

M E M O R A N D U M

DATE: September 2, 2015

TO: David Bullock, Town Manager

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

SUBJECT: Joint Town Commission/Planning & Zoning Board Workshop

Background

A significant number of the Town's multi-family and tourism properties were rendered non-conforming as a result of Comprehensive Plan (Plan) and Zoning actions that occurred in 1984 and 1985. These actions affected a majority of the then-existing multi-family and tourism properties on the island, which had been built at densities higher than the densities allowed under the 1984-85 revisions.

As the island's existing multi-family and tourism properties have aged, concern has arisen that some of these properties may be reaching market obsolescence, in that they no longer meet market demand for modern features. For example, newer developments tend to have covered attached parking, expansive balconies/terraces, concrete construction, higher hurricane standards, high ceilings, etc. The constraints resulting from the non-conforming density issue may have contributed to making redevelopment and/or modernization of these aging properties problematic, at best.

Recognizing the difficulties associated with the inability to rebuild these non-conforming properties in the event of voluntary or involuntary destruction, the Town Commission adopted Ordinance 2007-48, directing to referendum of the electors of the Town the following question:

For the properties that have more dwelling or tourism units than currently allowed, but which were legal at the time they were created, may the Town consider and grant approval to allow those properties to rebuild to their current dwelling or tourism unit levels in the event of involuntary or voluntary destruction?

In 2008, a majority of the Town's electors affirmatively approved the referendum and, subsequently, the Town adopted modifications to the nonconforming regulations of the Land Development Code (LDC) that allowed some limited flexibility for these properties to reconstruct at their existing density. However, these properties were still classified as non-conforming, which presents potential legal, financial, and LDC complications. In addition, the LDC revisions placed strict limitations on the design of any reconstruction, for example, buildings were required to be rebuilt within the same cubic content, which would preclude modifications such as creating larger units and/or providing higher ceiling height.

The LDC revisions that were adopted, while providing the maximum flexibility that may have been thought to be appropriate at the time, may not have provided adequate flexibility and/or incentive to assist in making redevelopment and/or modernization of these properties a viable option.

Recent Ordinances

In October 2014, the Town Commission recognized the need to address these continued non-conforming properties and provide additional flexibility to encourage redevelopment and/or modernization of aging properties. Subsequently, the Commission directed Staff to embark on an effort to resolve, to the greatest extent possible, the nonconforming density issue. As a result, the Town Commission has since adopted ordinances that modify the Town's Plan, which created a framework that will allow these non-conforming properties to be rezoned into new proposed conforming zoning districts that closely match their existing densities. These adopted Ordinances are described below.

Ordinance 2015-02: This ordinance focused on the Plan's Future Land Use Element (FLUE) policies that directly relate to nonconforming properties. The Plan previously included language that placed strict limitations on redevelopment of these properties and prevented flexibility within the LDC. Changes were made to the Plan to remove the restrictive language and direct the standards for the redevelopment of nonconforming properties to the LDC.

Ordinance 2015-10: This ordinance focused on modifications to the Plan's Future Land Use (FLU) categories. The revisions established a broader, more general FLU category framework to accommodate nonconforming properties and provide the ability to consider and adopt new zoning districts in the LDC. Additionally, the FLUE was expanded to provide for the following two new broad categories, which can be utilized to support the proposed zoning districts:

1. "Established Areas"— areas that are established and settled in their development pattern, and unlikely to be desirous of, or to support a market for, dynamic changes in use; and
2. "Opportunity Areas"— areas that are suitable for and capable of the type of dynamic redevelopment that can restore the historic balance of residential and tourism uses the Town desires for the future.

Density Options

The Town Commission and Planning & Zoning Board (P&Z) held a Joint Workshop on May 19, 2015. During the workshop, Staff presented multiple options for addressing the non-conforming density issue. Primarily, multiple scenarios were provided which included the potential creation of new zoning categories, corresponding closely to existing densities on the island. Based on the information provided, consensus was reached regarding potential new zoning categories and density limitations and the following direction was provided to Staff:

- Multi-family properties:
 - Establish new zoning categories for **multi-family residential** properties in density increments of two (2) units per acre to conform the existing built density
 - Allow properties to remain “whole;” no loss of existing units in the future (per Ordinance 2007-48 and 2008 Referendum)
 - Allow incentives for modernization/reconstruction
- Tourism properties:
 - Establish new zoning categories for **tourism** properties in hybridized density increments to conform the existing built density
 - Allows for reconstruction of existing units (per Ordinance 2007-48 and 2008 Referendum)
 - Allows for incentives for modernization/reconstruction

Property Spreadsheets

An extensive study has been conducted of all existing properties on the island. The resulting data related to Multi-family and Tourism properties that are non-conforming for density is provided in spreadsheets included with this report. There is one spreadsheet for Scenario One: Mixed Residential properties (Multi-family) and one spread sheet for Scenario Two: Tourism properties.

The information provided within these spreadsheets has been vetted against Town databases, Sarasota and Manatee County Property Appraiser databases, and involved a significant amount of field verification to physically count existing units whenever there was a discrepancy in data. This data has also been tied to a Geographic Information System (GIS) database, which now enables maps to be created from the data.

In addition to non-conforming properties, the spreadsheets include Multi-family and Tourism properties that are currently conforming as to their allowable density, but which have unbuilt units due to being built with fewer units than their existing density allows. This situation is indicated in the columns labeled “Allowed But Unbuilt Units” and “Density Conformity Status.” These properties are not being proposed for increased density, since their density is already conforming. It should be noted that the unused units in the MUC districts and the Tourism Unit Pool previously authorized by referendum are not included in the calculations provided within these spreadsheets.

Each property on the spreadsheets is shown with a new density limitation most closely aligned with its current actual density, reflected in the column labeled “New Zoned Density.” As indicated above, there is no proposed density change for those properties built at or below their current allowable density.

On the right side of each spreadsheet is a column labeled “New Units Requiring Referendum.” This column indicates the number of units that would require referendum approval prior to rezoning the property.

Referendum

Any potential new units, over and above units legally built prior to the 1984 Plan and/or unbuilt units allowed under current density limitations, will require referendum approval by a majority of electors of the Town per the Town's Charter. As indicated previously, units that are legally allowed under current density limitations, but which have not been built, do not require referendum approval. Therefore, the potential new units requiring referendum under the proposed density limits are as follows:

Multi-family: **314 units**

Tourism: **96 units**

Total Units Requiring Referendum as Proposed: **410 units**

For any potential referendum, the Commission may want to consider whether to propose one question for all 410 units, or whether to propose two separate questions: one for Multi-family and one for Tourism.

Proposed Zoning Ordinance

Proposed Ordinance 2015-11 is included with this report and addresses the addition of new zoning districts to encompass all proposed new density categories. It should be noted that these proposed changes to the LDC would not automatically affect properties currently non-conforming for density. Rather, these properties would retain their existing non-conforming status, zoning designation, and density limitations until both of the following actions are completed:

1. Voter approval of a referendum or referenda authorizing the proposed additional units.
2. Property Owner "Opt-In" rezoning process and Adoption of new Future Land Use Map (FLUM) and Zoning Map by the Town Commission.

The proposed ordinance also removes the non-conforming language currently embedded in Chapter 158 and places it in a new Chapter 161. Moving the nonconforming regulations into its own chapter allows for less cumbersome location and identification of nonconforming provisions while other ongoing major revisions to Chapter 158 are underway. The new nonconformity provisions are intended to address those properties that will remain nonconforming, through either the Town's decision not to move those properties into new zoning districts and/or the property owner's decision to remain in their current zoning district.

Several policy issues for consideration are embedded within the ordinance and are designated by a red box. Staff will present these policy issues during the Workshop and seek direction for each issue, as deemed appropriate by the Commission and P&Z. The proposed ordinance also cleans up and/or clarifies some of the existing language in the LDC, which will be discussed during the Joint Workshop. Issues to be discussed will include:

- Number of potential new units
- Referendum Options
- Height, Bulk, Open Space, Setbacks, etc.
- Nonconforming Regulations
- Transferable Development Rights for Allowed but Unbuilt Units

All proposed revisions to the LDC are indicated in underline/~~strike-through~~ format, with those changes highlighted in yellow.

Path Forward

Based on direction provided at this Joint Workshop, any necessary revisions will be made to Ordinance 2015-11. The Ordinance would then go to P&Z for continued discussion, public hearing, and recommendation to the Town Commission. It is anticipated that the Ordinance could go to the P&Z at their October 20th Regular Meeting.

In addition and pending direction at the Joint Workshop, referendum language for the potential additional units would be crafted for adoption by the Town Commission through ordinance. The Commission would also need to determine whether to hold the referendum during a regular election or to conduct a mail-only ballot process.

Any proposed referendum could potentially be scheduled as early as March, based on direction received. If the Town Commission authorizes a referendum, the Town would undertake a significant educational effort to provide the community with information needed to make an informed decision. This effort is anticipated to include, but is not limited to, media releases, website information, direct meetings with condominium associations, and group meetings with affected and interested parties.

Should a potential referendum receive voter approval, the Town would then embark on an “opt-in” process to move properties that are currently nonconforming for density into the new zoning districts created through Ordinance 2015-11. The Town would again engage in a very intensive educational effort and would work with applicable property owners regarding their options. This effort would culminate in a new Future Land Use Map and Zoning Map, which would be brought forward to the P&Z Board for recommendation and to the Commission for adoption.

Attachments:

Ordinance 2015-11 (Attachment “A”)
PowerPoint
Mixed Residential (Multi-Family) Density Spreadsheet
Tourism Density Spreadsheet

POWERPOINT



**JOINT TOWN COMMISSION
PLANNING & ZONING BOARD
WORKSHOP
September 21, 2015**

**TOWN OF LONGBOAT KEY
AND
UNIVERSITY OF FLORIDA**

CURRENT FOCUS: NONCONFORMING DENSITY

Numerous revisions to the Land Development Code are planned and are in various stages of progress; however, the Town Commission placed Nonconforming Density as the highest priority.

Background

- 1984/84: Comprehensive Plan and Zoning actions lowered density; Majority of existing multi-family and Tourism properties rendered nonconforming.**
- 2008: Referendum approved to allow properties which were non-conforming for density but were legal at the time they were created, to rebuild to existing unit levels. Comprehensive Plan and Land Development Code changed subsequently enacted, but strictly limited redevelopment.**
- 2014: Town Commission directed Staff to address nonconforming density in order to move properties to a conforming status.**

Process/Progress

- 10/20/2014:** Joint TC/PZB Workshop - Direction: Nonconforming density highest priority; Implement 2008 referendum
- 04/06/2015:** Ordinance 2015-02 Adopted – New Future Land Use Policies and removal of language limiting reconstruction
- 07/06/2015:** Ordinance 2015-10 Adopted – New Future Land Use Categories
- 05/19/2015:** Joint TC/PZB Workshop - Direction; implement new zoning/density options
- 09/21/2015:** Joint TC/PZB Workshop: Review draft Zoning Ordinance and provide policy direction

Objectives

- Based on the 2008 referendum (Ordinance 2007-48), revise Plan and Code to conform existing lawful density.
- Enhance opportunities and incentives to modernize aging properties.
- Reduce financial uncertainty for sale and/or redevelopment of nonconforming properties.

