MEMORANDUM

Date: May 24, 2013

TO: David Bullock, Town Manager

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

SUBJECT: Ordinance 2013-19, Comprehensive Plan Amendment, Future Land Use Element

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Attached for review by the Town Commission 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 Planning and Zoning Board originally approved this proposed change and recommended it to the Town Commission on February 19, 2013. The Town Commission concurred with the 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 other agencies have reviewed the proposed amendments and had no comments. As required by Town Code, the proposed changes came back before the Planning & Zoning Board on May 21, 2013. The P&Z Board recommended Commission approval of the amended language. After receiving and considering the comments, it is staff's recommendation that the Town Commission adopt the proposed changes to the Town's Future Land Use Element of the Comprehensive Plan.

xc: Maggie Mooney-Portale, Town Attorney

MEMORANDUM

DATE: May 24, 2013

TO: Honorable Mayor and Town Commission

THROUGH: Dave Bullock, Town Manager

FROM: BJ Webb, Chair
Planning and Zoning Board

SUBJECT: ORDINANCE 2013-19, COMPREHENSIVE PLAN AMENDMENT, FUTURE LAND USE ELEMENT (T-6 ZONES)

During the public hearing held on May 21, 2013, the Planning and Zoning Board recommended APPROVAL of Ordinance 2013-19, with a modification to the last sentence in Section 5 of the ordinance. The specific motion from the May 21, 2013, meeting of the P&Z Board is as follows:

MR. GARNER MOVED TO RECOMMEND APPROVAL OF ORDINANCE 2013-19 WITH THE REMOVAL OF THE WORDS, 'HEALTH, SAFETY AND WELFARE OF THE' IN SECTION 5 OF THE ORDINANCE, LAST SENTENCE OF SECTION IV.D OF THE SUPPLEMENTAL DATA AND ANALYSIS. MR. SYMANSKI SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; DALY, AYE; GARNER, AYE; HACKETT, AYE; HIXON, AYE; SCHNEIER, AYE; SYMANSKI, AYE; WEBB, AYE

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

1. Staff Memo, dated 5-6-13, Director to P&Z Board;
2. Draft minutes from the 5-21-13 regular P&Z Board meeting on this issue;
3. PowerPoint Presentation; and
4. Proposed Ordinance 2013-19.

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

BJW/dmc

M E M O R A N D U M

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 1for 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 establisheda ~~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.

AGENDA ITEM #1
ORDINANCE 2013-19, COMPREHENSIVE PLAN AMENDMENT
FUTURE LAND USE ELEMENT (T-6 ZONES)

Pursuant to published notice, the public hearing was opened.

Robin Meyer, Director, provided an overview of the proposed ordinance noting:

- The board previously approved the transmittal of the resolution to the Department of Economic Opportunity at their March 2013 meeting
- Adopted an amendment to Section 158.180, which was the 250 tourism units
- Amendments allow an applicant utilizing the site plan approval process to have access to an additional story and additional height that was allowed if they went through an Outline Development Plan (ODP) process rather than the site plan process
- Amends language in Policy 1.1.10 and adds language to the table in Policy 1.1.11, Table 1
- Preliminary language went to the state and was approved; this is final approval required by the board and Town Commission

Mr. Daly questioned the difference between the ODP process and the site plan process. Mr. Meyer explained that the ODP process was a land use process where the applicant could request deviations from the code and in order to get a land use approval, it was a much more in depth process that required review by staff, the P&Z Board, and Town Commission. The site plan process was straightforward and tried to be more aware of the needs of development and so a lot of waivers, or deviations, were built into the code. He noted it was designed to accommodate development in the T-6 zones, taking into consideration they were the one zone designed to accommodate tourist development. Mr. Daly pointed out the staff memo noted the proposed change was due to comments from the state, but the letter from the state did not indicate any comments. Kelly Fernandez, Town Attorney, explained that the comments from the state were part of the process. Mr. Daly questioned the rationale for the change. Mr. Meyer responded the rationale was to accommodate tourist development on the T-6 properties within Longboat Key.

Discussion ensued on the following issues:

- A question concerning Agenda Item 4, Proposed Ordinance related to Telecommunications, where there was a substantial definition for 'adverse visual impact,' and whether it applied only to personal wireless service development and not to the ordinance being discussed; it was a definition that was proposed to be added as it was not currently in the code
- The definition of 'adverse visual impact' did not apply to the current draft ordinance (2013-19)
- Concerning the first paragraph, first 'Whereas' clause, it stated it was worthwhile and if the applicant needed another story that it could now be approved; should

confine the conversation as to whether the board wished to grant authority to grant an additional story

- The proposed ordinance did not grant something, but granted the right for the Town Commission to consider an application
- There were two T-6 districts on the key
- Whether the ordinance was to allow the proposal for five stories in a T-6 zone to be presented by way of site plan approval, as opposed to ODP approval; limit was five stories for a maximum of 65 feet
- Whether the site plan approval was done at the staff level or board level; it would be reviewed by both the P&Z Board and Town Commission

Mr. Hixon pointed out that since the discussions were relating to site specific locations, he wished to note for the record that he, along with his band, had worked at all the locations being discussed. He asked if anyone had concerns with his ability to evaluate and vote on the issues to speak up, and if so, he would excuse himself from the discussion. No objections were noted.

