MEMORANDUM

Date: September 26, 2013

TO: David Bullock, Town Manager

FROM: Alaina Ray, AICP, Interim Director
Planning, Zoning and Building Department

SUBJECT: Ordinance 2013-26, Comprehensive Plan Amendment, Future Land Use Element, Telecommunications

---

Attached for your review is Ordinance 2013-26, adopting the amendments to Policies 1.1.10 and 1.6.4 of the Future Land Use Element (FLUE) of the Town of Longboat Key Comprehensive Plan, which were previously transmitted to the Florida Department of Economic Opportunity (DEO) for review. This amendment specifically exempts personal wireless service facilities from the height limitations in Policy 1.1.10 and Table 1 of the FLUE of the Comprehensive Plan, and recommends regulating the height of personal wireless service facilities through the Town of Longboat Key's land development regulations. It also clarifies the Town's policy for the approval of additional or modified wireless service facilities.

The Planning and Zoning Board reviewed this proposed amendment at their September 17, 2013, Regular Meeting and unanimously recommended that this amendment be forwarded to the Town Commission for review and adoption. Staff is recommending that the Town Commission adopt the proposed change.

xc: Maggie Mooney-Portale, Town Attorney

MEMORANDUM

DATE: September 26, 2013

TO: Honorable Mayor and Town Commission

THROUGH: Dave Bullock, Town Manager

FROM: BJ Webb, Chair
Planning and Zoning Board

SUBJECT: Ordinance 2013-26, Comprehensive Plan Amendment, Future Land Use Element, Telecommunications

---

During the public hearing held on September 17, 2013, the Planning and Zoning Board recommended APPROVAL, as written, of Ordinance 2013-26. The specific motion of the P&Z Board is as follows:

MR. GARNER MADE A MOTION TO RECOMMEND APPROVAL OF ORDINANCE 2013-26 AS WRITTEN. 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; WILD, AYE.

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

1. Proposed Ordinance 2013-26;
2. Staff Report, dated 8-19-2013, Director to P&Z Board;
3. PowerPoint Presentation; and
4. Minutes, September 17, 2013, P&Z Board Meeting.

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

BJW/dmc

ORDINANCE 2013-26

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, ADOPTING AMENDMENTS TO POLICIES 1.1.10 AND 1.6.4 OF THE FUTURE LAND USE ELEMENT OF THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a goal of the Town of Longboat Key's Comprehensive Plan is to preserve and enhance the character of the Town of Longboat Key by ensuring that land uses are responsive to the social and economic needs of the communities and are consistent with the support capabilities of the natural and manmade systems, and to maintain an environment that is conducive to the health, safety, welfare, and property values of the Town; and

WHEREAS, the Town Commission desires to specifically exempt personal wireless service facilities from the height limitations in Policy 1.1.10 and Table 1 of the Future Land Use Element of the Comprehensive Plan and instead regulate the height of personal wireless service facilities through the Town of Longboat Key's land development regulations; and

WHEREAS, the Town also wishes to clarify its policy for the approval of additional or modified wireless service facilities; and

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

WHEREAS, Section 163.3184, Florida Statutes, requires that the Town transmit proposed Comprehensive Plan amendments to the state land planning agency, as well as other specified agencies and parties; and

WHEREAS, pursuant to the Community Planning Act, Chapter 33 of the Code of Ordinances for the Town of Longboat Key designates the Town of Longboat Key Planning and Zoning Board as the local planning agency, responsible for the preparation of the local Comprehensive Plan and amendments thereto; and

WHEREAS, on June 3, 2013, the Town held a public hearing on the proposed Comprehensive Plan amendments and approved Resolution 2013-09 authorizing the transmittal of the amendments to the Department of Economic Opportunity as the state land planning agency for review; and

WHEREAS, on July 10, 2013, the Department of Economic Opportunity issued a letter to the Town raising no objections to the proposed Comprehensive Plan amendments; and

WHEREAS, the Town has considered the letter from the Department of Community Affairs and comments from the public and review agencies; and

WHEREAS, the Town Planning and Zoning Board, as the local planning agency, held a public hearing on September 17, 2013, to consider whether the proposed Comprehensive Plan amendments should be adopted, which hearing was conducted in a manner that afforded public participation to the fullest extent possible for the review of the Comprehensive Plan amendments, and provided recommendations to the Town Commission; and

WHEREAS, after due public notice, the Town Commission held Octoberpublic hearings on October 7, 2013, and November 4, 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 wishes to adopt the Comprehensive Plan amendments and transmit them to the Florida Department of Economic Opportunity for final review.

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. The Comprehensive Plan amendments attached hereto and incorporated herein as Exhibits "A-1 and A-2" are hereby adopted by the Town of Longboat Key.

SECTION 3. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 4. 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 this _____ day of _____, 2013.

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

_____
James L. Brown, Mayor

ATTEST:

_____
Trish Granger, Town Clerk

Exhibits:
Exhibit A: Amended Future Land Use Element, Goals, Objectives & Policies

EXHIBIT "A-1"

ORDINANCE 2013-26

AMENDED FUTURE LAND USE ELEMENT

Legislative Format

FUTURE LAND USE ELEMENT

GOAL 1

To preserve and enhance the character of the Town of Longboat Key by the following: 1) ensuring that the location, density, intensity, and character of land uses are responsive to the social and economic needs of the community and are consistent with the support capabilities of the natural and manmade systems; and 2) maintaining an environment that is conducive to the health, safety, welfare, and property values of the community.

OBJECTIVE 1.1

The Town will manage land development through the preparation, adoption, implementation, and enforcement of land development regulations.

Policy 1.1.1

The Town has adopted land development regulations, which address the location and extent of land uses, in accordance with the Future Land Use Map and the policies and descriptions of types, densities, and intensities of land uses contained in this element.

Policy 1.1.2

The Town will utilize its land development regulations to implement the adopted Comprehensive Plan, which at a minimum will:

1) Regulate the subdivision of land;
2) Regulate the use of land and surface waters;
3) Ensure the compatibility of adjacent land uses;
4) Protect the Conservation Lands designated in the Conservation and Coastal Management Element;
5) Manage areas subject to seasonal and periodic flooding and provide for appropriate stormwater management;
6) Regulate signage;
7) Regulate onsite traffic circulation, site access, and parking demands;
8) Provide buffering and open space requirements;
9) Provide for water conservation principles in landscaping regulations,
10) Ensure that development orders and permits will not result in a reduction of the levels of service for the affected public facilities (except transportation facilities) below the level of service standards adopted in this Comprehensive Plan; and,
11) Consider the impacts of land use plan amendments and development orders on the transportation system.

Policy 1.1.3

The Town will review and update its land development regulations and performance standards that ensure the protection of environmentally-sensitive land, which at a minimum will:

1) Protect conservation lands as designated in the Conservation Element.
2) Adhere to appropriate Florida Department of Environmental Protection (FDEP) and Southwest Florida Water Management District (SWFWMD) regulations regarding development.
3) Adhere to appropriate federal, state and local regulations and standards regarding designated wetlands, dunes, surface waters, and other environmentally-sensitive lands.

Policy 1.1.4

As required or as necessary, the Town will review and update its land development regulations implementing this Comprehensive Plan, which will be based on and consistent with the standards for land use densities and intensities, as indicated on Table 1 and Policy 1.1.10.

Policy 1.1.5 (A)

It is the intent of the Town that, in the event of involuntary destruction due to natural events, noncompliant structures may be allowed to rebuild to the same density and building cubic volume, and allowed to increase height to correspond with the increase of height required by flood regulations, so long as the non-conformities are reduced or eliminated, to the greatest extent possible, as determined by the Town and consistent with the Town Code.