Guidelines for Implementing Objectives

- Establish new zoning districts within the legal framework of new land use categories (Established Areas/Opportunity Areas) per Ordinance 2015-10.
- Establish new incremental density ranges, while minimizing the allowable potential density increase above what exists (Ordinance 2007-48).
- Establish a limited number of units through referendum to be assigned to properties within these new zoning districts to attain the additional units allowed by the incremental ranges.
- Establish process for rezoning of currently nonconforming properties (Town initiated and/or owner initiated).

May 2015 Joint Workshop: Direction

- All property owners remain “whole” - no potential loss of existing units in the future; implements 2008 referendum (Ord. 2007-48).
- New zoning categories for multi-family and tourism properties to legitimize existing units and provide some flexibility for potential additional units in a redevelopment scenario, while keeping potential new units to a minimum. (Referendum required for new units)

DRAFT ORDINANCE 2015-11

Policy Considerations

- Potential New Units
- Referendum Options
- Bulk, Lot and Yard Regulations for New Zoning Districts (Ord. 2015-11, pages 41-42 and 45-46)
- Distribution of 250 Tourism Units to New Zoning Districts (Ord. 2015-11, pages 47-49)
- New Nonconforming Chapter (Ord. 2015-11, pages 50-58)
- Transferable Development Rights (TDRs) and Receiving Areas

Policy Consideration: Potential New Units

- Total number of potential new units has been minimized by fine-tuning the proposed density increments
- As proposed, a total of **410 new units** could be possible.
 - **Multi-Family: 314 units**
 - **Tourism: 96 units**
- Potential to keep all properties whole
- Potential for additional units to provide financial incentive for modernization/redevelopment

Policy Consideration: Referendum

- Referendum required for any additional **new** units above those allowed by current density limits and/or allowed by 2008 Referendum (as proposed, 410 new units).
- Ballot Question
 - One questions for all units, or
 - One question for Multi-Family (314 units) and a separate question for Tourism (96 units)
- Referendum Process
 - Regular Election, or
 - Mail-only ballot

Policy Consideration: Lot, Yard and Bulk Regulations

- Section 158.145 - Schedule of Lot, Yard, and Bulk Regulations (see Ord. 2015-11, pages 41-42 and 45-46)
- Governs height, open space, setbacks, lot size, building coverage, etc.
- The addition of new zoning districts requires that the schedule be amended to include the new districts.
- Three (3) Categories are presented for dimensional standards for Bulk, Lot, and Yards in the proposed new Residential and Tourism zoning districts.
- May want to consider additional flexibility for properties conditioned upon total reconstruction

Policy Consideration: Lot, Yard and Bulk Regulations

- **Residential Category 1:** (Reflects the same dimensions currently required for Zoning District R-6MX)
 - Pertains to new development, but can also be utilized after Involuntary or Voluntary destruction, if a property owner chooses.
 - Minimum Lot Area: 30,000 square feet
 - Minimum Lot Width: 150 feet
 - Minimum Lot Depth: 150 feet
 - Minimum Street Setback: 50 feet
 - Minimum Side Yard Setback (both/one side): 80/30 feet
 - Minimum Rear Setback: 30 feet
 - Maximum Height (stories/feet): 4/50
 - Maximum Building Coverage: 30 percent

Policy Consideration: Lot, Yard and Bulk Regulations

- **Residential Category 2:** (Reflects current Involuntary/Voluntary destruction regulations)
 - Provides an alternate option that can be utilized if rebuilding after Involuntary destruction to replace the building envelope that was there, while allowing additional height for flood compliance/parking and a 50-foot rear setback on the Gulf or pass.
 - Minimum Lot Area: As is
 - Minimum Lot Width: As is
 - Minimum Lot Depth: As is
 - Minimum Street Setback: As is
 - Minimum Side Yard Setback (both/one side): As is
 - Minimum Rear Setback: As is, but not less than 50 feet on gulf or pass
 - Maximum Height (stories/feet): As is, plus additional feet to meet current floodplain requirement and/or accommodate understructure parking
 - Maximum Building Coverage: As is, not to exceed 80 percent

Policy Consideration: Lot, Yard and Bulk Regulations

- **Residential Category 3:** (Reflects current Involuntary/Voluntary destruction regulations)
 - Provides an alternate option that can be utilized after Voluntary destruction and is similar to Category 2, with more strict street and side yard setbacks.
 - Minimum Lot Area: As is
 - Minimum Lot Width: As is
 - Minimum Lot Depth: As is
 - Minimum Street Setback: As is, but not less than 20 feet
 - Minimum Side Yard Setback (both/one side): As is, but not less than 20/10
 - Minimum Rear Setback: As is, but not less than 50 feet on gulf or pass
 - Maximum Height (stories/feet): As is, plus additional feet to meet current floodplain requirement and/or accommodate understructure parking
 - Maximum Building Coverage: As is, not to exceed 80 percent

Policy Consideration: Lot, Yard and Bulk Regulations

- **Tourism Category 1:** (Reflects the same dimensions currently required for Zoning District T-6)
 - Pertains to new development, but can also be utilized after Involuntary or Voluntary destruction, if a property owner chooses.
 - Minimum Lot Area: 55,000 square feet
 - Minimum Lot Width: 175 feet
 - Minimum Lot Depth: 300 feet
 - Minimum Street Setback: 50 feet
 - Minimum Side Yard Setback (both/one side): 80/30 feet
 - Minimum Rear Setback: 30 feet
 - Maximum Height (stories/feet): 4/50 (5/65 with PUD/ODP)
 - Maximum Building Coverage: 30 percent (40 with PUD/ODP)

Policy Consideration: Lot, Yard and Bulk Regulations

- **Tourism Category 2:** (Reflects current Involuntary/Voluntary destruction regulations)
 - Provides an alternate option that can be utilized after **Involuntary** destruction situation to replace the building envelope that was there, while allowing additional height for flood compliance/parking and a 50-foot rear setback on the Gulf or pass.
 - Minimum Lot Area: As is
 - Minimum Lot Width: As is
 - Minimum Lot Depth: As is
 - Minimum Street Setback: As is
 - Minimum Side Yard Setback (both/one side): As is
 - Minimum Rear Setback: As is, but not less than 50 feet on gulf or pass
 - Maximum Height (stories/feet): As is, plus additional feet to meet current floodplain requirement and/or accommodate understructure parking
 - Maximum Building Coverage: As is, not to exceed 80 percent

Policy Consideration: Lot, Yard and Bulk Regulations

- **Tourism Category 3:** (Reflects current Involuntary/Voluntary destruction regulations)
 - Provides an alternate option that can be utilized after **Voluntary** destruction and is similar to Category 2, with more strict street and side yard setbacks.
 - Minimum Lot Area: As is
 - Minimum Lot Width: As is
 - Minimum Lot Depth: As is
 - Minimum Street Setback: As is, but not less than 20 feet
 - Minimum Side Yard Setback (both/one side): As is, but not less than 20/10
 - Minimum Rear Setback: As is, but not less than 20, and not less than 50 feet on gulf or pass
 - Maximum Height (stories/feet): As is, plus additional feet to meet current floodplain requirement and/or accommodate understructure parking
 - Maximum Building Coverage: As is, not to exceed 80 percent

Policy Consideration: Distribution of Tourism Units

- Section 158.180 – Distribution of 250 Tourism Units (See Ord. 2015-11, pages 47-49)
 - Governs distribution process for the pool of tourism units previously approved by referendum (currently 165 units remaining).
 - With the addition of new tourism zoning districts, this section is proposed to be amended to add the new tourist districts to the eligible properties.
 - Proposes removing reference to the number “250,” since there are no longer that many left.
 - Process is unchanged; General clean-up of language and scrivener errors are also included.

Policy Consideration: Nonconforming Regulations

- Existing nonconforming regulations in LDC Sections 158.138 through 158.140 are proposed for complete deletion, to be replaced with new chapter 161 - Nonconformities. (See Ord. 2015-11, pages 29-37)
- Ability to reconstruct after Involuntary and Voluntary destruction is now provided for with new zoning districts and with proposed revisions to the Lot, Yard, and Bulk Regulations

Policy Consideration: Nonconforming Regulations

- New Chapter 161 – Nonconformities (See Ord. 2015-11, pages 50-58)
- Town Commission retains authority to extend a nonconforming use due to legal restraints, but the current five (5) year limitation is removed. (Section 161.84 – See Ord. 2015-11, page 57-58)

Policy Consideration: Transferable Development Rights

- As proposed, the new zoning changes could result in additional allowed units that might **not** be built by the properties they may be assigned to.
- If the Town Commission chose to consider the creation of Transferable Development Rights (TDR's), those unbuilt units could potentially be sold and/or transferred to other properties, with Town Commission approval.

Next Steps

- Ordinance 2015-11 to P&Z Board
- Public Outreach
- Referendum/Referenda
- “Opt-In” Process
- Future Land Use Map
- Revised Zoning Map

If Ordinance 2015-11 is adopted, what happens?

- Referendum/Referenda will be held for additional units
- Property owners can choose to participate in a Town-initiated rezoning action (no cost to property owners)
- Most properties with nonconforming density will become conforming when Town Commission adopts the new Future Land Use and Zoning Maps
- Property owners will have opportunity to redevelop using their new density

ORDINANCE 2015-11

ORDINANCE 2015-11

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA; AMENDING THE CODE OF ORDINANCES; AMENDING TITLE 15, LAND DEVELOPMENT CODE; AMENDING CHAPTER 158, ZONING CODE; AMENDING SECTION 158.006 DEFINITIONS; AMENDING SECTION 158.008 ESTABLISHMENT OF ZONING DISTRICTS; AMENDING SECTION 158.009 DESCRIPTION OF DISTRICTS AND DISTRICT POLICIES; AMENDING SECTION 158.070 TOURISM AND RESIDENTIAL DENSITY; AMENDING SECTION 158.102 PERFORMANCE STANDARDS FOR SITE AND DEVELOPMENT PLANS; AMENDING SECTION 158.125 SCHEDULE OF USE REGULATIONS; AMENDING SECTION 158.128 OFF-STREET PARKING; AMENDING SECTION 158.132 TOURISM USES; AMENDING SECTION 158.138 STATUS OF NONCONFORMITIES; AMENDING SECTION 158.139 RECONSTRUCTION OF NONCONFORMITIES IN THE EVENT OF INVOLUNTARY DESTRUCTION OR DAMAGE; AMENDING SECTION 158.140 RECONSTRUCTION OF NONCONFORMITIES IN THE EVENT OF VOLUNTARY RECONSTRUCTION; AMENDING SECTION 158.145 SCHEDULE OF LOT, YARD AND BULK REGULATIONS; AMENDING SECTION 158.175 COMMERCIAL REVITALIZATION—INTENT AND PURPOSE; AMENDING SECTION 158.179 COMMERCIAL REVITALIZATION—SITE PLAN REQUIREMENTS; AMENDING SECTION 158.180 DISTRIBUTION OF 250 TOURISM UNITS; AMENDING CHAPTER 159, POST DISASTER REDEVELOPMENT PLAN; AMENDING SECTION 159.10 EMERGENCY REPAIRS AND EMERGENCY PERMITTING; ESTABLISHING CHAPTER 161 NONCONFORMITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Longboat Key Town Commission authorized amendment of the Town of Longboat Key Code of Ordinances, Title 15, Land Development Code, to establish new zoning districts to accommodate redevelopment of properties with currently nonconforming density, and to establish a chapter within the Land Development Code specifically addressing the manner and standards by which all nonconforming properties are regulated; and

WHEREAS, the Town Commission amended the Town of Longboat Key Comprehensive Plan through the adoption of Ordinance 2015-02 and directed that standards relating to nonconforming properties be provided in the Town Land Development Code to benefit the public interest of the Town of Longboat Key and be compatible with and not detrimental to the character of the Town; and

WHEREAS, the Town Commission amended the Town of Longboat Key Comprehensive Plan through the adoption of Ordinance 2015-10 and directed that additional zoning district be provided in the Town Land Development Code to accommodate rational redevelopment of properties nonconforming for existing density limitations and conform such properties within reasonable ranges of existing densities through these additional zoning districts; and

WHEREAS, amendments to the Code of Ordinances are required to update the criteria and procedures regarding nonconforming properties in conformance with Ordinance 2015-02 and 2015-10; and

WHEREAS, at a duly noticed public hearing on _____, 2015 the Planning and Zoning Board found the subject amendments to the Code of Ordinances to be consistent with the Town’s Comprehensive Plan and recommended that the Town Commission approve the amendments to the Code of Ordinances; and

WHEREAS, the Town Commission of the Town of Longboat Key, at duly noticed public hearings on _____, 2015, and on _____, 2015, considered the proposed amendments to the Code of Ordinances as recommended by the Planning and Zoning Board; and

WHEREAS, the Town has received and considered comments from the public; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

SECTION 1. The recitals above are ratified and confirmed as true and correct.

