

MEMORANDUM

DATE: May 6, 2013

TO: Planning and Zoning Board

FROM: Robin Meyer, AICP, Director,
Planning, Zoning and Building Department

SUBJECT : Ordinance 2013-19 Comprehensive Plan Amendments

Attached for your review is Ordinance 2013-19, amending the Future Land Use Element's Policies 1.1.10, 1.1.11 and Table 1, regarding allowance of an additional story and 15 feet of additional building height for site plan proposals utilizing tourism units as allowed in Section 158.180. In addition, corresponding changes to the Supplemental Data and Analysis section of the Future Land Use Element supporting the proposed changes are included. The Board's original recommendation was given to the Town Commission on February 19, 2013, which concurred with your recommendation and forwarded the amendments on April 1, 2013, to the Florida Department of Economic Opportunity (DEO), as provided by Florida Statutes 163.3187. The DEO and agencies have reviewed the proposed amendments and provided their comments to the Town (see attached). After receiving and considering the comments, it is staff's recommendation that the Board recommend to the Town Commission that the proposed changes be adopted.

Proposed Changes

The first paragraph of Future Land Use Element Policy 1.1.10 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 for TRC-6 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.

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 island wide to help restore the historic balance between residential and tourism uses. Development of the 250 tourism units, which are additional to units 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, for TRC-6 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.

. 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 TRC-6 designated properties is an acknowledgement that TRC-6 is the most intensive designation 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 TRC-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.

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

Proposed Plan Amendments

The proposed plan amendments encourage redevelopment in the TRC-6 land use category/zoning district by allowing site plan review as developed within the Section 158.180 amendment, rather than ODP review, for projects proposing to develop to five (5) stories and a maximum height of 65 feet. This represents a shift in planning strategy in order to more effectively direct redevelopment to the TRC-6 land use category/zoning district. It should be noted that the comprehensive plan did not present a strategy for directing redevelopment based on the referendum. Instead, reliance was placed primarily on the previous process set forth in Section 158.180, which anticipated a competitive review process whereby development applications utilizing a portion of the 250 additional units would be evaluated and ranked to determine how the allocations would be distributed. The proposed new strategy prioritizes redevelopment of the TRC-6 land use category/zoning district based on a first to apply basis, recognizing that it is inherently the most suitable district for such redevelopment, and is proposed in lieu of the competitive application process. To implement this revised strategy, code amendments to Section 158.180 have been made and other amendments accompanying these Comprehensive Plan changes are also required.

Staff Recommendation

Proposed Ordinance 2013-19 amends the Comprehensive Plan to allow properties that have the TRC-6 land use to add an additional story from four (4) stories to five (5) stories and a maximum building height of 65 feet if approved as part of a Site Plan process, rather than the current process that allows the extra story through an ODP. The proposed ordinance and attached documents are presented to the Planning and Zoning Board for recommendation to the Town Commission. It is the recommendation of staff that the Planning and Zoning Board approve the proposed changes to Policies 1.1.10, 1.1.11, and the Supplemental Data and Analysis changes and recommend them to the Town Commission for approval.