Policy 1.1.5 (B)

It is the intent of the Town that, for the purposes of voluntary reconstruction, noncompliant structures may be allowed to rebuild to the same density and building cubic volume, allowed to increase height to correspond with the increase of height required by flood regulations, and allowed additional standards to encourage redevelopment while reducing or eliminating non-conformities to the greatest extent possible, as determined by the Town and consistent with the Town Code.

Policy 1.1.6

Buildings, lots, structures, or uses which were lawful at the effective date of the applicable zoning regulation, but were prohibited, regulated, or restricted under the terms of zoning regulations promulgated thereafter, shall be permitted to continue until they are voluntarily removed, determined to be unsafe, or abandoned. The non-conformities shall not be enlarged, expanded, intensified or extended except in conformance with the goals, objectives and policies of this comprehensive plan and a strict application of the Town's land development regulations.

Policy 1.1.7

In development planning efforts, emphasis will be placed upon the protection of the visual and aesthetic character of neighborhoods, including open space.

Policy 1.1.8
The Town has developed a waterbody classification system and map to assist with the implementation of the land development regulations.

Policy 1.1.9
The Town will use overlay zone districts, planned unit developments (PUD), and other innovative land use controls in planning for redevelopment. Planned unit developments may allow for height and lot coverage (building coverage) that exceed the standard maximums, as set forth in Policy 1.1.10 and Table 1, as necessary or desirable to encourage flexibility in design and development, to promote the most appropriate use of the PUD, to facilitate the adequate and economical provision of infrastructure and public spaces, to preserve the natural and scenic qualities of open areas, and to improve site qualities, while ensuring public health, safety, comfort, order, appearance, convenience, and general welfare.

Policy 1.1.10
The Future Land Use Map, Figure 2, shall contain the following future land use categories, which are further detailed in and implemented by the land development regulations. Table 1 illustrates the maximum densities and intensities of development for each future land use category. Height restrictions for each category shall not apply to the following: antennae, enclosed elevator shafts, enclosed stairwells and their parapet walls, enclosed mechanical equipment areas, personal wireless service facilities, chimneys, or house of worship spires~~,~~. Height restrictions for these exceptions shall be addressed in ~~but~~ the Town's land development regulations ~~shall limit their height~~.

1) Open Space. Open space categories include lands that are publicly-owned or controlled, and which are designed, used or intended to be used for open space and recreational activities by residents and visitors. The open space categories are:

   a. Open Space – Active (OS-A). Uses may include on-site improvements, structures or other active, player-oriented facilities such as recreation centers, community centers, playgrounds, ballfields, tennis courts and associated accessory facilities. Impervious surface coverage is limited to 30 percent of the lot or parcel.

   b. Open Space – Passive (OS-P). Uses may include those that allow for primarily less-active leisure pursuits, such as nature trails, nature centers and associated accessory structures such as restrooms, boardwalks, docks and parking areas (including ingress/egress aisles). Impervious surface coverage is limited to 15 percent of the lot or parcel.

   c. Open Space – Conservation (OS-C). Uses may include those that allow for the protection and management of natural areas or archaeological sites, to remain in their natural state with little or no disturbance. Structures are limited to improvements such as boardwalks, permeable pathways and signage necessary for conservation management, limited public access, and resource-related educational activities.

2) Island Preserve (IP). This residential category includes islands offshore of the mainland. Density is limited to one dwelling unit per five acres. Public service facilities shall be provided by the developer prior to construction of any habitable structures.

3) Low Density Single-Family Residential. The low density single-family residential categories permit single-family dwelling units and community residential homes with six or fewer residents plus staff per dwelling unit. In areas which are characterized by built communities with densities lower than the maximum allowed, the land development regulations shall be applied to assure that future development or redevelopment provides a smooth transition in residential densities, while minimizing potential disruption to open space and natural systems. The single-family residential categories are:

   a. Low-Density Single-Family Residential (RL-1). This category is intended to protect and preserve opportunities for detached single-family units, at a density of up to one unit per acre. This category is located at highly valued water-oriented sites along the bay, bayou or gulf. It provides for land area to accommodate a unique lifestyle which cannot be accommodated in the more dense residential areas. Development and redevelopment shall be compatible with the need for preserving an estate residential character and shall minimize potential adverse impacts to fragile natural systems, including estuaries and the dune systems.

   b. Low-Density Single-Family Residential (RL-2). This category is intended to protect and preserve single-family residential areas for detached single-family units, at a density up to two units per acre. This category is appropriate for larger lots located along Gulf of Mexico Drive adjacent to saltwater bodies. It provides land area to accommodate a unique lifestyle which cannot be accommodated in the more dense residential areas. Development and redevelopment shall be compatible with the preservation of the prevailing density pattern and shall minimize potential adverse impacts to fragile natural systems.

4) Medium Density Single-family/Mixed Residential. The medium density single-family/mixed residential categories permit dwelling units and community residential homes with six or fewer residents plus staff per dwelling unit. The medium density categories provide sufficient acreage for medium-density residential development which will be adequately supported by existing or anticipated future public services and facilities, with the intention of preserving the stability of established residential areas. Sufficient open space, landscaped screening and buffering systems shall be used to alleviate the potential adverse impacts of land use transitions between the medium density category lands and areas designated for lower density, higher density, or nonresidential uses.

   a. Medium-Density Single-Family/Mixed Residential (RM-3). This category allows medium-density residential development, including single-family detached units, multiple-family units, or a mixture of single-family detached units and multiple-family units, at a density of no more than three units per acre.

b. Medium Density Single-Family/Mixed Residential (RM-4). This category allows medium-density residential development, including single-family detached units, multiple-family units, or a mixture of single-family detached units and multiple-family units, at a density of no more than four units per acre.

5) High Density Single-Family/Mixed Residential (RH-6). The high density single-family/mixed residential category permits dwelling units and community residential homes with six or fewer residents plus staff per dwelling unit. This category allows high density residential development, including single-family detached dwelling units, multiple-family dwelling units, or a mixture of single-family detached dwelling units and multiple-family dwelling units, at a density of no more than six dwelling units per acre. Specific density of future development proposals within these areas shall provide for smooth transitions in residential density and compatibility with the surrounding area, shall preserve stability of established residential areas, and shall include sufficient open space, parking and landscaping to reinforce goals and objectives for quality living areas.

6) 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 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.

7) Mixed Use Community. The mixed use community (MUC) categories allow a mix of residential and nonresidential uses in planned communities developed through the planned unit development (PUD) procedures and standards of the land development regulations. The MUC categories encompass mixed use communities approved under prior adopted resolutions and ordinances of the Town Commission, which prior approved uses, densities and intensities are hereby recognized and affirmed. In each MUC, density is calculated on the basis of the average overall density of tourism and dwelling units per acre of all property included in the respective MUC. Clustered development patterns are

encouraged and thus the density of separate parcels within each MUC may exceed the average overall density of the MUC category. No boundary of any existing MUC shall be expanded to include additional lands unless contiguous to the boundaries of the MUC as it existed as of December 31, 2010. Redevelopment may occur up to the maximum densities designated herein, and consistent with the public health, safety and welfare, best quality design, expanded recreational and open space amenities, and adequate public infrastructure and services. Within the acreage allocated for nonresidential uses, tourism units and associated resort amenities, commercial/office uses, and institutional uses shall not exceed a maximum lot coverage of 30 percent of a project site per use, except an additional 10% of lot coverage per use may be permitted through the PUD procedures and standards of the land development regulations to improve the design of the community and functionality of the uses, as shown on Table 1. Similarly, the standard height of nonresidential structures in MUC-1 may be increased by one story through the PUD procedures and standards of the land development regulations to improve the design of the community and functionality of the uses, as shown on Table 1.

