element is hereby amended in part as follows:

Distribution of the available tourism units is not a matter of right. ~~The standards of the underlying zoning district that apply to the subject property remain in effect.~~ Projects are reviewed based on criteria established ~~a hierarchy of factors~~ in the land development regulations. ~~, with those that meet current zoning requirements and requesting no departures receiving priority. Requests for departures from the standards of the zoning code must demonstrate by clear and convincing evidence that the project is so beneficial to the Town as to warrant the requested departure. Land development regulation restrictions on height, non-open space coverage, structural coverage, sufficiency of land area, parking, and setbacks, in conjunction with the criteria for Outline Development Plan and site plan review by the Planning and Zoning Board and the Town Commission, will allow the Town to control the intensity of development and maintain conformance with the character of the surrounding neighborhood. Site considerations and criteria for area compatibility are part of the review process~~. The purpose for allowing the potential for an additional story in height, for the T-6 Zoned properties, is an acknowledgement that T-6 is the most intensive tourist zoning available in the Town of Longboat Key as well as the location of the majority of the existing tourism amenities. Because of these factors the Town anticipates that T-6 properties are the best suited to absorb the additional density. In order to grant approval or approval with conditions, the Town must find by competent substantial evidence that the project is in the best interest of the health, safety, and welfare of the Town and its citizens and does not adversely affect the public interest.

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

SECTION 6. This Resolution becomes effective upon adoption in accordance with Law and the Charter of the Town of Longboat Key.

ADOPTED at a meeting of the Town Commission of the Town of Longboat Key this _____ day of _____, 2013.

_____
James L. Brown, Mayor

ATTEST:

_____
Trish Granger, Town Clerk

End of Agenda Item