MEMORANDUM

Date: June 10, 2013

TO: David Bullock, Town Manager

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

SUBJECT: Ordinance 2013-10 Amending Section 158.145- Schedule of Lot, Yard and Bulk Regulations

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Attached for your review is Ordinance 2013-10, amending Section 158.145, schedule of lot, yard and bulk regulations of the Zoning Code. This amendment implements the policy changes to 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 the site plan proposals utilizing tourism units, as allowed in Section 158.180.

The Planning and Zoning Board reviewed this proposed amendment at their May 21, 2013 Regular Meeting and unanimously recommended that this amendment be forwarded to the Town Commission for review and adoption. The Town Commission held first reading of Ordinance 2013-10 on June 3, 2013, and forwarded the Ordinance for second reading and public hearing at their June 17, 2013 Special Meeting. Staff is recommending that the Town Commission adopt the proposed change.

xc: Maggie Mooney-Portale, Town Attorney

ORDINANCE 2013-10

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING CHAPTER 158, *ZONING CODE*, 158.145 - SCHEDULE OF LOT, YARD AND BULK REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key recently amended Future Land Use Element Policies 1.1.10 and 1.1.11, to allow the additional story or maximum height of 65 feet for properties in the TRC-6 future land use category through the final site plan approval process for properties that are granted additional tourism units through Section 158.180 of the Town's Zoning Code; and

WHEREAS, the Town wishes to ensure that the Zoning Code is consistent with the Comprehensive Plan; 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 March 19, 2013, the Planning and Zoning Board recommended that the Town Commission approve these Zoning Code amendments; and

WHEREAS, these amendments to the Zoning Code of 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 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.

	LOT			YARD				BULK		
District Uses	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 (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	15,00	100	100	*(a)	20	25/10	25	1,600	2/30	25
R-4SF	10,000 *(c)	100	100 *(h)	*(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								1,600		
Single Family	10,000	100	100	6	20	20/8	20	1,000/DU	2/30	30
Two Family	15,000	125	100	6	20	20/8	20	750/bedroom	2/30	25
Multifamily	30,000	150	150	6	50	80/30	30	DU and 250 each addl. Bedroom	4/50	30

District Uses	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 (stories/feet)	Max. Coverage (percent)
O-I	20,000	100	150	N.A.	45	40/15	20	N.A.	2/30	30 (40 with PUD/ODP)

	LOT			YARD				BULK		
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	30 (40 with PUD/ODP)
C-2	30,000	150	200	N.A.	35	50/20*(b)	25	N.A.	3/40	30 (40 with PUD/ODP)
C-3*(f)	30,000	150	175	N.A.	35	50/20*(b)	25	N.A.	3/40	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	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 each additional bedroom	3/40 (4/55 with PUD/ODP)	25 (35 with PUD/ODP)
Tourism Unit (including time-share Tourism unit)	40,000	150	250	3	45	50/20	25	300/ bedroom D.U. and 125 each additional bedroom	3/40 (4/55 with 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) (j)	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) Additional story and height may also be approved through a site plan under Section 158.180.
(Ord. 90-06, passed 3-19-90; Amd. Ord. 02-07, passed 6-3-02; Ord. No. 2008-35, §6, 2-2-09; Ord. No. 2012-08, §§14, 15(Exh. B), 7-2-12)

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 first reading and public hearing the 3rd day of June, 2013.

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

_____
James L. Brown, Mayor

ATTEST:

_____
Jo Ann Mixon, Deputy Town Clerk

End of Agenda Item