A minimum of 50% of the total property within the MUC shall be maintained in open space. Open space means an area comprised of permeable open surfaces excluding structures and impermeable surfaces. Recreation uses include, but are not limited to, those uses allowed in the Open Space – Active and Open Space – Passive land use categories, the recreational facilities identified in Table 1 of the Recreation and Open Space Element, and golf courses. Recreational acreage is not limited. The mix of uses within the contiguous boundaries of each MUC, as calculated prior to the application of the 50% open space requirement, is allocated as follows:

a. Mixed Use Community – Bay Isles (MUC-1). This category encompasses the Bay Isles community, formerly delineated as the Planned Development (PD) FLUM category. Average overall density within the entire contiguous boundaries of the MUC-1 shall not exceed 3.26 dwelling units per acre. The maximum percentages of uses do not include 7.1% for existing recreational uses including, but not limited to, the clubhouse, yacht club and recreational maintenance buildings.

Use	**Maximum Percent of Total Property Within the MUC**
Residential	37%
Tourism (units and associated resort amenities)	0%
Commercial/Office	4%
Institutional	2.5%

b. Mixed Use Community – Islandside (MUC-2). This category encompasses the Islandside community, formerly delineated as the Gulf Planned Development (GPD) FLUM category. Average overall density within the entire contiguous boundaries of the MUC-2 shall not exceed 5.05 units per acre. The maximum percentages of uses do not include 1.5% for existing recreational uses including, but not limited to, the clubhouse and recreational maintenance buildings.

Use	Maximum Percent of Total Property Within the MUC
Residential	33%
Tourism (units and associated resort amenities)	12%
Commercial/Office	1.5%
Institutional	0%

c. Mixed Use Community – Promenade/Water Club (MUC-3). This category encompasses the Promenade/Water Club communities, formerly delineated as the Negotiated Planned Development (NPD) FLUM category. Density in this category recognizes the transfer of density accomplished by Town Resolution 81-8, for 175 dwelling units to the NPD in exchange for approximately 18.64 acres of land on a site located near the mid-point of the key that became Joan M. Durante Park. Average overall density within the entire contiguous boundaries of the MUC-3 shall not exceed 11.26 dwelling units per acre.

Use	Maximum Percent of Total Property Within the MUC
Residential	100%
Tourism	0%
Commercial/Office	0%
Institutional	0%

8) Institutional (INS). This category is for use by public and semipublic facilities including, but not limited to schools, government buildings, civic centers, utilities, houses of worship, parks and recreation areas, cemeteries, and nursing homes. Lot coverage may exceed the standard lot coverage by up to 10%, as shown on Table 1, through the Outline Development Plan (ODP) process of the land development regulations.

9) Office-Institutional (OI). This category allows for a variety of office and private institutional uses including, but not limited to, banks and other financial institutions. Tourism units may be allowed pursuant to Future Land Use Policy 1.1.11. A maximum of 15% additional lot coverage may be granted as a waiver in conjunction with the revitalization of the development, as further detailed in and implemented by the land development regulations. Lot coverage also may exceed the standard lot coverage by up to 10%, as shown on Table 1, through the Outline Development Plan (ODP) process of the land development regulations.

10) Commercial. The commercial land use categories allow office-institutional uses as well as retail sales and services. Tourism units may be allowed pursuant to Future Land Use Policy 1.1.11. A maximum of 15% additional lot coverage may be granted as a waiver in conjunction with the revitalization of the commercial development, as further detailed in and implemented by the land development regulations. Lot coverage also may exceed the standard lot coverage by up to 10%, as shown on Table 1, through the Outline Development Plan (ODP) process of the land development regulations. A waterfront

restaurant may be allowed an additional five feet in building height above the maximum allowed in the land use category.

The commercial categories are as follows:

a. Limited Commercial (CL). This category is intended to provide essential tourist or household services in locations highly accessible to residential areas and major thoroughfares. Uses may include neighborhood shops with limited inventory or goods, and specialty shops oriented to services and goods for resort uses in the immediate vicinity, and those uses allowed in the Office/Institutional category. Structures may not exceed a standard lot coverage of 30 percent, and maximum height shall be 30 feet.

b. General Commercial (CG). This category is intended to accommodate general retail sales and services, and shall be located in highly accessible areas adjacent to major or minor arterials. Uses may include those uses allowed in the Office/Institutional and Limited Commercial categories, but may not include activities or trades that generate nuisance impacts such as noise, air pollutants or fire hazards, nor may wholesaling or warehousing be allowed. Structures may not exceed a standard lot coverage of 30 percent, and maximum height shall be 40 feet.

c. Highway Commercial (CH). This category is intended for uses that require access to major arterials and sufficient area for internal vehicular circulation and parking. Uses may include, but are not limited to, vehicular service stations, hotels, motels and restaurants, and retail sales and services oriented to the motoring public or transient resident. Lands designated in this category shall not be located adjacent to residential development. Office/Institutional, Limited Commercial and General Commercial uses may be allowed. Structures may not exceed a standard lot coverage of 40 percent and maximum height shall be 40 feet. Tourism units shall not exceed three units per acre, except as allowed by Future Land Use Policy 1.1.11.

d. Marine Commercial Service (MCS). This category is intended for sales and services oriented to the marine industry, such marine repair and services, employee services, storage and commercial support services. One accessory dwelling unit located on the same lot may be permitted as provided in the land development regulations. Structures may not exceed a standard lot coverage of 40 percent and maximum height shall be 30 feet.

11) Whitney Beach Overlay (WBO). The Whitney Beach Overlay category is intended to provide incentives that encourage redevelopment in a mixed use pattern that promotes high quality site design while protecting adjacent residential areas. Owners within the WBO may choose to develop pursuant either to the underlying Future Land Use categories for their properties, or the WBO standards herein. Development proposals must include a substantial consolidation of properties within the WBO and at least two land use types from the following types: residential, tourism units, commercial, office, public facility, private institutional, or recreational. No one land use type shall exceed

80% of the total site. Residential uses shall not exceed 30% of a mixed use project. Development approval shall follow the outline development process of the land development regulations. A complete application for development approval pursuant to the WBO shall receive priority for Town development review and approval. Development densities and intensities of the underlying Future Land Use categories may be transferred within and between properties that are combined in one development proposal under the WBO criteria. The nonresidential intensities of the underlying Future Land Use category may be increased by 10% additional lot coverage through the planned unit development or outline development plan processes. Administrative waivers for parking flexibility, setbacks, awning overhangs, internal circulation, and open space may be provided pursuant to the land development regulations.

Policy 1.1.11

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. 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.

OBJECTIVE 1.2

The Town will protect natural and/or historic resources through periodic review of the resources and existing land development regulations, as well as enforcement of the appropriate land development regulations and related ordinances.

Policy 1.2.1

Proposals for development within the floodplains will be approved only if significant alteration of the functions of the floodplain will not occur (i.e., no increase in flood hazards will be permitted) and if the proposed development is consistent with the regulations of the appropriate agencies regulating development within floodplain areas.

Policy 1.2.2

The property owner of any new development will be responsible for the on-site stormwater management.

Policy 1.2.3

Property owners that have an existing obligation, shall maintain the applicable stormwater systems to the standards and regulations adopted at the time the permit was issued.

Policy 1.2.4

Except for stormwater management and access to isolated uplands, development will be directed away from wetlands.

Policy 1.2.5

The developer/property owner will be responsible for full mitigation of impacts upon wetlands that result from permitted activity.

Policy 1.2.6

In order to direct development away from wetlands, a density credit will be provided to on-site upland areas. The density credit will be derived from the density assigned to on-site wetland areas as reflected by the Future Land Use designation.

Policy 1.2.7

At least every ten years (beginning 1999), the Town will review the inventory of historic resources, and if appropriate, consider the development of a local historic designation program.

Policy 1.2.8

The Town supports the submittal of eligible historic resources for consideration to be included on the National Register of Historic Places, through the US Department of the Interior.

Policy 1.2.9

The Town will assist, when requested, professionals and interested citizens in identifying significant pre-historic or historic resources in need of protection.