SECTION 2. Code of Ordinances Chapters 33, 111, 150, 156, 157, 158, and 159 are hereby amended, and Chapter 161 is hereby established as follows:

[See attached Exhibit “A”]

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

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. This Ordinance is effective upon second reading and adoption in accordance with Laws and the Charter of the Town of Longboat Key.

Passed on the first reading and public hearing _____ day of _____, 2015.

Adopted on the second reading and public hearing the _____ day of _____, 2015.

Mayor

ATTEST:

Trish Granger, Town Clerk

Exhibits:

“A”: Amendments to the Code of Ordinances

EXHIBIT "A"

Title 15

LAND DEVELOPMENT CODE

Chapters:

150	Buildings
151	Shoreline Construction
152	Dredging and Filling
154	Flood Control
156	Sign Code
157	Subdivision Regulation
158	Zoning Code
159	Post Disaster Redevelopment Plan
160	Comprehensive Plan
161	Nonconformities

Chapter 158 - ZONING CODE

Article I. - General Provisions

158.006 - Definitions.

For the purpose of this ~~chapter code~~ the following definitions ~~shall~~ apply unless the context clearly indicates or requires a different meaning:

* * *

"Legal conforming lots of record." ~~Shall be defined~~ Defined as those single-family lots, excluding lot remnants, as defined herein, ~~which that~~ comply with the size and dimension regulations of ~~the current zoning this~~ code, as ~~may hereafter be~~ amended.

"Legal ~~nonconforming~~ lots of record." ~~Shall be defined~~ Defined as those lots, excluding lot remnants, as defined herein, ~~existing at the effective date of the 1984 Comprehensive Plan Amendment, which that~~ were previously permitted pursuant to ~~then existing~~ town ordinances and, because of changes in ~~said~~ town ordinances, no longer ~~conform~~ comply with the size and dimensional regulations of this code, as amended. See Ch. 161 of this code.

* * *

"~~Nonconforming building or~~ structure." A ~~building or~~ structure ~~which that~~ does not conform to the yard or bulk regulations of this ~~chapter code~~ pertaining to the ~~district zone~~ in which it is ~~situated located~~. See Ch. 161 of this code.

"Nonconforming lot." A lot ~~which that~~ does not conform to the schedule of lot regulations of this ~~chapter code~~ pertaining to the ~~district zone~~ in which it is located. See Ch. 161 of this code.

"Nonconforming use." A use that does not conform to the regulations of the ~~district zone~~ in which it is ~~situated located~~. See Ch. 161 of this code.

* * *

"Pre-existing legal use" A use of land listed in section 158.125 that lawfully existed on January 1, 2014. A use that qualifies as a "pre-existing legal use" may also be classified as a nonconforming use, but by virtue of its listing

EXHIBIT "A"

in section 158.125, it ~~shall be is~~ afforded the privileges of a permitted use and may be reconstructed up to its ~~pre-~~ existing density in accordance with all applicable current regulations, but only on the specific parcel on which it is located.

* * *

(Ord. 90-06, passed 3-19-90; Amd. Ord. 93-18, passed 7-22-93; Amd. Ord. 95-07, passed 5-1-95; Amd. Ord. 95-19, passed 1-8-96; Amd. Ord. 96-09, passed 10-8-96; Amd. Ord. 97-09, passed 6-2-97; Amd. Ord. 97-23, passed 11-3-97; Amd. Ord. 99-02, passed 4-5-99; Amd. Ord. 99-17, passed 6-7-99; Amd. Ord. 2000-02, 3-6-00; Amd. Ord. 2000-05, 3-6-00; Amd. Ord. 2000-06, 3-6-00; Amd. Ord. 01-02, passed 7-2-01; Amd. Ord. 02-19, passed 1-6-03; Amd. Ord. 04-09, passed 7-12-04; Amd. Ord. 04-25, passed 1-3-05; Amd. Ord. 04-26, passed 2-7-05; Amd. Ord. 05-17, passed 5-1-06; Amd. Ord. 06-27, passed 1-8-07; Amd. Ord. 07-01, passed 4-9-07; Amd. Ord. 07-13, passed 4-9-07; Amd. Ord. 07-19, passed 6-4-07; Amd. Ord. 07-23, 9-10-07; Amd. Ord. 07-41, passed 1-7-08; Ord. 2008-29, §§ 2, 3, passed 1-5-09; Ord. 2008-35, § 2, passed 2-2-09; Ord. 2008-22, § 2, passed 2-5-09; Ord. 2008-34, § 2, passed 5-4-09; Ord. 2011-21, § 2, passed 2-6-12; Ord. 2012-08, § 2, passed 7-2-12; Ord. 2013-18, § 5, passed 6-30-14; Ord. 2013-20, § 4, passed 6-30-14)

[No other changes proposed to this chapter.]

158.008 - Establishment of zoning districts.

~~For the purpose of protecting, promoting, and improving the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the community, the~~ The town finds that areas of the town have substantially different functional, geographic, and physical characteristics that require alternative regulatory treatment. To further this finding, the town is hereby divided into the following zoning districts provided in Table 158.008, with the stated densities, and intensities as regulated by sections 158.125, 158.145, and other provisions of this Zoning Code.

Table 158.008

DISTRICT TYPE (MAXIMUM ALLOWABLE DENSITY) ¹	
OS	Open Space District (no density)
INS	Community Facility Institutional District (no density)
R-1IP	Island Preserve Residential District (1 D.U./5A)
R-1SF	Single-Family Low-Density Estate Residential District (1 D.U./A.)
R-2SF	Single-Family Low-Density Residential District (2 D.U./A.)
R-3SF	Single-Family Low-Medium-Density Residential District (3 D.U./A.)

EXHIBIT "A"

R-4SF	Single-Family Medium-Density Residential District (4 D.U./A.)
R-6SF	Single-Family High-Density Residential District (6 D.U./A.)
R-3MX	Low-Medium-Density Mixed Residential District (3 D.U./A.)
R-4MX	Medium-Density Mixed Residential District (4 D.U./A.)
R-6MX	High Medium-Density Mixed Residential District (6 D.U./A.)
<u>R-8MXO</u>	<u>Medium-Density Mixed Residential Opportunity District (up to 8 DU/A)</u>
<u>R-10MXO</u>	<u>Medium-Density Mixed Residential Opportunity District (up to 10 DU/A)</u>
<u>R-12MXO</u>	<u>Medium-Density Mixed Residential Opportunity District (up to 12 DU/A)</u>
<u>R-14MXO</u>	<u>Medium-Density Mixed Residential Opportunity District (up to 14 DU/A)</u>
<u>R-16MXO</u>	<u>Medium-Density Mixed Residential Opportunity District (up to 16 DU/A)</u>
<u>R-18MXO</u>	<u>Medium-Density Mixed Residential Opportunity District (up to 18 DU/A)</u>
<u>R-20MXO</u>	<u>High-Density Mixed Residential Opportunity District (up to 20 DU/A)</u>
<u>R-22MXO</u>	<u>High-Density Mixed Residential Opportunity District (up to 22 DU/A)</u>
<u>R-24MXO</u>	<u>High-Density Mixed Residential Opportunity District (up to 24 DU/A)</u>
<u>R-26MXO</u>	<u>High-Density Mixed Residential Opportunity District (up to 26 DU/A)</u>
<u>R-28MXO</u>	<u>High-Density Mixed Residential Opportunity District (up to 28 DU/A)</u>
<u>R-30MXO</u>	<u>High-Density Mixed Residential Opportunity District (up to 30 DU/A)</u>
<u>R-33MXO</u>	<u>High-Density Mixed Residential Opportunity District (up to 33 DU/A)</u>
MUC-1	Mixed Use Community - Bay Isles (3.26 D.U./A. overall density)
MUC-2	Mixed Use Community - Islandside (5.05 U./A. overall density)

EXHIBIT "A"

MUC-3	Mixed Use Community - Promenade/Water Club (11.26 D.U./A. overall density)
OI	Office-Institutional District (no density)
C-1	Limited Commercial District (no density)
C-2	General Commercial District (no density)
C-3	Highway-Oriented Commercial District (no density)
M-1	Marine Commercial Service District (1 accessory D.U. located on the same lot)
T-3	Low Medium -Density Tourist Resort Commercial District (3 D.U./A. or 3 T.U./A.)
TO-6	High Medium -Density Tourist Resort Commercial Opportunity District (6 D.U./A. or T.U./A.)
<u>TO-8</u>	<u>Medium-Density Tourist Resort Commercial Opportunity District (up to 8 DU/A or TU/A)</u>
<u>TO-10</u>	<u>Medium -Density Tourist Resort Commercial Opportunity District (up to 10 DU/A or TU/A)</u>
<u>TO-12</u>	<u>Medium -Density Tourist Resort Commercial Opportunity District (up to 12 DU/A or TU/A)</u>
<u>TO-14</u>	<u>Medium -Density Tourist Resort Commercial Opportunity District (up to 14 DU/A or TU/A)</u>
<u>TO-16</u>	<u>Medium -Density Tourist Resort Commercial Opportunity District (up to 16 DU/A or TU/A)</u>
<u>TO-18</u>	<u>Medium -Density Tourist Resort Commercial Opportunity District (up to 18 DU/A or TU/A)</u>
<u>TO-20</u>	<u>High -Density Tourist Resort Commercial Opportunity District (up to 20 DU/A or TU/A)</u>
<u>TO-22</u>	<u>High -Density Tourist Resort Commercial Opportunity District (up to 22 DU/A or TU/A)</u>
<u>TO-26</u>	<u>High -Density Tourist Resort Commercial Opportunity District (up to 26 DU/A or TU/A)</u>
<u>TO-30</u>	<u>High -Density Tourist Resort Commercial Opportunity District (up to 30 DU/A or TU/A)</u>
<u>TO-38</u>	<u>High -Density Tourist Resort Commercial Opportunity District (up to 38 DU/A or TU/A)</u>

Notes:

EXHIBIT "A"

¹ Dwelling units per acre D.U./A or DU/A refers to residential units; tourism units per acre T.U./A. or TU/A refers to tourism units; units per acre (U./A) refers to total allowed residential units and tourism units.