John Patterson, attorney representing Ocean Properties and its affiliates, owners of Longboat Key Club, voiced concern with page 5 of 6 of the ordinance, last sentence, which read, "*in order to grant approval or approval with conditions, the town…..*". He noted that Judge Haworth had found issue with provisions in the zoning code that were very vague and ambiguous, and allowed subjectivity, and he was concerned that these particular criteria may be so vague and ambiguous that it might not withstand judicial scrutiny. One way to deal with it was to either replace it with a substitute provision that would allow the Town, in the land development regulations, to set forth the standards for determining whether the additional story would be granted, and would be more particular than health, safety, welfare, and public interest. The Town could also add an additional sentence, which stated, "*the Town shall in its land development regulations adopt further standards for determining…*". His concern was not with the substance, but having to do with concerns arising out of the litigation and Judge Haworth's determination.

Mr. Hackett asked if Mr. Spikowski had touched on this issue. Bill Spikowski, Spikowski Planning Associates, commented that the two clauses in the comprehensive plan amendment were very general and were items that Judge Haworth also expressed concern were too general. They were in Ordinance 2013-07, along with seven or eight other criteria. The code was currently specific, but in order to be effective needed the plan amendment to be consistent. He did not believe the last sentence proposed by Mr. Patterson was a problem, but he also did not believe it was essential, because the code was already in place and specific to meet Judge Haworth's concerns. Mr. Hackett asked of the two sentences, which would be preferred. Mr. Spikowski responded the way it was presented by staff was better. Attorney Fernandez explained that the paragraph being discussed was part of the Data & Analysis of the comprehensive plan, which was explanatory, but was not a Goal, Objective or Policy.

Mr. Garner believed if it was already in the code, then the language would be burdening the commission to have competent, substantial evidence as to whether a project was in the best interest, and then the health, safety and welfare. He suggested the language state, "the Town must find by competent, substantial evidence that the project was in the best interest of the Town," and remove "health, safety and welfare." Discussion ensued on whether the language should be modified and if there were concerns with removing the sentence.

MR. GARNER MOVED TO RECOMMEND APPROVAL OF ORDINANCE 2013-19 WITH THE REMOVAL OF THE WORDS, 'HEALTH, SAFETY AND WELFARE OF THE' IN SECTION 5 OF THE ORDINANCE, LAST SENTENCE OF SECTION IV.D OF THE SUPPLEMENTAL DATA AND ANALYSIS. MR. SYMANSKI SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; DALY, AYE; GARNER, AYE; HACKETT, AYE; HIXON, AYE; SCHNEIER, AYE; SYMANSKI, AYE; WEBB, AYE

ORDINANCE 2013-19

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, PROVIDING FOR THE ADOPTION OF AMENDMENTS TO POLICIES 1.1.10, 1.1.11 AND TABLE 1 OF THE FUTURE LAND USE ELEMENT OF THE TOWN OF LONGBOAT KEY COMPREHENSIVE PLAN TO ALLOW AN ADDITIONAL STORY OF HEIGHT THROUGH THE FINAL SITE PLAN APPROVAL PROCESS FOR TRC-6 PROPERTIES THAT ARE GRANTED ADDITIONAL TOURISM UNITS THROUGH SECTION 158.180 OF THE LAND DEVELOPMENT CODE; AMENDING RELATED SECTION IV.D. OF THE SUPPLEMENTAL DATA AND ANALYSIS FOR THE FUTURE LAND USE ELEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission desires the authority to authorize an additional story of height 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, on March 4, 2013, the Town held a public hearing on the proposed Comprehensive Plan amendments and approved Resolution 2013-07 authorizing the transmittal of the amendments to the Department of Economic Opportunity as the state land planning agency for review; and

WHEREAS, the Town has considered any comments received from the Department of Economic Opportunity, the other reviewing agencies and local governments, and the public; and

WHEREAS, after due public notice, the Town Planning and Zoning Board held a public hearing on May 21, 2013, to consider the proposed Comprehensive Plan amendments, which was conducted in a manner that afforded public participation to the fullest extent possible, and provided recommendations to the Town Commission as the local governing body; and

WHEREAS, after due public notice, the Town Commission held public hearings on June 3, 2013, and June 17, 2013, which were conducted in a manner affording public participation to the fullest extent possible, for adoption of the Comprehensive Plan amendments; and

WHEREAS, the Town Commission of the Town of Longboat Key wishes to adopt the Comprehensive Plan amendments and transmit them to the Florida Department of Economic Opportunity for final review pursuant to Chapter 163, Part II, Florida Statutes.

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 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.

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 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 4. Table 1 of the Future Land Use Element is hereby amended as follows:

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 5. 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 Town and its citizens and does not adversely affect the public interest.

SECTION 6. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 7. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 8. This Ordinance becomes effective upon adoption in accordance with 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

TOWN OF LONGBOAT KEY

Comprehensive Plan Amendment to Allow an Additional Story and Height for TRC-6 Future Land Use

Town Commission

Regular Meeting

June 3, 2013

- Ordinance 2013-19 amended Future Land Use Element

Policy 1.1.10:

Tourist Resort Commercial... 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.

- Future Land Use Element Policy 1.1.11 is hereby amended as follows:

  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.

- Ordinance 2013-19: Future Land Use Element Policy 1.1.11 Table 1:

  5/65**

  ** 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

- Ordinance 2013-19 amends Future Land Use Element Policy 1.1.11 Table 1:

Symbol	Category	Density	Nonresidential Intensities			
			Maximum Lot Coverage		Maximum Height (stories/feet)	
			Standard	PUD or ODP	Standard	PUD or ODP
OS	Open Space					
TRC-6	High Density Tourist Resort/Commercial	6 u/ac	30%	40%	4/50	5/65**

** 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

- Ordinance 2013-19 amends Future Land Use Element Policy 1.1.10 and 1.1.11:

Questions?

End of Agenda Item