OBJECTIVE 1.3

All development orders and permits will be issued only if public or private facilities necessary to meet level of service (LOS) standards (which are adopted as part of the Capital Improvements Element of this Plan) are available concurrent with the impacts of the development.

Policy 1.3.1

The development of land will be coordinated in conjunction with the provision of public facilities and services consistent with the Town's concurrency management system.

Policy 1.3.2

Public facilities and utilities will be located to best: a) maximize the efficiency of services provided; b) minimize costs; and c) minimize impacts on the natural environment. Where feasible, all utilities will be located underground.

OBJECTIVE 1.4

The Town will coordinate with appropriate governments and agencies to maximize information and awareness of potential impacts of development.

Policy 1.4.1

Upon request to the Town Clerk, the Town will provide the agendas for all Town Commission workshop meetings, regular meetings and special meetings.

Policy 1.4.2

Upon request to the Town's Planning, Zoning and Building Department, the Town will provide the agendas for all Planning and Zoning Board (Local Planning Agency) workshop meetings, regular meetings and special meetings.

OBJECTIVE 1.5

Planning activities within the Town will be governed by the Comprehensive Plan and the Town Code.

Policy 1.5.1

Each element in the adopted Plan contains one or more goals, lists objectives to be achieved in order to reach the associated goals and identifies policies, which act as enforcement requirements of the Comprehensive Plan directed toward achievement of the associated objective. Goals, objectives and policies are not listed in order of importance. All policies are to be considered of equal importance except where the conflict or two or more policies arises in the course of simultaneously applying those policies to a specific set of circumstances. If two or more policies are conflicting when applied to a particular set of factual circumstances, such conflict shall be resolved first by administrative interpretation of the Plan's policies. The objective of any such interpretation shall be to obtain a result, which maximizes the degree of consistency between the proposed development activity and this Comprehensive Plan when considered as a whole. However, the final arbiter as to which policy applies shall be the elected or appointed board with whom the final decision rests.

Policy 1.5.2
All proposed amendments to this Comprehensive Plan will comply procedurally with state laws, the Town's Charter, and land development regulations.

OBJECTIVE 1.6
To assist in redeveloping and revitalizing key areas of the Town in a sustainable, mixed use pattern of development in order to support a continued recreation-oriented lifestyle for Town residents and visitors.

Policy 1.6.1
The Town may encourage the realization of a vibrant Town Center that includes the Town Hall and the public tennis complex area as well as commercial, office, institutional, residential and tourism uses. The Town may maintain a Town Center zoning overlay district within the MUC-1 future land use category for the area depicted on Figure 2. Within the Town Center zoning overlay district, additional nonresidential lot coverage up to 10%, and additional nonresidential and residential height up to one story may be allowed through the Outline Development Plan process to achieve a compact, pedestrian-friendly, attractive design supportive of mixed uses. Residential uses are limited to predominantly senior living communities including but not limited to age-restricted, independent living senior communities. The zoning overlay district may also provide additional incentives for design flexibility and expedited permitting to encourage the development of a central place within the Town for civic and community life.

Policy 1.6.2.
The Town will encourage revitalization of the Whitney Beach area for a mix of land uses appropriate to the northern gateway to the Town and the surrounding neighborhood, through regulatory incentives that include the Whitney Beach Overlay Future Land Use category, depicted on Figure 3, and implementing land development regulations.

Policy 1.6.3
The Town may provide fiscal incentives to the revitalization of the Town Center and Whitney Beach ~~area~~s as available and appropriate. These incentives may include, but are not limited to, infrastructure or landscaping improvements, public street abandonment, and public transportation access that support a sustainable development pattern.

Policy 1.6.4
Because adequate Town-wide wireless communication infrastructure is important to safety and the continued economic and social vitality of Town life, the Town will encourage the location of such infrastructure in suitable areas, consistent with criteria that include safety, aesthetics and neighborhood compatibility and as provided by state and federal law. Advancements in technology have made personal wireless service valuable to Longboat Key residents and visitors.

Figure 2: Future Land Use Map

*** Increased densities and intensities for tourism uses may be available in the tourist resort commercial, commercial, office, and marina commercial service future land use categories under the land development regulations for utilization of no more than 250 tourism units islandwide, as set forth in the Future Land Use Map above, reflected by the referendum vote of March 18, 2008.**

**** Whitney Beach Overlay**

EXHIBIT "A-2"

ORDINANCE 2013-26

AMENDED FUTURE LAND USE ELEMENT

Clean Format

FUTURE LAND USE ELEMENT

GOAL 1

To preserve and enhance the character of the Town of Longboat Key by the following: 1) ensuring that the location, density, intensity, and character of land uses are responsive to the social and economic needs of the community and are consistent with the support capabilities of the natural and manmade systems; and 2) maintaining an environment that is conducive to the health, safety, welfare, and property values of the community.

OBJECTIVE 1.1

The Town will manage land development through the preparation, adoption, implementation, and enforcement of land development regulations.

Policy 1.1.1

The Town has adopted land development regulations, which address the location and extent of land uses, in accordance with the Future Land Use Map and the policies and descriptions of types, densities, and intensities of land uses contained in this element.

Policy 1.1.2

The Town will utilize its land development regulations to implement the adopted Comprehensive Plan, which at a minimum will:

1) Regulate the subdivision of land;
2) Regulate the use of land and surface waters;
3) Ensure the compatibility of adjacent land uses;
4) Protect the Conservation Lands designated in the Conservation and Coastal Management Element;
5) Manage areas subject to seasonal and periodic flooding and provide for appropriate stormwater management;
6) Regulate signage;
7) Regulate onsite traffic circulation, site access, and parking demands;
8) Provide buffering and open space requirements;
9) Provide for water conservation principles in landscaping regulations,
10) Ensure that development orders and permits will not result in a reduction of the levels of service for the affected public facilities (except transportation facilities) below the level of service standards adopted in this Comprehensive Plan; and,
11) Consider the impacts of land use plan amendments and development orders on the transportation system.

Policy 1.1.3
The Town will review and update its land development regulations and performance standards that ensure the protection of environmentally-sensitive land, which at a minimum will:

1) Protect conservation lands as designated in the Conservation Element.
2) Adhere to appropriate Florida Department of Environmental Protection (FDEP) and Southwest Florida Water Management District (SWFWMD) regulations regarding development.
3) Adhere to appropriate federal, state and local regulations and standards regarding designated wetlands, dunes, surface waters, and other environmentally-sensitive lands.

Policy 1.1.4
As required or as necessary, the Town will review and update its land development regulations implementing this Comprehensive Plan, which will be based on and consistent with the standards for land use densities and intensities, as indicated on Table 1 and Policy 1.1.10.

Policy 1.1.5 (A)
It is the intent of the Town that, in the event of involuntary destruction due to natural events, noncompliant structures may be allowed to rebuild to the same density and building cubic volume, and allowed to increase height to correspond with the increase of height required by flood regulations, so long as the non-conformities are reduced or eliminated, to the greatest extent possible, as determined by the Town and consistent with the Town Code.

Policy 1.1.5 (B)
It is the intent of the Town that, for the purposes of voluntary reconstruction, noncompliant structures may be allowed to rebuild to the same density and building cubic volume, allowed to increase height to correspond with the increase of height required by flood regulations, and allowed additional standards to encourage redevelopment while reducing or eliminating non-conformities to the greatest extent possible, as determined by the Town and consistent with the Town Code.

Policy 1.1.6
Buildings, lots, structures, or uses which were lawful at the effective date of the applicable zoning regulation, but were prohibited, regulated, or restricted under the terms of zoning regulations promulgated thereafter, shall be permitted to continue until they are voluntarily removed, determined to be unsafe, or abandoned. The non-conformities shall not be enlarged, expanded, intensified or extended except in conformance with the goals, objectives and policies of this comprehensive plan and a strict application of the Town's land development regulations.