(Ord. 90-06, passed 3-19-90; Ord. 2012-08, § 3, passed 7-2-12; Ord. 2013-20, § 7, passed 6-30-14)

Cross reference— Flood districts, §§ 154.07, 154.08

158.009 - Description of districts and district policies.

(A) through (Q). **[No proposed changes].**

(R) ~~Low-Medium-Density Tourist Resort Commercial District (T-3), HighMedium-Density Tourist Resort Commercial District (TO-6 through TO-18, and High-Density Tourist Resort Commercial District (TO-20 through TO-38)~~—Established to accommodate the unique land needs ~~of and redevelopment opportunities for existing resort-oriented facilities. These facilities generally are marketed as vacation accommodations for tourists and other transients visitors seeking an environment with a high level of amenities. The low-medium-density tourist resort commercial district and the high-medium-density tourist resort commercial district are allocated to sites that will accommodate densities not to exceed the number of tourist units per acre associated with their respective numeric extensions, which shall accommodate densities not to exceed three (3) tourist units per acre and six tourist units per acre respectively. Regulations shall be provided~~ This code provides regulations to minimize adverse impact on the transportation system, realizing that trip generation for transient residential facilities is generally higher than year-round accommodations. Similarly, the regulations shall provide ~~and~~ for recreation and open space amenities on site, consistent with the purpose and intent of these districts. ~~Specific density of redevelopment proposals within these districts must preserve the stability of established residential areas and include sufficient open space, parking, and landscaping.~~ All commercially provided recreational activities requiring shoreline or near shore water utilization ~~shall~~ **must** be concentrated at the commercial ~~hotel~~ **tourist lodging** facilities.

~~(S) Medium-Density Mixed Residential Opportunity Districts (R-8MXO through R-18MXO)~~—Established to accommodate the unique land needs of and redevelopment opportunities for existing medium-density residential development, including community residential homes, with mixed structure types. The medium-density mixed residential opportunity districts are allocated to sites that will accommodate densities not to exceed the number of dwelling units per acre associated with their respective numeric extensions. This code provides regulations to minimize adverse impact on the transportation system, and for recreation and open space amenities on site, consistent with the purpose and intent of these districts. ~~Specific density of redevelopment proposals within these districts must preserve the stability of established residential areas and include sufficient open space, parking, and landscaping.~~

~~(T) High-Density Mixed Residential Opportunity Districts (R-20MXO through R-33MXO)~~—Established to accommodate the unique land needs of and redevelopment opportunities for existing high-density residential development, including community residential homes, with mixed structure types. The high-density mixed residential opportunity districts are allocated to sites that will accommodate densities not to exceed the number of dwelling units per acre associated with their respective numeric extensions. This code provides regulations to minimize adverse impact on the transportation system, and for recreation and open space amenities on site, consistent with the purpose and intent of these districts. ~~Specific density of redevelopment proposals within these districts must preserve the stability of established residential areas and include sufficient open space, parking, and landscaping.~~

(Ord. 90-06, passed 3-19-90; Amd. Ord. 05-13, passed 12-5-05; Ord. 2010-16, § 2, passed 5-20-10; Ord. 2012-08, § 4, passed 7-2-12; Ord. 2013-20, § 8, passed 6-30-14)

[No other changes proposed to this article.]

EXHIBIT "A"

Article III. - Site and Development Plans

Division 1. - Planned Unit Developments (PUD)

* * *

158.070 - Tourism and residential density.

(A) ~~Planned unit developments shall have densities no greater than that permitted for a PUD within the zoning district in which it is located as shown below. Maximum densities for any PUD within the zoning district in which it is located are indicated in the following table.~~

:

Districts	Maximum PUD Density ¹
R-1IP	0.75 dwelling unit/5 acres
R-1SF	0.75 dwelling unit/acre
R-2SF	1.50 dwelling units/acre
R-3SF	2.25 dwelling units/acre
R-4SF	3.00 dwelling units/acre
R-6SF	4.50 dwelling units/acre
R-3MX	2.25 dwelling units/acre
R-4MX	3.00 dwelling units/acre
R-6MX	4.50 dwelling units/acre
<u>R-8MXO to R-33MXO</u>	<u>the number of dwelling units/acre associated with the respective numeric extensions</u>
MUC-1	3.26 dwelling units/acre overall density
MUC-2	5.05 units/acre overall density
MUC-3	11.26 dwelling units/acre overall density
T-3	2.25 tourism or dwelling units/acre

EXHIBIT "A"

T-6	4.50 tourism or dwelling units/acre
TO-8 to TO-38	the number of tourism units/acre associated with the respective numeric extensions

Notes:

¹ Dwelling units per acre refers to residential units; tourism units per acre refers to tourism units; units per acre refers to total allowed residential units and tourism units.

(B) In any event a planned unit development **shall** must be consistent with the comprehensive plan for the town and the zoning district in which it is located in respect to design compatibility, use, and height regulations.

(Ord. 90-06, passed 3-19-90; Ord. 2012-08, § 8, passed 7-2-12; Ord. 2013-20, § 12, passed 6-30-14)

Division 2. - Site Development Plans

* * *

158.102 - Performance standards for site and development plans.

The following standards shall be used by the town in reviewing any site or development plan: Any proposed site or development plan must comply with the standards provided in Table 158.102.

(A) through (C). **[No proposed changes].**

Land Use Intensity Table 158.102

Units Per Acre	4	5	6	8	11	14/NPD	15+
Floor area ratio	0.22	0.27	0.32	0.44	0.59	0.76	0.76
Open space ratio	3.2	2.7	2.2	1.6	1.2	1.2	1.2
Living space ratio	2.2	1.7	1.5	0.90	0.65	0.65	0.65
Recreation space ratio	0.17	0.16	0.15	0.13	0.11	0.11	0.11

(D) through (O) [No proposed changes].

(Ord. 90-06, passed 3-19-90; Ord. 93-17, passed 10-21-93; Amd. Ord. 99-15, passed 9-13-99; Amd. Ord. 05-17, passed 6-6-06; Amd. Ord. 07-17, passed 4-9-07; Amd. Ord. 07-46, passed 2-4-08; Amd. Ord. 08-18, passed 9-8-08; Ord. 2008-14, § 2, passed 12-1-08; Ord. 2008-35, § 4, passed 2-2-09; Ord. 2008-30, §§ 17—28, passed 5-4-09; Ord. 2010-16, §§ 6, 7, passed 5-20-10; Ord. 2014-14, § 3, passed 6-2-14; Ord. 2013-20, §§ 15, 16, passed 6-30-14)

EXHIBIT "A"

Article IV. - General Regulations

Division 1. - Use Regulations

158.125 - Schedule of use 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 158.145, which are supplemented by other sections of this chapter.

(Amd. Ord. 97-23, passed 11-3-97; Amd. Ord. 98-09, passed 4-6-98; Amd. Ord. 99-02, passed 4-5-99; Amd. Ord. 99-17, passed 6-7-99; Amd. Ord. 05-13, passed 12-5-05; Amd. Ord. 07-01, passed 4-9-07; Ord. 2012-08, § 11(Exh. A), passed 7-2-12; Ord. 2013-18, § 6, passed 6-30-14; Ord. 2013-20, § 17(Exh. B), passed 6-30-14)

DISTRICT (Maximum Gross Density)	PURPOSE	PERMITTED USES WITHOUT SITE PLAN REVIEW	PERMITTED USES WITH SITE PLAN REVIEW	ACCESSORY USES	SPECIAL EXCEPTION USES
Open Space Districts					
Open Space—Active (OS-A)	Publicly owned or controlled open space which is designed, used or intended to be used for recreational activities by residents and visitors. Impervious surface coverage is limited to 30% of the lot or parcel	<ol style="list-style-type: none"> Bird and wildlife sanctuaries and nature areas. Public open areas for passive recreational activities. Essential services. 	<ol style="list-style-type: none"> On-site improvements, structures or other active, player-oriented facilities such as playgrounds, ball fields, tennis courts and associated accessory uses. 	<ol style="list-style-type: none"> Associated accessory uses customarily incidental to a permitted use or permitted with a site plan review use. 	<ol style="list-style-type: none"> Windwalls. Trellis, subject to the standards contained in § 158.152(J). Boat dock in excess of 500 square feet. Personal wireless service freestanding facility.
Open Space—Passive	Publicly owned or controlled open space which is	<ol style="list-style-type: none"> Beach and bay access 	<ol style="list-style-type: none"> Trails, nature centers. 	<ol style="list-style-type: none"> Associated accessory uses customarily 	<ol style="list-style-type: none"> Windwalls. Trellis,

EXHIBIT "A"

<p>(OS-P)</p>	<p>designed, used or intended to be used for less-active leisure pursuits. Impervious surface coverage is limited to 15% of the lot or parcel</p>	<p>2. Essential services.</p>		<p>incidental to a permitted use or permitted with a site plan review, uses such as restrooms, boardwalks, docks and parking surfaces.</p>	<p>subject to the standards contained in § 158.152(J). 3. Boat dock in excess of 500 square feet.</p>
<p>Open Space - Conservation (OS-C)</p>	<p>Publicly owned or controlled open space which is designed, used or intended to be used for the protection and management of natural areas and archaeological sites.</p>	<p>1. Areas to remain in natural state with little or no disturbance. 2. Essential services.</p>	<p>1. Structures are limited to improvements such as boardwalks, permeable pathways and signage necessary for conservation management, limited public access and resource-related educational activities.</p>		<p>1. Windwalls. 2. Trellis, subject to the standards contained in § 158.152(J). 3. Boat dock in excess of 500 square feet.</p>
<p>(INS) Community Facility Institutional District</p>	<p>The purpose of this district is to delineate those areas suitable for public and semipublic facilities.</p>	<p>1. Essential services.</p>	<p>1. Churches, synagogues and other houses of worship. 2. Government buildings and services, such as fire stations, public works buildings, and emergency operation center facilities</p>	<p>1. Off-street parking and loading facilities. 2. Other accessory uses customarily incident to a use permitted with site plan review or special exception use. 3. Private noncommercial</p>	<p>1. Continuing education centers. 2. Civic centers. 3. Nursing homes. 4. Nonprofit cultural centers. 5. Cemeteries. 6. Worship centers.</p>

EXHIBIT "A"

			<ul style="list-style-type: none"> and libraries. 3. Public parks and recreation areas. 4. Town-owned or town-operated marine facilities. 5. Personal wireless service facility, not including a freestanding facility. 	<ul style="list-style-type: none"> dish antennas. 	<ul style="list-style-type: none"> 7. Private clubs. 8. Windwalls. 9. Personal wireless service freestanding facility. 10. Trellis, subject to the standards contained in § 158.152(J). 11. Boat dock in excess of 500 square feet.
(R-1IP) Island Preserve	<p>The purpose of this district is to delineate Jewfish Key and Sister Keys for limited residential development of an estate character together with the associated accessory uses while recognizing environmental constraints, the inaccessibility of the area to the mainland, and requiring developer provided public services and facilities prior to construction of any habitable structures.</p>	<ul style="list-style-type: none"> 1. Single-family dwellings. 2. Essential services. 	<ul style="list-style-type: none"> 1. Planned unit development overlays (see §§ 158.065 through 158.071 	<ul style="list-style-type: none"> 1. Private swimming pools or cabanas and related structures. 2. Private docks. 3. Private garages. 4. Private noncommercial dish antennas. 5. Other accessory uses customarily incident to a permitted use, use permitted with a site plan review or special exception use. 	<ul style="list-style-type: none"> 1. Parks and recreation areas. (Ord. 93-13, passed 6-24-93, Amd. Ord. 95-14, passed 10-2-95) 2. Trellis, subject to the standards contained in § 158.152(J). 3. Boat dock in excess of 500 square feet.