Policy 1.1.7
In development planning efforts, emphasis will be placed upon the protection of the visual and aesthetic character of neighborhoods, including open space.

Policy 1.1.8
The Town has developed a waterbody classification system and map to assist with the implementation of the land development regulations.

Policy 1.1.9
The Town will use overlay zone districts, planned unit developments (PUD), and other innovative land use controls in planning for redevelopment. Planned unit developments may allow for height and lot coverage (building coverage) that exceed the standard maximums, as set forth in Policy 1.1.10 and Table 1, as necessary or desirable to encourage flexibility in design and development, to promote the most appropriate use of the PUD, to facilitate the adequate and economical provision of infrastructure and public spaces, to preserve the natural and scenic qualities of open areas, and to improve site qualities, while ensuring public health, safety, comfort, order, appearance, convenience, and general welfare.

Policy 1.1.10
The Future Land Use Map, Figure 2, shall contain the following future land use categories, which are further detailed in and implemented by the land development regulations. Table 1 illustrates the maximum densities and intensities of development for each future land use category. Height restrictions for each category shall not apply to the following: antennae, enclosed elevator shafts, enclosed stairwells and their parapet walls, enclosed mechanical equipment areas, personal wireless service facilities, chimneys, or house of worship spires. Height restrictions for these exceptions shall be addressed in the Town's land development regulations.

1) Open Space. Open space categories include lands that are publicly-owned or controlled, and which are designed, used or intended to be used for open space and recreational activities by residents and visitors. The open space categories are:

   a. Open Space – Active (OS-A). Uses may include on-site improvements, structures or other active, player-oriented facilities such as recreation centers, community centers, playgrounds, ballfields, tennis courts and associated accessory facilities. Impervious surface coverage is limited to 30 percent of the lot or parcel.

   b. Open Space – Passive (OS-P). Uses may include those that allow for primarily less-active leisure pursuits, such as nature trails, nature centers and associated accessory structures such as restrooms, boardwalks, docks and parking areas (including ingress/egress aisles). Impervious surface coverage is limited to 15 percent of the lot or parcel.

   c. Open Space – Conservation (OS-C). Uses may include those that allow for the protection and management of natural areas or archaeological sites, to remain in their natural state with little or no disturbance. Structures are limited to improvements such as boardwalks, permeable pathways and signage necessary for conservation management, limited public access, and resource-related educational activities.

2) Island Preserve (IP). This residential category includes islands offshore of the mainland. Density is limited to one dwelling unit per five acres. Public service facilities shall be provided by the developer prior to construction of any habitable structures.

3) Low Density Single-Family Residential. The low density single-family residential categories permit single-family dwelling units and community residential homes with six or fewer residents plus staff per dwelling unit. In areas which are characterized by built communities with densities lower than the maximum allowed, the land development regulations shall be applied to assure that future development or redevelopment provides a smooth transition in residential densities, while minimizing potential disruption to open space and natural systems. The single-family residential categories are:

   a. Low-Density Single-Family Residential (RL-1). This category is intended to protect and preserve opportunities for detached single-family units, at a density of up to one unit per acre. This category is located at highly valued water-oriented sites along the bay, bayou or gulf. It provides for land area to accommodate a unique lifestyle which cannot be accommodated in the more dense residential areas. Development and redevelopment shall be compatible with the need for preserving an estate residential character and shall minimize potential adverse impacts to fragile natural systems, including estuaries and the dune systems.

   b. Low-Density Single-Family Residential (RL-2). This category is intended to protect and preserve single-family residential areas for detached single-family units, at a density up to two units per acre. This category is appropriate for larger lots located along Gulf of Mexico Drive adjacent to saltwater bodies. It provides land area to accommodate a unique lifestyle which cannot be accommodated in the more dense residential areas. Development and redevelopment shall be compatible with the preservation of the prevailing density pattern and shall minimize potential adverse impacts to fragile natural systems.

4) Medium Density Single-family/Mixed Residential. The medium density single-family/mixed residential categories permit dwelling units and community residential homes with six or fewer residents plus staff per dwelling unit. The medium density categories provide sufficient acreage for medium-density residential development which will be adequately supported by existing or anticipated future public services and facilities, with the intention of preserving the stability of established residential areas. Sufficient open space, landscaped screening and buffering systems shall be used to alleviate the potential adverse impacts of land use transitions between the medium density category lands and areas designated for lower density, higher density, or nonresidential uses.

   a. Medium-Density Single-Family/Mixed Residential (RM-3). This category allows medium-density residential development, including single-family detached units, multiple-family units, or a mixture of single-family detached units and multiple-family units, at a density of no more than three units per acre.

b. Medium Density Single-Family/Mixed Residential (RM-4). This category allows medium-density residential development, including single-family detached units, multiple-family units, or a mixture of single-family detached units and multiple-family units, at a density of no more than four units per acre.

5) High Density Single-Family/Mixed Residential (RH-6). The high density single-family/mixed residential category permits dwelling units and community residential homes with six or fewer residents plus staff per dwelling unit. This category allows high density residential development, including single-family detached dwelling units, multiple-family dwelling units, or a mixture of single-family detached dwelling units and multiple-family dwelling units, at a density of no more than six dwelling units per acre. Specific density of future development proposals within these areas shall provide for smooth transitions in residential density and compatibility with the surrounding area, shall preserve stability of established residential areas, and shall include sufficient open space, parking and landscaping to reinforce goals and objectives for quality living areas.

6) 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 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.

7) Mixed Use Community. The mixed use community (MUC) categories allow a mix of residential and nonresidential uses in planned communities developed through the planned unit development (PUD) procedures and standards of the land development regulations. The MUC categories encompass mixed use communities approved under prior adopted resolutions and ordinances of the Town Commission, which prior approved uses, densities and intensities are hereby recognized and affirmed. In each MUC, density is calculated on the basis of the average overall density of tourism and dwelling units per acre of all property included in the respective MUC. Clustered development patterns are

encouraged and thus the density of separate parcels within each MUC may exceed the average overall density of the MUC category. No boundary of any existing MUC shall be expanded to include additional lands unless contiguous to the boundaries of the MUC as it existed as of December 31, 2010. Redevelopment may occur up to the maximum densities designated herein, and consistent with the public health, safety and welfare, best quality design, expanded recreational and open space amenities, and adequate public infrastructure and services. Within the acreage allocated for nonresidential uses, tourism units and associated resort amenities, commercial/office uses, and institutional uses shall not exceed a maximum lot coverage of 30 percent of a project site per use, except an additional 10% of lot coverage per use may be permitted through the PUD procedures and standards of the land development regulations to improve the design of the community and functionality of the uses, as shown on Table 1. Similarly, the standard height of nonresidential structures in MUC-1 may be increased by one story through the PUD procedures and standards of the land development regulations to improve the design of the community and functionality of the uses, as shown on Table 1.

A minimum of 50% of the total property within the MUC shall be maintained in open space. Open space means an area comprised of permeable open surfaces excluding structures and impermeable surfaces. Recreation uses include, but are not limited to, those uses allowed in the Open Space – Active and Open Space – Passive land use categories, the recreational facilities identified in Table 1 of the Recreation and Open Space Element, and golf courses. Recreational acreage is not limited. The mix of uses within the contiguous boundaries of each MUC, as calculated prior to the application of the 50% open space requirement, is allocated as follows:

a. Mixed Use Community – Bay Isles (MUC-1). This category encompasses the Bay Isles community, formerly delineated as the Planned Development (PD) FLUM category. Average overall density within the entire contiguous boundaries of the MUC-1 shall not exceed 3.26 dwelling units per acre. The maximum percentages of uses do not include 7.1% for existing recreational uses including, but not limited to, the clubhouse, yacht club and recreational maintenance buildings.