EXHIBIT "A"

<p align="center">(R-1SF) Single-Family Low-Density Estate Residential District (1 D.U./A.)</p>	<p>The purpose of this district is to delineate those areas suitable for residential development of a spacious character together with the associated accessory uses.</p>	<ol style="list-style-type: none"> 1. Single-family dwellings. 2. Essential services. 3. Community residential homes with six or fewer residents plus staff. 	<ol style="list-style-type: none"> 1. Planned unit development overlays (see §§ 158.065 through 158.071 	<ol style="list-style-type: none"> 1. Private swimming pools or cabanas and related structures. 2. Private docks. 3. Private garages. 4. Other accessory uses customarily incident to a permitted use, use permitted with a site plan review, or special exception use. 5. Private noncommercial antennas. 	<ol style="list-style-type: none"> 1. Windwalls. 2. Parks and recreation areas. (Ord. 93-13, passed 6-24-93, Amd. Ord. 95-14, passed 10-2-95 3. Trellis, subject to the standards contained in § 158.152(J). 4. Boat dock in excess of 500 square feet.
<p align="center">(R-2SF) Single-Family Low-Density Residential District (2 D.U./A.)</p>	<p>The purpose of this district is to delineate those areas suitable for residential development of a low-density character together with the associated accessory uses.</p>	<ol style="list-style-type: none"> 1. Single-family dwellings. 2. Essential services. 3. Community residential homes with six or fewer residents plus staff. 	<ol style="list-style-type: none"> 1. Planned unit development overlays (see §§ 158.065 through 158.071). 	<ol style="list-style-type: none"> 1. Private swimming pools or cabanas and related structures. 2. Private docks. 3. Private garages. 4. Other accessory uses customarily incident to a permitted use, use permitted with site plan review or special exception use. 5. Private noncommercial 	<ol style="list-style-type: none"> 1. Windwalls. 2. Parks and recreation areas. (Ord. 93-13, passed 6-24-93; Amd. Ord. 95-14, passed 10-2-95) 3. Trellis, subject to the standards contained in §§ 158.152(J). 4. Boat dock in excess of 500 square feet.

EXHIBIT "A"

				dish antennas.	
(R-3SF) Single-Family Low-Medium-Density Residential District (3 D.U./A.)	The purpose of this district is to delineate those areas suitable for residential development of a low-density character together with the associated accessory uses.	<ol style="list-style-type: none"> 1. Single-family dwellings. 2. Essential services. 3. Community residential homes with six or fewer residents plus staff. 	1. Planned unit development overlays (see §§ 158.065 through 158.071).	<ol style="list-style-type: none"> 1. Private swimming pools or cabanas and related structures. 2. Private docks. 3. Private garages. 4. Other accessory uses customarily incident to a permitted use, use permitted with site plan review or special exception use. 5. Private noncommercial dish antennas. 	<ol style="list-style-type: none"> 1. Windwalls. 2. Parks and recreation areas. (Ord. 93-13, passed 6-24-93; Amd. Ord. 95-14, passed 10-2-95) 3. Trellis, subject to the standards contained in § 158.152(J).
(R-4SF) Single-Family Medium-Density Residential District (4 D.U./A.)	The purpose of this district is to delineate those areas suitable for single-family residential development of a medium density character together with the associated accessory uses.	<ol style="list-style-type: none"> 1. Single-family dwellings. 2. Essential services. 3. Community residential homes with six or fewer residents plus staff. 	Planned unit development overlays (see §§ 158.065 through 158.071).	<ol style="list-style-type: none"> 1. Private swimming pools or cabanas and related structures. 2. Private docks. 3. Private garages. 4. Other accessory uses customarily incident to a permitted use, use permitted with site plan review or special exception use. 5. Private 	<ol style="list-style-type: none"> 1. Windwalls. 2. Parks and recreation areas. (Ord. 93-13, passed 6-24-93; Amd. Ord. 95-14, passed 10-2-95) 3. Trellis, subject to the standards contained in § 158.152(J). 4. Boat dock in excess of 500 square feet.

EXHIBIT "A"

				noncommercial dish antennas.	
(R-6SF) Single-Family High-Density Residential District (6 D.U./A.)	The purpose of this district is to delineate those areas suitable for single-family residential development of a high-density character together with the associated accessory uses.	<ol style="list-style-type: none"> 1. Single-family dwellings. 2. Essential services. 3. Community residential homes with six or fewer residents plus staff. 	<ol style="list-style-type: none"> 1. Planned unit development overlays (see § 158.065 through 158.071). 	<ol style="list-style-type: none"> 1. Private swimming pools or cabanas and related structures. 2. Private docks. 3. Private garages. 4. Other accessory uses customarily incident to a permitted use, use permitted with site plan review or special exception use. 5. Private noncommercial dish antennas. 	<ol style="list-style-type: none"> 1. Nonprofit cultural centers. 2. Public/private preschools or elementary schools. 3. Child care services. 4. Government buildings and services. 5. Public parks and recreation areas. 6. Windwalls. 7. Parks and recreation areas. (Ord. 93-13, passed 6-24-93; Amd. Ord. 95-14, passed 10-2-95) 8. Trellis, subject to the standards contained in § 158.152(J). 9. Boat dock in excess of 500 square feet.
(R-3MX) Low-Medium-Density Residential District	The purpose of this district is to delineate those areas suitable for	<ol style="list-style-type: none"> 1. Single-family dwellings. 2. Two-family dwellings. 	<ol style="list-style-type: none"> 1. Planned units development overlays (see § 	<ol style="list-style-type: none"> 1. Private swimming pools or cabanas and related 	<ol style="list-style-type: none"> 1. Home occupations, in single-family dwellings.

EXHIBIT "A"

<p>(3 D.U./A.)</p>	<p>mixed residential development of a low- medium-density character together with the associated accessory uses.</p>	<p>3. Multifamily developments with less than 10 dwelling units. 4. Essential services. 5. Community residential homes with six or fewer residents plus staff.</p>	<p>158.065 through 158.071). 2. Multifamily development with 10 or more dwelling units. 3. Community residential homes. 4. Personal wireless services rooftop antennas and building or structure mounted antennas.</p>	<p>structures. 2. Private recreational facilities designed for the exclusive use of occupants of a permitted use, use permitted with site plan review, or special exception use. 3. Private docks. 4. Off-street parking. 5. Other accessory uses customarily incident to a permitted use, use permitted with site plan review or special exception use. 6. Private noncommercial dish antennas.</p>	<p>2. Government buildings and services. 3. Windwalls. 4. Parks and recreation areas. (Ord. 93-13, passed 6-24-93; Amd. Ord. 95-14, passed 10-2-95) 5. Trellis, subject to the standards contained in § 158.152(J). 6. Boat dock in excess of 500 square feet.</p>
<p>(R-4MX) Medium-Density Mixed Residential District (4 D.U./A.)</p>	<p>The purpose of this district is to delineate those areas suitable for mixed residential development of a medium-density character together with the associated accessory uses.</p>	<p>1. Single-family dwellings. 2. Two-family dwellings. 3. Multifamily developments with less than 10 dwelling units. 4. Essential services. 5. Community residential</p>	<p>1. Planned unit overlays (see § * 158.065 through 158.071). 2. Multifamily developments with 10 or more dwelling units. 3. Community residential homes.</p>	<p>1. Private swimming pools or cabanas and related structures. 2. Private recreational facilities designed for the exclusive use of occupants of a permitted use, use permitted</p>	<p>1. Home occupations, in single-family dwellings. 2. Government buildings and services. 3. Public parks and recreation areas. 4. Windwalls. 5. Parks and recreation</p>

EXHIBIT "A"

		homes with six or fewer residents plus staff.	4. Personal wireless services rooftop antennas and building or structure mounted antennas.	with site plan review or special exception use. 3. Off-street parking. 4. Other accessory uses customarily incident to a permitted use, use permitted with site plan review or special exception use. 5. Private noncommercial dish antennas.	areas. (Ord. 93-13, passed 6-24-93; Amd. Ord. 95-14, passed 10-2-95) 6. Trellis, subject to the standards contained in § 158.152(J). 7. Boat dock in excess of 500 square feet.
(R-6MX) High-Density Mixed Residential District (6 D.U./A.)	The purpose of this district is to delineate those areas suitable for mixed residential development of a high-density character together with the associated accessory uses.	1. Single-family dwellings. 2. Two-family dwellings. 3. Multifamily developments with less than 10 dwelling units. 4. Essential services. 5. Community residential homes with six or fewer residents plus staff.	1. Planned unit development overlays (see § * 158.065 through 158.071). 2. Multifamily developments with 10 or more dwelling units. 3. Community residential homes. 4. Personal wireless services, rooftop antennas, and building or structure mounted antennas.	1. Private swimming pools or cabanas and related structures. 2. Private recreational facilities designed for the exclusive use of occupants of a permitted use, use permitted with site plan review or special exception use. 3. Private noncommercial dish antennas.	1. Home occupations. 2. Public/private preschools or elementary schools. 3. Government buildings and services. 4. Group home and foster care facilities. 5. Public parks and recreation areas. 6. Mobile home parks. 7. Windwalls. 8. Parks and recreation areas. (Ord. 93-13, passed 6-

EXHIBIT "A"

					<p>24-93</p> <p>9. Trellis, subject to the standards contained in § 158.152(J).</p> <p>10. Boat dock in excess of 500 square feet.</p>
<p>(R-8MXO to R-18MXO) Medium-Density Mixed Residential District (the maximum permissible number of dwelling units/acre associated with the respective numeric extensions)</p>	<p>The purpose of these districts is to accommodate and delineate those areas suitable for existing mixed residential development and redevelopment of a medium-density character together with the associated accessory uses.</p>	<p>1. Multifamily developments with less than 10 dwelling units.</p> <p>2. Essential services.</p> <p>3. Community residential homes with six (6) or fewer residents plus staff.</p>	<p>1. PUD overlays (see § * 158.065 through 158.071).</p> <p>2. Multifamily developments with 10 or more dwelling units.</p> <p>3. Community residential homes.</p> <p>4. Personal wireless services, rooftop antennas, and building or structure mounted antennas.</p>	<p>1. Private swimming pools or cabanas and related structures.</p> <p>2. Private recreational facilities designed for the exclusive use of occupants of a permitted use, use permitted with site plan review or special exception use.</p> <p>3. Private noncommercial dish antennas.</p>	<p>1. Home occupations.</p> <p>2. Public/private preschools or elementary schools.</p> <p>3. Government buildings and services.</p> <p>4. Group home and foster care facilities.</p> <p>5. Public parks and recreation areas.</p> <p>6. Mobile home parks (Existing only).</p> <p>7. Windwalls.</p> <p>8. Parks and recreation areas. (Ord. 93-13, passed 6-24-93)</p> <p>9. Trellis, subject to the standards contained in § 158.152(J).</p> <p>10. Boat dock</p>

EXHIBIT "A"

					in excess of 500 square feet.
(R-20MXO to R-33MXO) High-Density Mixed Residential District (the maximum permissible number of dwelling units/acre associated with the respective numeric extensions)	The purpose of these districts is to accommodate and delineate those areas suitable for existing mixed residential development and redevelopment of a high-density character together with the associated accessory uses.	<ol style="list-style-type: none"> 1. Multifamily developments with less than 10 dwelling units. 2. Essential services. 3. Community residential homes with six (6) or fewer residents plus staff. 	<ol style="list-style-type: none"> 1. PUD overlays (see § * 158.065 through 158.071). 2. Multifamily developments with 10 or more dwelling units. 3. Community residential homes. 4. Personal wireless services, rooftop antennas, and building or structure mounted antennas. 	<ol style="list-style-type: none"> 1. Private swimming pools or cabanas and related structures. 2. Private recreational facilities designed for the exclusive use of occupants of a permitted use, use permitted with site plan review or special exception use. 3. Private noncommercial dish antennas. 	<ol style="list-style-type: none"> 1. Home occupations. 2. Public/private preschools or elementary schools. 3. Government buildings and services. 4. Group home and foster care facilities. 5. Public parks and recreation areas. 6. Mobile home parks. 7. Windwalls. 8. Parks and recreation areas. (Ord. 93-13, passed 6-24-93) 9. Trellis, subject to the standards contained in § 158.152(J). 10. Boat dock in excess of 500 square feet.
(MUC-1) Mixed Use Community - Bay Isles (overall density: 3.26 D.U./A.)	The purpose of this district is to recognize an area of the town approved by the	<ol style="list-style-type: none"> 1. Single-family dwellings. 2. Multifamily developments with less than 	<ol style="list-style-type: none"> 1. Multifamily developments with 10 or more dwelling units. 2. Churches, 	<ol style="list-style-type: none"> 1. Other accessory uses customarily incidental to a permitted use, a 	<ol style="list-style-type: none"> 1. Windwalls. 2. Trellis, subject to the standards contained in §

EXHIBIT "A"

	<p>town commission for a development with a mix of uses encompassing the Bay Isles community approved by Resolution No. 75-27 as it has been and may be amended from time to time.</p>	<p>10 dwelling units. 3. Essential services. 4. Community residential homes with six or fewer residents plus staff.</p>	<p>synagogues and other houses of worship. 3. Golf course. 4. Marina, including wet storage, sale of marine fuels, boat or motor rental or maintenance, ship's store, yacht brokerage, but not including boat construction or dry storage of boats. 5. Parks and recreation areas. 6. Restaurants (pre-existing legal use only, except where permitted through a PUD). 7. Tennis courts and associated accessory uses. 8. Uses permitted with site plan review and special exception uses in OI and C-1 districts. 9. Government buildings and services.</p>	<p>use permitted with site plan review, or a special exception use. 2. Private noncommercial dish antennas. 3. A columbarium is a permitted accessory use to a church, synagogue, or other house of worship.</p>	<p>158.152(J). 3. Boat dock in excess of 500 square feet. 4. Personal wireless service freestanding facility.</p>
--	--	---	---	--	---

EXHIBIT "A"

			<p>10. Community residential homes.</p> <p>11. Personal wireless service facility, not including a freestanding facility.</p> <p>NOTE: See also §§ 158.009(L) and 158.067(C).</p>		
<p>(MUC-2) Mixed Use Community - Islandside (overall density: 5.05 U./A.)</p>	<p>The purpose of this district is to recognize an area of the town approved by the town commission for a development with a mix of uses encompassing the Islandside community approved by Resolution No. 76-7 as it has been and may be amended from time to time.</p>	<ol style="list-style-type: none"> 1. Single-family dwellings. 2. Multifamily developments with less than 10 dwelling units. 3. Essential services. 4. Community residential homes with six or fewer residents plus staff. 	<ol style="list-style-type: none"> 1. Multifamily developments with 10 or more dwelling units. 2. Golf course. 3. Hotels, motels, and other tourism and time-share tourism units (pre-existing legal use only, except where additional tourism units may be permitted by the town's Charter and comprehensive plan). 4. Parks and recreation areas. 5. Restaurants (pre-existing legal use only, except where 	<ol style="list-style-type: none"> 1. Other accessory uses customarily incidental to a permitted use, a use permitted with site plan review, or a special exception use. 2. Private noncommercial dish antennas. 	<ol style="list-style-type: none"> 1. Windwalls. 2. Trellis, subject to the standards contained in § 158.152(J). 3. Boat dock in excess of 500 square feet. 4. Personal wireless service freestanding facility.

EXHIBIT "A"

			<p>permitted through a PUD).</p> <p>6. Tennis courts and associated accessory uses.</p> <p>7. Business and professional offices.</p> <p>8. Community residential homes.</p> <p>9. Personal wireless service facility, not including a freestanding facility.</p> <p>NOTE: See also §§ 158.009(L) and 158.067(C).</p>		
(MUC-3) Mixed Use Community - Promenade/Water Club (overall density: 11.26 D.U./A.)	The purpose of this district is to recognize an area of the town approved by the town commission for a development with a mix of uses encompassing the Promenade/Water Club communities approved by Resolution No. 81-8, as it has been and may be amended from time to time.	<ol style="list-style-type: none"> 1. Essential services. 2. Community residential homes with six or fewer residents plus staff. 	<ol style="list-style-type: none"> 1. Multifamily developments with 10 or more dwelling units. 2. Community residential homes. 3. Personal wireless service facility, not including a freestanding facility. 	<ol style="list-style-type: none"> 1. Other accessory uses customarily incidental to a permitted use, a use permitted with site plan review; or a special exception use. 2. Private noncommercial dish antennas. 	<ol style="list-style-type: none"> 1. Windwalls. 2. Trellis, subject to the standards contained in § 158.152(J). 3. Boat dock in excess of 500 square feet. 4. Personal wireless service freestanding facility.
(OI) Office-	The purpose of this district is to	1. Essential	1. Business and professional	1. Off-street parking and	1. Worship centers.

EXHIBIT "A"

<p>Institutional District</p>	<p>delineate those areas, which, by their location, are suitable to accommodate offices and institutional causes but must be in harmony with residential development in close proximity.</p>	<p>services.</p>	<p>offices. 2. Government buildings and services. 3. Public parks and recreation areas. 4. Banks and other financial institutions. 5. Personal wireless service facility, not including a freestanding facility.</p>	<p>loading. 2. Other accessory uses customarily incidental to use permitted with site plan review use or special exception use. 3. Private noncommercial dish antennas.</p>	<p>2. Medical and dental clinics. 3. Windwalls. 4. Trellis, subject to the standards contained in § 158.152(J). 5. Boat dock in excess of 500 square feet. 6. Personal wireless service freestanding facility.</p>
<p>(C-1) Limited Commercial District</p>	<p>The purpose of this district is to delineate those areas suitable for neighborhood-serving commercial and related uses.</p>	<p>1. Essential services.</p>	<p>1. Uses permitted with site plan review and special exception uses in OI districts. 2. Neighborhood convenience store. 3. Small limited-item shop and stores restricted to retail sales of convenience items and services including barber-beauty care and other personal services. 4. Small-scale</p>	<p>1. Off-street parking and loading. 2. Other accessory uses customarily incidental to use permitted with site plan review use or special exception use. 3. Private noncommercial dish antennas.</p>	<p>1. Restaurants (but no drive-in restaurants) including restaurants with lounges or outdoor dining (subject to the standards contained in § 158.136). (Ord. 95-19, passed 1-8-96) 2. Grocery stores. 3. Continuing education centers. 4. Laundry and dry cleaning pickup stations. 5. Private noncommercial dish antennas.</p>

EXHIBIT "A"

			<p>drugstores and specialty shops.</p> <p>5. Photography, art or music studios.</p> <p>6. Youth recreation centers.</p> <p>7. Florist shops.</p> <p>8. Personal wireless service facility, not including a freestanding facility.</p>		<p>6. Windwalls.</p> <p>7. Trellis, subject to the standards contained in § 158.152(J).</p> <p>8. Boat dock in excess of 500 square feet.</p> <p>9. Personal wireless service freestanding facility.</p>
(C-2) General Commercial District	The purpose of this district is to delineate those areas suitable for general commercial and related uses.	1. Essential services.	<p>1. Uses permitted with site plan review and special exception uses in OI and CI districts.</p> <p>2. General retail sales and services such as grocery stores, restaurants, including restaurants with lounges, laundry and dry cleaning pickup stations, and small-scale, tourist-oriented facilities.</p> <p>3. Child-care services.</p> <p>4. Personal wireless service facility, not</p>	<p>1. Off-street parking and loading.</p> <p>2. Other accessory uses customarily incidental to use permitted with site plan review use or special exception use.</p> <p>3. Private noncommercial dish antennas.</p>	<p>1. Government buildings and services.</p> <p>2. Lounges.</p> <p>3. Windwalls.</p> <p>4. Lawn and garden centers.</p> <p>5. Trellis, subject to the standards contained in § 158.152(J).</p> <p>6. Boat dock in excess of 500 square feet.</p> <p>7. Personal wireless service freestanding facility.</p>

EXHIBIT "A"

			including a freestanding facility.		
(C-3) Highway Oriented Commercial District	The purpose of this district is to delineate those areas suitable for highway-oriented commercial and related uses.	1. Essential services.	<ol style="list-style-type: none"> 1. Uses permitted with site plan review and special exception uses in OI, C-I and C-2 districts. 2. Service stations and other minor retail sales, services and repairs oriented to the motoring public, excluding body repair and finishing. 3. Personal wireless service facility, not including a freestanding facility. 	<ol style="list-style-type: none"> 1. Off-street parking and loading. 2. Other accessory uses customarily incidental to a permitted use, a use permitted with site plan review, or a special exception use. 3. Private noncommercial dish antennas. 	<ol style="list-style-type: none"> 1. Windwalls. 2. Trellis, subject to the standards contained in § 158.152(J). 3. Boat dock in excess of 500 square feet. 4. Personal wireless service freestanding facility.
(M-1) Marine Commercial Service District	The purpose of this district is to delineate those areas suitable for marine commercial services and related uses. Commercial passenger operations are excluded.	1. Essential services.	<ol style="list-style-type: none"> 1. Uses permitted with site plan review and special exception uses in C-3 districts. 2. Marina facilities, including rental of wet storage, sale of marine fuels, boat or 	<ol style="list-style-type: none"> 1. Off-street parking and loading. 2. One dwelling unit or use by owner/employee or lessee, which shall be located on the same lot. 3. Other accessory uses customarily 	<ol style="list-style-type: none"> 1. Windwalls. 2. Trellis, subject to the standards contained in § 158.152(J). 3. Boat dock in excess of 500 square feet. 4. Personal wireless service freestanding

EXHIBIT "A"

			<p>motor rental or maintenance, sale of bait and fishing equipment, and storage or dry-docking of boats. Boat construction is not a permitted use.</p> <p>3. Other marine commercial services such as waterfront or marine-related specialty shops.</p> <p>4. Charter fishing.</p> <p>5. Personal wireless service facility, not including a freestanding facility.</p>	<p>incidental to a use permitted with site plan review or special exception use.</p> <p>4. Private noncommercial dish antennas.</p>	<p>facility.</p>
<p>(T-3) Low-Medium Density Tourist Resort Commercial District (3 T.U. or 3 D.U./A.)</p>	<p>The purpose of this district is to implement the comprehensive plan through delineation of those areas suitable for low-medium-density tourist resort oriented facilities and multifamily residential uses.</p>	<ol style="list-style-type: none"> 1. Multifamily developments with less than 10 dwelling units. 2. Essential services. 3. Community residential homes with six or fewer residents plus staff. 	<ol style="list-style-type: none"> 1. Multifamily developments with 10 or more dwelling units. 2. Hotels, motels, and time-share tourism units 3. Community residential homes. 4. Personal wireless service facility, not including a 	<ol style="list-style-type: none"> 1. Private swimming pools or cabanas and related structures. 2. Private recreational facilities designed for the exclusive use of occupants. 3. Private docks, including the dockage and rental of boats 	<ol style="list-style-type: none"> 1. Windwalls. 2. Trellis, subject to the standards contained in § 158.152(J). 3. Boat dock in excess of 500 square feet. 4. Personal wireless service freestanding facility.