Use	**Maximum Percent of Total Property Within the MUC**
Residential	37%
Tourism (units and associated resort amenities)	0%
Commercial/Office	4%
Institutional	2.5%

b. Mixed Use Community – Islandside (MUC-2). This category encompasses the Islandside community, formerly delineated as the Gulf Planned Development (GPD) FLUM category. Average overall density within the entire contiguous boundaries of the MUC-2 shall not exceed 5.05 units per acre. The maximum percentages of uses do not include 1.5% for existing recreational uses including, but not limited to, the clubhouse and recreational maintenance buildings.

Use	Maximum Percent of Total Property Within the MUC
Residential	33%
Tourism (units and associated resort amenities)	12%
Commercial/Office	1.5%
Institutional	0%

c. Mixed Use Community – Promenade/Water Club (MUC-3). This category encompasses the Promenade/Water Club communities, formerly delineated as the Negotiated Planned Development (NPD) FLUM category. Density in this category recognizes the transfer of density accomplished by Town Resolution 81-8, for 175 dwelling units to the NPD in exchange for approximately 18.64 acres of land on a site located near the mid-point of the key that became Joan M. Durante Park. Average overall density within the entire contiguous boundaries of the MUC-3 shall not exceed 11.26 dwelling units per acre.

Use	Maximum Percent of Total Property Within the MUC
Residential	100%
Tourism	0%
Commercial/Office	0%
Institutional	0%

8) Institutional (INS). This category is for use by public and semipublic facilities including, but not limited to schools, government buildings, civic centers, utilities, houses of worship, parks and recreation areas, cemeteries, and nursing homes. Lot coverage may exceed the standard lot coverage by up to 10%, as shown on Table 1, through the Outline Development Plan (ODP) process of the land development regulations.

9) Office-Institutional (OI). This category allows for a variety of office and private institutional uses including, but not limited to, banks and other financial institutions. Tourism units may be allowed pursuant to Future Land Use Policy 1.1.11. A maximum of 15% additional lot coverage may be granted as a waiver in conjunction with the revitalization of the development, as further detailed in and implemented by the land development regulations. Lot coverage also may exceed the standard lot coverage by up to 10%, as shown on Table 1, through the Outline Development Plan (ODP) process of the land development regulations.

10) Commercial. The commercial land use categories allow office-institutional uses as well as retail sales and services. Tourism units may be allowed pursuant to Future Land Use Policy 1.1.11. A maximum of 15% additional lot coverage may be granted as a waiver in conjunction with the revitalization of the commercial development, as further detailed in and implemented by the land development regulations. Lot coverage also may exceed the standard lot coverage by up to 10%, as shown on Table 1, through the Outline Development Plan (ODP) process of the land development regulations. A waterfront

restaurant may be allowed an additional five feet in building height above the maximum allowed in the land use category.

The commercial categories are as follows:

a. Limited Commercial (CL). This category is intended to provide essential tourist or household services in locations highly accessible to residential areas and major thoroughfares. Uses may include neighborhood shops with limited inventory or goods, and specialty shops oriented to services and goods for resort uses in the immediate vicinity, and those uses allowed in the Office/Institutional category. Structures may not exceed a standard lot coverage of 30 percent, and maximum height shall be 30 feet.

b. General Commercial (CG). This category is intended to accommodate general retail sales and services, and shall be located in highly accessible areas adjacent to major or minor arterials. Uses may include those uses allowed in the Office/Institutional and Limited Commercial categories, but may not include activities or trades that generate nuisance impacts such as noise, air pollutants or fire hazards, nor may wholesaling or warehousing be allowed. Structures may not exceed a standard lot coverage of 30 percent, and maximum height shall be 40 feet.

c. Highway Commercial (CH). This category is intended for uses that require access to major arterials and sufficient area for internal vehicular circulation and parking. Uses may include, but are not limited to, vehicular service stations, hotels, motels and restaurants, and retail sales and services oriented to the motoring public or transient resident. Lands designated in this category shall not be located adjacent to residential development. Office/Institutional, Limited Commercial and General Commercial uses may be allowed. Structures may not exceed a standard lot coverage of 40 percent and maximum height shall be 40 feet. Tourism units shall not exceed three units per acre, except as allowed by Future Land Use Policy 1.1.11.

d. Marine Commercial Service (MCS). This category is intended for sales and services oriented to the marine industry, such marine repair and services, employee services, storage and commercial support services. One accessory dwelling unit located on the same lot may be permitted as provided in the land development regulations. Structures may not exceed a standard lot coverage of 40 percent and maximum height shall be 30 feet.

11) Whitney Beach Overlay (WBO). The Whitney Beach Overlay category is intended to provide incentives that encourage redevelopment in a mixed use pattern that promotes high quality site design while protecting adjacent residential areas. Owners within the WBO may choose to develop pursuant either to the underlying Future Land Use categories for their properties, or the WBO standards herein. Development proposals must include a substantial consolidation of properties within the WBO and at least two land use types from the following types: residential, tourism units, commercial, office, public facility, private institutional, or recreational. No one land use type shall exceed

80% of the total site. Residential uses shall not exceed 30% of a mixed use project. Development approval shall follow the outline development process of the land development regulations. A complete application for development approval pursuant to the WBO shall receive priority for Town development review and approval. Development densities and intensities of the underlying Future Land Use categories may be transferred within and between properties that are combined in one development proposal under the WBO criteria. The nonresidential intensities of the underlying Future Land Use category may be increased by 10% additional lot coverage through the planned unit development or outline development plan processes. Administrative waivers for parking flexibility, setbacks, awning overhangs, internal circulation, and open space may be provided pursuant to the land development regulations.

Policy 1.1.11

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. 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.

OBJECTIVE 1.2

The Town will protect natural and/or historic resources through periodic review of the resources and existing land development regulations, as well as enforcement of the appropriate land development regulations and related ordinances.

Policy 1.2.1

Proposals for development within the floodplains will be approved only if significant alteration of the functions of the floodplain will not occur (i.e., no increase in flood hazards will be permitted) and if the proposed development is consistent with the regulations of the appropriate agencies regulating development within floodplain areas.

Policy 1.2.2

The property owner of any new development will be responsible for the on-site stormwater management.

Policy 1.2.3

Property owners that have an existing obligation, shall maintain the applicable stormwater systems to the standards and regulations adopted at the time the permit was issued.

Policy 1.2.4

Except for stormwater management and access to isolated uplands, development will be directed away from wetlands.

Policy 1.2.5

The developer/property owner will be responsible for full mitigation of impacts upon wetlands that result from permitted activity.

Policy 1.2.6

In order to direct development away from wetlands, a density credit will be provided to on-site upland areas. The density credit will be derived from the density assigned to on-site wetland areas as reflected by the Future Land Use designation.

Policy 1.2.7

At least every ten years (beginning 1999), the Town will review the inventory of historic resources, and if appropriate, consider the development of a local historic designation program.

Policy 1.2.8

The Town supports the submittal of eligible historic resources for consideration to be included on the National Register of Historic Places, through the US Department of the Interior.

Policy 1.2.9

The Town will assist, when requested, professionals and interested citizens in identifying significant pre-historic or historic resources in need of protection.

OBJECTIVE 1.3

All development orders and permits will be issued only if public or private facilities necessary to meet level of service (LOS) standards (which are adopted as part of the Capital Improvements Element of this Plan) are available concurrent with the impacts of the development.

Policy 1.3.1

The development of land will be coordinated in conjunction with the provision of public facilities and services consistent with the Town's concurrency management system.

Policy 1.3.2

Public facilities and utilities will be located to best: a) maximize the efficiency of services provided; b) minimize costs; and c) minimize impacts on the natural environment. Where feasible, all utilities will be located underground.

OBJECTIVE 1.4

The Town will coordinate with appropriate governments and agencies to maximize information and awareness of potential impacts of development.

Policy 1.4.1

Upon request to the Town Clerk, the Town will provide the agendas for all Town Commission workshop meetings, regular meetings and special meetings.

Policy 1.4.2

Upon request to the Town's Planning, Zoning and Building Department, the Town will provide the agendas for all Planning and Zoning Board (Local Planning Agency) workshop meetings, regular meetings and special meetings.

OBJECTIVE 1.5

Planning activities within the Town will be governed by the Comprehensive Plan and the Town Code.

Policy 1.5.1

Each element in the adopted Plan contains one or more goals, lists objectives to be achieved in order to reach the associated goals and identifies policies, which act as enforcement requirements of the Comprehensive Plan directed toward achievement of the associated objective. Goals, objectives and policies are not listed in order of importance. All policies are to be considered of equal importance except where the conflict or two or more policies arises in the course of simultaneously applying those policies to a specific set of circumstances. If two or more policies are conflicting when applied to a particular set of factual circumstances, such conflict shall be resolved first by administrative interpretation of the Plan's policies. The objective of any such interpretation shall be to obtain a result, which maximizes the degree of consistency between the proposed development activity and this Comprehensive Plan when considered as a whole. However, the final arbiter as to which policy applies shall be the elected or appointed board with whom the final decision rests.

Policy 1.5.2
All proposed amendments to this Comprehensive Plan will comply procedurally with state laws, the Town's Charter, and land development regulations.

OBJECTIVE 1.6
To assist in redeveloping and revitalizing key areas of the Town in a sustainable, mixed use pattern of development in order to support a continued recreation-oriented lifestyle for Town residents and visitors.

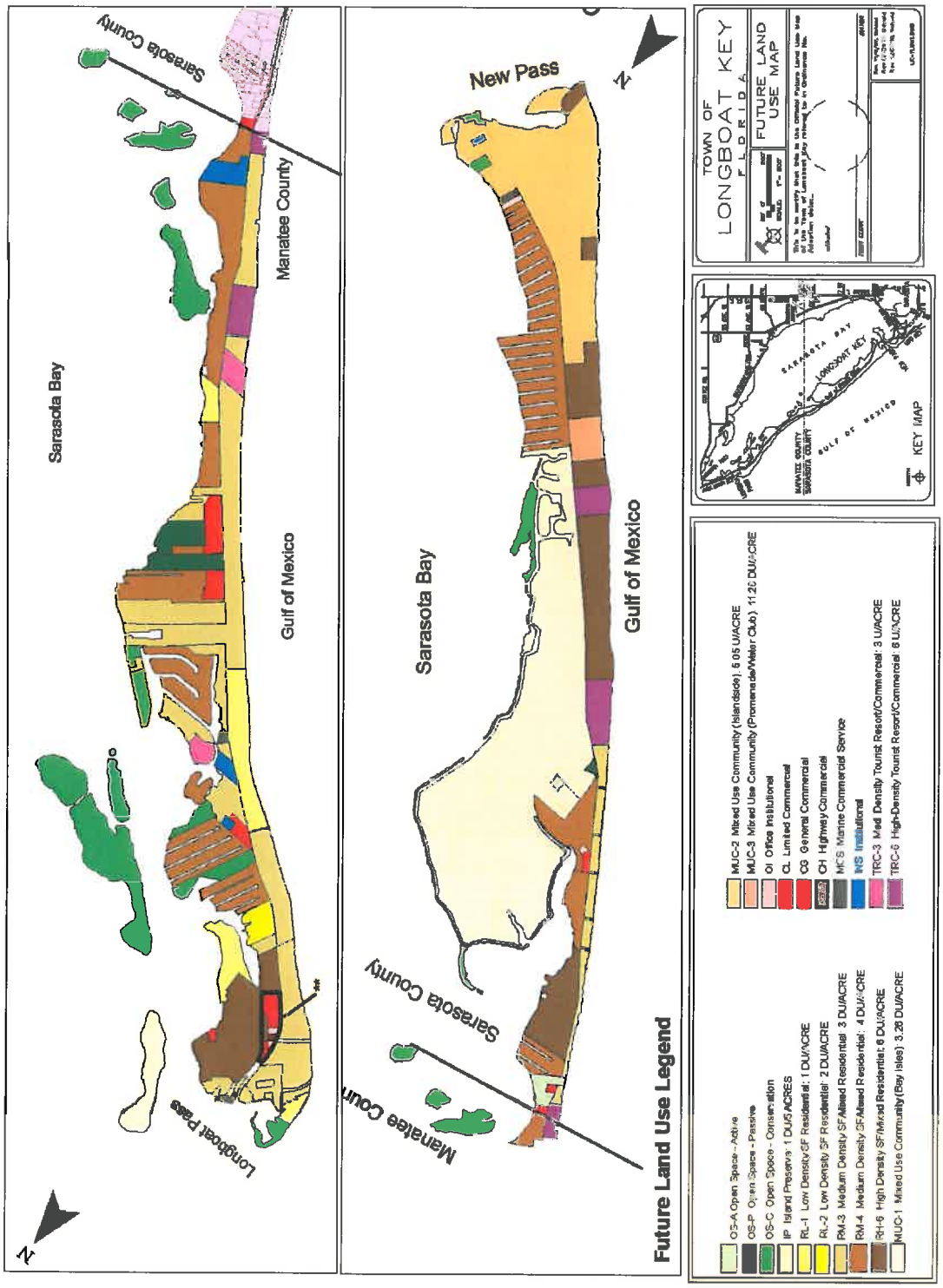
Policy 1.6.1
The Town may encourage the realization of a vibrant Town Center that includes the Town Hall and the public tennis complex area as well as commercial, office, institutional, residential and tourism uses. The Town may maintain a Town Center zoning overlay district within the MUC-1 future land use category for the area depicted on Figure 2. Within the Town Center zoning overlay district, additional nonresidential lot coverage up to 10%, and additional nonresidential and residential height up to one story may be allowed through the Outline Development Plan process to achieve a compact, pedestrian-friendly, attractive design supportive of mixed uses. Residential uses are limited to predominantly senior living communities including but not limited to age-restricted, independent living senior communities. The zoning overlay district may also provide additional incentives for design flexibility and expedited permitting to encourage the development of a central place within the Town for civic and community life.

Policy 1.6.2.
The Town will encourage revitalization of the Whitney Beach area for a mix of land uses appropriate to the northern gateway to the Town and the surrounding neighborhood, through regulatory incentives that include the Whitney Beach Overlay Future Land Use category, depicted on Figure 3, and implementing land development regulations.

Policy 1.6.3
The Town may provide fiscal incentives to the revitalization of the Town Center and Whitney Beach areas as available and appropriate. These incentives may include, but are not limited to, infrastructure or landscaping improvements, public street abandonment, and public transportation access that support a sustainable development pattern.

Policy 1.6.4
Because adequate Town-wide wireless communication infrastructure is important to safety and the continued economic and social vitality of Town life, the Town will encourage the location of such infrastructure in suitable areas, consistent with criteria that include safety, aesthetics and neighborhood compatibility and as provided by state and federal law. Advancements in technology have made personal wireless service valuable to Longboat Key residents and visitors.

Figure 2: Future Land Use Map



*** Increased densities and intensities for tourism uses may be available in the tourist resort commercial, commercial, office, and marina commercial service future land use categories under the land development regulations for utilization of no more than 250 tourism units islandwide, as set forth in the Future Land Use Map above, reflected by the referendum vote of March 18, 2008.**

**** Whitney Beach Overlay**

MEMORANDUM

DATE: August 19, 2013

TO: Planning and Zoning Board

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

SUBJECT : Ordinance 2013-26 Comprehensive Plan Amendments

Attached for your review is Ordinance 2013-26, transmitting proposed Comprehensive Plan amendments to the Future Land Use Element's Policies 1.1.10 and 1.6.4 regarding personal wireless service facilities. The Board's recommendation on this document was forwarded to the Town Commission as Resolution 2013-09 on April 16, 2013, for Public Hearing at their June 2, 2013 Regular Meeting. The Commission held a Public Hearing on the proposed language, and after considerable discussion voted 7-0 to amend the proposed language of Policy 1.6.4 as indicated below. The adopted Resolution was forwarded to the Florida Department of Economic Opportunity (DEO) as provided by Florida Statutes 163.3184. The State and other jurisdictions reviewed the language and did not have any comments. The P & Z Board will take public testimony on the proposed language and then make their recommendation to the Town Commission.