EXHIBIT "A"

			<p>freestanding facility.</p>	<p>and the sale of marine fuels limited to use of residents and guests only. 4. Off-street parking. 5. Other accessory uses customarily incidental to a permitted use, a use permitted with site plan review, or a special exception use. 6. Private noncommercial dish antennas.</p>	
<p><u>(TO-6 through TO-18) High Medium - Density Tourist Resort Commercial District (6 T.U. or 6 D.U./Athe maximum permissible number of tourism units/acre associated with the respective numeric extensions.)</u></p>	<p>The purpose of this district is to implement the comprehensive plan through delineation of those areas suitable for high-density tourist resort oriented facilities and multifamily residential uses.</p>	<ol style="list-style-type: none"> 1. Multifamily developments with less than 10 dwelling units. 2. Essential services. 3. Community residential homes with six or fewer residents plus staff. 	<ol style="list-style-type: none"> 1. Multifamily developments with 10 or more dwelling units. 2. Hotels, motels, and other tourism and time-share tourism units. 3. Community residential homes. 4. Personal wireless service facility, not including a freestanding facility. 	<ol style="list-style-type: none"> 1. Private swimming pools or cabanas and related structures. 2. Private recreational facilities designed for the exclusive use of occupants. 3. Private docks, including the dockage and rental of boats and the sale of marine fuels limited to use of residents and guests only. 	<ol style="list-style-type: none"> 1. Windwalls. 2. Trellis, subject to the standards contained in § 158.152(J). 3. Boat dock in excess of 500 square feet. 4. Personal wireless service freestanding facility.

EXHIBIT "A"

				<p>4. Off-street parking.</p> <p>5. Other accessory uses customarily incidental to a permitted use, a use permitted with site plan review, or a special exception use.</p> <p>6. Private noncommercial dish antennas.</p>	
<p>(TO-20 through TO-38) High-Density Tourist Resort Commercial District (the maximum permissible number of tourism units/acre associated with the respective numeric extensions.)</p>	<p>The purpose of this district is to implement the comprehensive plan through delineation of those areas suitable for high-density tourist resort oriented facilities and multifamily residential uses.</p>	<p>1. Multifamily developments with less than 10 dwelling units.</p> <p>2. Essential services.</p> <p>3. Community residential homes with six or fewer residents plus staff.</p>	<p>1. Multifamily developments with 10 or more dwelling units.</p> <p>2. Hotels, motels, and other tourism and time-share tourism units.</p> <p>3. Community residential homes.</p> <p>4. Personal wireless service facility, not including a freestanding facility.</p>	<p>1. Private swimming pools or cabanas and related structures.</p> <p>2. Private recreational facilities designed for the exclusive use of occupants.</p> <p>3. Private docks, including the dockage and rental of boats and the sale of marine fuels limited to use of residents and guests only.</p> <p>4. Off-street parking.</p> <p>5. Other accessory uses customarily</p>	<p>1. Windwalls.</p> <p>2. Trellis, subject to the standards contained in § 158.152(J).</p> <p>3. Boat dock in excess of 500 square feet.</p> <p>4. Personal wireless service freestanding facility.</p>

EXHIBIT "A"

				<p align="center"> <u>incidental to a permitted use, a use permitted with site plan review, or a special exception use.</u> <u>6. Private noncommercial dish antennas.</u> </p>	
--	--	--	--	--	--

158.128 - Off-street parking.

(A) through (E) **[No change.]**

(F) Collective provision.

- (1) Multiple uses in a single building or development that cannot meet the criteria of the schedule of off-street parking in this section shall must provide a minimum of 90 percent of the total off-street parking that would be required for each separate use.
- (2) Owners or operators of two or more contiguous commercial buildings or uses of the same type of zoning classification requiring off-street parking facilities may make collective provision for the facilities, provided that the total of the parking spaces when combined or used together shall must not be less than the sum of the requirements computed separately and provided that the combined facility is compatible with the zoning uses being served.

For the purposes of this subsection, the districts within each set below are defined as qualifying as the same type zoning classification:

Set 1:	C-1, Limited Commercial; C-2, General Commercial; C-3, Highway-Oriented Commercial; M-1, Marine Commercial Service; OI, Office/Institutional
Set 2:	INS, Community Facility Institutional
Set 3:	All Open Space Zoning Classifications
Set 4:	MUC-1 (Mixed Use Community - Bay Isles); MUC-2 (Mixed Use Community - Islandside); MUC-3 (Mixed Use Community - Promenade/Water Club)
Set 5:	T-3, Low- <u>Medium</u> Density Tourist Resort Commercial; and <u>TO-6 through TO-18, HighMedium</u> Density Tourist Resort Commercial <u>Opportunity District; and TO-20 through TO-38 High-Density Tourist Resort Commercial</u>

EXHIBIT "A"

Opportunity District

(G) Nonconforming uses. ~~Where major~~Major alterations are to be made in a building occupied by a nonconforming use, ~~no such alterations shall~~will not be permitted until the provision of all off-street parking requirements required for the existing use have been demonstrated fully provided, and on an approved site plan has been approved showing any additional required parking for the alteration.

(H) through (O) [No change.]

(Ord. 90-06, passed 3-19-90; Amd. Ord. 2000-07, passed 3-6-00; Amd. Ord. 07-21, passed 11-5-07; Ord. 2012-08, §§ 12, 13, passed 7-2-12; Ord. 2013-20, § 18, passed 6-30-14)

158.132 - Tourism uses.

(A) Purpose. The purpose of this section is to:

- (1) Preserve and enhance the residential character of the Town of Longboat Key;
- (2) Preserve and protect the character and viability of the commercial districts of the Town of Longboat Key;
- (3) Promote the public health, safety and general welfare of the Town of Longboat Key;
- (4) Expressly prohibit tourism use of property for remuneration except where the property is:
 - (a) Located within the T-3 or T-6 through TO-38 zoning districts;
 - (b) Explicitly approved by the town commission for tourism uses in the MUC-2 zoning district; or
 - (c) Approved for additional tourism units pursuant to subsection 158.180(B).
- (5) Prohibit unauthorized time-share uses in any district of the Town of Longboat Key.

(B) Tourism uses that were legally conforming as of October 6, 1982, but were rendered legal nonconforming uses by virtue of Ordinance No. 82-10, shall maintain their legal nonconforming use status provided that the use has not been is not abandoned or terminated as provided in this Code. See Ch. 161 of this code.

(C) Any use of facilities and accommodations located within the Town of Longboat Key that constitutes a time-share plan or multi-site time-share plan regulated by F.S. ch. 721, shall must be qualified under and comply with all requirements of that chapter and all other requirements of this Code.

(D) Violations.

- (1) Any person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who arranges or negotiates for the use of property in violation of the provisions of this section is guilty of an infraction for each date for which such property is used or allowed to be used in violation of this section.
- (2) Any person who uses or allows the use of property in violation of the provisions of this section is guilty of an infraction for each day for which such property is used or allowed to be used in violation of this section.
- (3) The remedies and penalties provided in this section are cumulative and not exclusive.

(Ord. 90-06, passed 3-19-90; Amd. Ord. 95-07, passed 5-1-95; Ord. 2010-16, § 8, passed 5-20-10; Ord. 2013-20, § 19, passed 6-30-14)

EXHIBIT "A"

POLICY CONSIDERATION: Existing LDC Sections 158.138 through 158.140 (Nonconformities) are proposed for complete deletion, to be replaced by the new density-conforming zoning districts and the new Chapter 161: Nonconformity Regulations. Properties that the Town and Property Owners wish to conform regarding density will no longer need special provisions in the event of voluntary or involuntary destruction.

QUESTION: Are there any provisions in Sections 158.138 through 158.140 that should be retained?

158.138 Status of nonconformities.

~~(A) Within the districts established by these zoning regulations or amendments that may be later adopted, there may exist lots, buildings, structures, or uses which are lawful at the effective date of this chapter but which would be prohibited, regulated, or restricted under the terms of this chapter to permit those nonconformities to continue until they are removed either voluntarily or as required by subsection (B)(5), unsafe structures, or subsection (B)(8)(a), abandonment. It is further the intent that nonconformities shall not be expanded, enlarged upon, intensified, or extended, except as provided hereafter in this section. Furthermore, no expansion, enlargement, intensification extension of a nonconforming structure, building, lot of record, use, or waiver thereof, shall be permitted which increases its nonconformance with present site and development plan performance standards or district regulations, unless provided for in this section or section 158.139.~~

~~(B) The following policies shall determine the management of nonconformities:~~

~~(1) Nonconforming lots of record. A permitted or permissible building or structure may be erected, expanded or altered on any lot of record at the effective date of the ordinance from which this chapter derives or any legally created amendment thereto. The maximum density to the greatest extent possible, maximum lot coverage, building height and floor area shall conform to the district in which the lot is located, and shall be subject to the requirements below:~~

~~(a) All nonconforming lots shall:~~

- ~~1. Have a minimum required side yard setback of ten feet for each side yard or meet the minimum requirements within its respective district, whichever is less.~~
- ~~2. Meet the required yards conforming to the minimums required for the district in which the lot is located.~~

~~(b) Two or more nonconforming lots or combinations of lots shall be considered an undivided lot for the purposes of this chapter if:~~

- ~~1. As of July 21, 1976, the lots were in continuous frontage in single ownership, of record in the appropriate county where located; and~~
- ~~2. The lots are deficient in the requirements established for lot width or area.~~

~~(c) Lot reduction.~~

- ~~1. No lot or interest therein shall be transferred, conveyed, or sold as subdivided so as to create a new nonconforming lot, which avoids, circumvents or subverts any provision of this chapter or leaves remaining any lot in violation of the requirements of this chapter. No lot or portion of a lot required as a building site under this chapter shall be used as a portion of a lot required as a building site for another structure.~~
- ~~2. No building permit shall be issued for any lot or parcel of land which has been conveyed, sold, or subdivided in violation of this section. Any transferee who acquires a lot in violation of this section, without knowledge of such violation, or any subsequent transferee, shall have the right to rescind and receive damages from the transferor who violates the provisions of this section.~~

EXHIBIT "A"