Proposed Changes

The first paragraph of Future Land Use Element Policy 1.1.10 is hereby amended as follows:

The Future Land Use Map, Figure 2, shall contain the following future land use categories, which are further detailed in and implemented by the land development regulations. Table 1 illustrates the maximum densities and intensities of development for each future land use category. Height restrictions for each category shall not apply to the following: antennae, enclosed elevator shafts, enclosed stairwells and their parapet walls, enclosed mechanical equipment areas, personal wireless service facilities, chimneys, or house of worship spires~~,~~. Height restrictions for these exceptions shall be addressed in ~~but~~ the Town's land development regulations ~~shall limit their height~~.

Future Land Use Element Policy 1.6.4 is hereby amended to read as follows:

Because adequate Town-wide wireless communication infrastructure is important to safety and the continued economic and social vitality of Town life, the Town will encourage the location of such infrastructure in suitable areas, consistent with criteria that include safety, aesthetics and neighborhood compatibility and as provided by state and federal law. Advancements in technology have made personal wireless service valuable to Longboat Key residents and visitors.

Analysis

Proposed Personal Wireless Changes

Federal and State laws require that communities accommodate personal wireless facilities within certain restrictions. In order to ensure compliance with these requirements and provide direction for future code changes. Staff had proposed changes to Policy 1.1.10 and Policy 1.6.4 of the Future Land Use Element to the Longboat Key Comprehensive Plan which the Planning and Zoning Board recommended approval of and forwarded to the Town Commission. The Commission reviewed the proposed changes and determined it was not necessary to make substantial changes to the existing Comprehensive Plan language in order to support the proposed code changes and therefore only made minor amendments to the existing language. The amended language is now before the P & Z for public hearing as an Ordinance. Staff is also bringing forward the proposed changes to the Town's Land Development Code to strengthen the regulations and more clearly define the community's desires as to the location and development of wireless facilities as a separate Public Hearing at this meeting.

Policy 1.1.10 Change: The purpose of this proposed language change is to specifically provide for "personal wireless service facilities" within the Comprehensive Plan and to set forth that the heights of the facilities will be controlled by the Town's Land Development Regulations.

Policy 1.6.4 Changes: The language changes proposed for Policy 1.6.4 reflect the Town Commission's direction. At their June 2, 2013 the Commission voted 7-0 to amend the language proposed by the Planning and Zoning Board.

Staff Recommendation: Staff recommends that the proposed changes to Policy 1.1.10 and Policy 1.6.4 related to personal wireless service facilities be approved by the Planning and Zoning Board and forwarded to the Town Commission for their review and transmittal to DEO.

AGENDA ITEM #4
ORDINANCE 2013-26, COMPREHENSIVE PLAN AMENDMENT FUTURE LAND USE ELEMENT, TELECOMMUNICATIONS

Pursuant to published notice, the public hearing was opened.

Robin Meyer, Planning, Zoning & Building Director, reviewed the staff report noting this ordinance adopted the policies that were previously discussed and forwarded to the Town Commission under Resolution 2013-09, and which were subsequently transmitted to the Florida Department of Economic Opportunity (DEO). The state, along with the other required agencies, did their review and did not have any comments. He continued with reviewing the amended policies noting that the Town Commission reverted back to the original language than what was proposed by the Planning and Zoning Board at their April 16, 2013, meeting.

Gene Jaleski, Cedar Street, spoke in opposition to the ordinance commenting that to remove the protections provided to the residents was a mistake; discussed that it was an important issue that should be protected; and, talked about the use of small cell technology.

No one else wished to be heard, and the hearing was closed.

MR. GARNER MADE A MOTION TO RECOMMEND APPROVAL OF ORDINANCE 2013-26 AS WRITTEN. 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; WILD, AYE.

TOWN OF LONGBOAT KEY

Public Hearing Ordinance 2013-26 Personal Wireless Service Facilities Amendments to Future Land Use Element Policies 1.1.10 and 1.6.4

Town Commission Regular Meeting

October 7, 2013

- Resolution 2013-09, amended the Future Land Use Element, Policy 1.1.10, and was reviewed by the P&Z Board at their April 16, 2013, meeting and by the Town Commission at their June 2, 2013, Regular Meeting. The amendment was recommended by both as follows:

Policy 1.1.10

The Future Land Use Map, Figure 2, shall contain the following future land use categories, which are further detailed in and implemented by the land development regulations. Table 1 illustrates the maximum densities and intensities of development for each future land use category. Height restrictions for each category shall not apply to the following: antennae, enclosed elevator shafts, enclosed stairwells and their parapet walls, enclosed mechanical equipment areas, personal wireless service facilities, chimneys, or house of worship spires~~,~~. Height restrictions for these exceptions shall be addressed in ~~but~~ the Town's land development regulations ~~shall limit their height.~~

- Resolution 2013-09 also amended Future Land Use Element Policy 1.6.4. The following language was recommended by the P&Z Board at their April 16, 2013, meeting:

Policy 1.6.4

~~Because adequate Town-wide wireless communication infrastructure is important to safety and the continued economic and social vitality of Town life, the Town will encourage the location of such infrastructure in suitable areas, consistent with criteria that include safety, aesthetics and neighborhood compatibility and as provided by state and federal law.~~ Advancements in technology have made personal wireless service valuable to Longboat Key residents and visitors. In addition, Federal and State law place restrictions upon the Town's authority to regulate personal wireless service facilities. As a result when the Town is presented with a demonstrated need for modified or additional personal wireless service facilities, the Town will work to balance that need with the Town's need to protect the unique character and aesthetics of the Town through the minimization of visual intrusiveness and other impacts. The Town will utilize the land development regulations to evaluate applications for personal wireless service facilities based on, at a minimum, heights, surrounding land use compatibility, aesthetics, and safety. The land development regulations shall reflect a hierarchy of preferred options for personal wireless service facilities within the Town, with utilization of existing structures or facilities being the preferred option and with towers being the least preferred option.

- Resolution 2013-09 was forwarded to the Town Commission for their June 2, 2013, Regular Meeting. The Town Commission revised the language for Policy 1.6.4, that was forwarded by the P&Z Board, and recommended the following language:

Policy 1.6.4

Because adequate Town-wide wireless communication infrastructure is important to safety and the continued economic and social vitality of Town life, the Town will encourage the location of such infrastructure in suitable areas, consistent with criteria that include safety, aesthetics and neighborhood compatibility and as provided by state and federal law. Advancements in technology have made personal wireless service valuable to Longboat Key residents and visitors.

- Following approval of Resolution 2013-09, amendments were transmitted to the Department of Economic Opportunity (DEO) and other required agencies for their review on June 13, 2013.

- The DEO found the application complete and forwarded a letter to the Town on July 10, 2013. No adverse comments were received from other required outside agencies.

- The Town is required to adopt these amendments by ordinance and has 180 days from receipt of the DEO's comments to: 1) adopt; 2)adopt with changes; or, 3) not adopt the proposed amendment. The deadline for adoption is January 10, 2014.

- Adoption ordinance must be sent to the DEO by November 18, 2013 (within 10 working days after adoption), and becomes effective 31 days after adoption, if there are no challenges.

- Ordinance 2013-26 adopts the amendments to Future Land Use Element Policies 1.1.10 and 1.6.4 as outlined above.

These changes set the policy direction and intent of the Proposed Code changes as part of proposed Ordinance 2013-18.

End of Agenda Item