- (2) Nonconforming buildings or structures. Where a building or structure exists lawfully that could not be built under this chapter or as it may be amended by reason of restrictions on lot area, lot coverage, height, yards, location on the lot, or requirements (other than use) concerning the structure, then the building or structure may be continued so long as it remains otherwise lawful; provided further, that:
- (a) The building or structure may not be altered or enlarged in any way which creates a new nonconformity or increases or enlarges an existing nonconformity; and
 - (b) The building or structure may be altered or enlarged in any way which decreases an existing nonconformity or in any way which is otherwise conforming.
- (3) Nonconforming use. Where at the effective date of the ordinance codified in this chapter or any amendments thereto, lawful use of buildings or structures exists, the use may be continued subject to the provisions of this chapter. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such a use at the effective date of the ordinance codified in this chapter or any amendments thereto. Any nonconforming use which occupied a portion of a building not originally designed or intended for such a use shall not be extended to any other part of the building.
- (4) Repairs. Normal maintenance, repair and incidental alteration of a structure containing a nonconforming use is permitted, provided it does not extend the area or volume of space occupied by the nonconforming use. A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability; however, no structural alterations shall be made which would increase the number of dwelling units.
- (5) Unsafe structures. If a nonconforming structure or portion of structure or any structure containing a nonconforming use becomes unsafe or unlawful due to lack of repairs or maintenance and is declared by the planning and zoning official to be unsafe or unlawful by reason of its condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the provisions of this chapter; and its removal shall be deemed voluntary.
- (6) Off-street parking. Additional off-street parking may be permitted on other property in the immediate vicinity, subject to the provision of subchapter 3 [article IV, section 158.128] of this chapter.
- (7) Change in nonconforming uses without structural alteration. If no structural alterations are made, a nonconforming use of a building or structure may be changed to another nonconforming use of a similar or higher (more restrictive) classification under the following conditions:
- (a) The change in use shall not intensify or enlarge the basic use of the building or premises by increasing the need for more parking facilities, by increasing vehicular or pedestrian traffic, by creating more noise, vibration, fire hazard, smoke, dust or fumes, by increasing hours of operation or number of employees, by increasing ground coverage or adversely impacting drainage, or otherwise result in a more intensive use of the building or premises, or change the basic character of the building or premises except to more nearly conform to the character of the zoning of the district in which the building or structure is located.
 - (b) When a nonconforming use of all or any part of a building, structure or premises is changed to another nonconforming use of a more restricted character, the new use may not thereafter be changed to any nonconforming use.
 - (c) When a nonconforming use of all or any part of a building, structure or premises has been changed to a conforming use, the conforming use shall not thereafter be changed to any nonconforming use.
 - (d) No structural alterations shall be made to any building or structure occupied by a nonconforming use except as permitted in this Code.
 - (e) The parking and landscape provisions of this chapter shall be met.
- (8) Termination of nonconforming uses and structures.
- (a) Abandonment. Except as set forth in subsection 158.139(A), providing for the reconstruction of involuntarily destroyed nonconforming structures, buildings or uses, a nonconforming use not used for a period of one year or the change of use to a more restricted or conforming use for any period of

EXHIBIT "A"

time shall be considered an abandonment thereof and the nonconforming use shall not thereafter be revived.

(b) Removal of nonconformance; extension of time to comply. A nonconforming building or structure not used or occupied in a lawful manner or vacant for a period of one year or more shall be considered an abandonment and the nonconforming building or structure shall be removed or made conforming. However, should the period of nonuse or vacancy be caused by legal restraints upon the owner or lessee, the owner or lessee may set forth such grounds in a petition to the town commission and serve such petition on the planning and zoning official. The time may be extended by the town commission for good cause shown. The town commission may require the petitioner to decrease the nonconformity of the building or structure in one or more aspects of its nonconformity.

(c) Special extension for continuance. The town commission may grant a special extension for the continuance of an abandoned nonconforming building or structure for a period not to exceed five years to provide for the removal of the nonconforming building or structure, or the making of the building or structure conforming, on or before the end of the period approved. The property owner shall have furnished the town with a good and sufficient surety bond or other security in an amount to be approved by the town commission, to require compliance with this chapter.

(9) Pre-existing legal uses. Certain uses of land that cannot be added under current regulations are legal because they lawfully existed on January 1, 2014, and are authorized as "pre-existing legal uses" on the schedule of uses in section 158.125. "Pre-existing legal uses" uses may also be classified as nonconforming uses, but by virtue of their listing in section 158.125 shall be afforded the privileges of permitted uses and may be reconstructed up to their pre-existing density in accordance with all applicable current regulations, but only on the specific parcels on which they are located. The abandonment and termination provisions in subsection (B)(8) do not apply to uses that qualify as "pre-existing legal uses."

158.139 – Reconstruction of nonconformities in the event of involuntary destruction or damage.

(A) Intent. It is the intent of this section that in the event of involuntary destruction due to natural events to allow noncompliant structures to be rebuilt to the same density and building cubic volume, allowing an increase of height of the structure to correspond with the increase in height required by the flood ordinance(s) and to reduce or eliminate nonconformities, especially gulf and pass waterfront yard setbacks, to the greatest degree possible, as set forth below.

(B) Legally nonconforming structures, buildings and uses which are substantially damaged by more than 50 percent in accordance with chapter 154, destroyed or made unsafe or unusable by hurricane, storm surge, or other involuntary act, may be reconstructed to the same building cubic content and number of units in existence prior to the casualty, subject to compliance with the following conditions:

(1) Compliance with town ordinances. To the greatest extent possible, such reconstruction shall comply with all codes and regulations of the town. For purposes of this section, "to the greatest extent possible" shall mean bringing the previous nonconformities into conformance with the Town's Code to the extent that it does not create an unnecessary and undue hardship as determined by the town.

(2) Prohibition on increase in extent of nonconformities. All such reconstruction shall not increase the extent of the prior existing nonconformities, except for height as addressed below or as a result of modifications approved by the planning and zoning board, and prior existing nonconformities shall be eliminated to the greatest extent possible.

(3) Building cubic content. Owners of legally nonconforming structures shall be permitted to rebuild the structure to the same building cubic content that existed prior to the casualty. Additional building volume created as a result of compliance with flood control laws shall not be included in determining building cubic content. Additional areas and volume created for elevators, stairs, landings, mechanical areas and walkways, which were not included in the former structure, shall not be included in building cubic content, provided that the addition of any of these elements does not create a greater nonconformity as to open space or required setback.

EXHIBIT "A"

(4) Unit area increase. So long as there is no increase in overall building cubic content, as determined by subsection (3) above, units within the structure may be increased in cubic volume only as a result of decreasing the number of units within the structure or diminishing the previously existing common areas within the substantially damaged or destroyed building.

(5) Time frame for obtaining site plan approval. To qualify for rights under this provision, any such reconstruction shall obtain site plan approval within two years of the date of the casualty. The planning and zoning board may, upon application received prior to the expiration of the two-year period, extend such time for demonstrated cause pursuant to the town's Code. A building permit shall be obtained within the timeframe conditioned at the time of site plan approval. Notwithstanding the foregoing, the planning and zoning board may in its sole discretion unilaterally extend the date for site plan approval up to an additional two years if, owing to the circumstances of the disaster, such extension is in the best interests of the town.

(C) It is the burden of the applicant to establish, to the satisfaction of the town manager or designee, by clear and convincing evidence, through documentation, including, but not limited to, photographs, diagrams, plans, affidavits, and permits, the actual uses, building cubic content, densities, and intensities legally existing prior to the disaster event, prior to seeking site plan approval.

(D) Nonconformities and the relaxation of certain controls. To minimize the need for individual variances or departure applications, prior to the approval of reconstruction site plans, the planning and zoning board may, as part of the site plan review process, relax or modify one or several of the controls listed in sections 158.069, 158.102, 158.127, 158.128, 158.145, 158.150 and 158.153 in conformance with this section. However, prior existing nonconformities shall be eliminated to the greatest extent possible. In considering such request, the planning and zoning board shall also consider the nature and character of development in the surrounding area, and the impact thereon, in determining whether, or the degree to which, these controls may be modified. These controls which may be modified are listed below in order of importance, highest to lowest, such that the control with the highest importance is the control with the greatest need for reduction or elimination of any nonconformities (and least likely of relaxation or modification) and the control with lower importance has a lesser need for reduction or elimination (and more likely of relaxation or modification).

(1) Required yards:

(a) Properties which were previously permitted to build within a gulf or pass waterfront yard, closer to the water than currently permitted, may continue to enjoy these lawfully existing rights without subsequent planning and zoning board approval, however these properties shall not be able to avail themselves of this Code section regarding reconstruction of nonconformities in the event of involuntary destruction or damage and shall comply in all respects with the codes in effect at the time of the destruction or damage. These properties may, alternatively, waive these previously granted rights and seek approval of the planning and zoning board for encroachments into the required gulf or pass waterfront yard, thus availing themselves of the provisions of this Code section. In accordance with the policies and procedures in this Code section, the planning and zoning board may approve encroachments into a waterfront yard up to the amount of the previously existing encroachment.

(b) The approval of a modification to the required gulf or pass waterfront yards shall never be less than 50 feet from the mean high-water line or erosion control line, whichever is most landward, unless the previous legal encroachment was less than 50 feet, in which case the modification may never be less than the previous encroachment. The burden to provide sufficient evidence as to why the modification is necessary and essential to the redevelopment of the site shall be upon the applicant.

(c) Street, rear, side, or waterfront yards, other than the gulf waterfront yard, may be modified to:

(i) Permit the reconstruction of existing structures that are nonconforming, with minor modifications to the required yards, in order to accommodate an increase in building cubic content, as permitted in subsection (B)(3) of this section;

(ii) Permit the reconstruction of existing structures that are nonconforming with regard to a specific setback so long as the reconstruction will not further reduce the setback;

(iii) Permit the construction of a handicapped access appurtenance to any reconstruction; or

EXHIBIT "A"

~~(iv) Allow for the placement of stairs or stair landing that provides access into a reconstructed dwelling unit.~~

~~(d) Buildings or structures that are not in compliance with the current street, rear, side or waterfront yards regulations, other than the gulf or pass waterfront yards, and can be proven to have been permitted prior to the adoption of such regulations shall be considered legally nonconforming. The street, rear, side or waterfront yards, other than the gulf or pass waterfront yards, may be modified to be reconstructed as it existed prior to the disaster event.~~

~~(2) Open space:~~

~~(a) Modifications which reduce the open space requirement of the Zoning Code may be allowed when it:~~

~~(i) Accommodates modifications to the off-street parking requirements, and utilizes the subsection locating off-street parking at the ground floor level of a structure pursuant to subsections (5)(c) and (d) of this section; or~~

~~(ii) Accommodates other approved changes to the site as a result of the reconstruction.~~

~~(b) Reductions from the open space that existed prior to the disaster event shall be minimized to the greatest extent possible to allow for compliance with the town's flood control ordinance, but open space shall not be less than 20 percent of the lot area.~~

~~(3) Building height:~~

~~(a) The overall height of a building, at the time of reconstruction, shall be measured from the minimum habitable floor elevation in accordance with the local flood control ordinance, or state mandated height, whichever is applicable. This shall not preclude the utilization of the ceiling of the ground floor parking garage from being utilized as the base measuring point for building height for a multifamily structure, as defined in section 158.006 (definition of "Building, Height of").~~

~~(b) The overall height of a building may be increased by a maximum of the additional elevation required to comply with subsection (3)(a) above.~~

~~(4) Maximum building length, distance between buildings, and distance between buildings and driveways. These development criteria may be modified, but shall not be reduced in a manner that jeopardizes public safety.~~

~~(5) Off-street parking spaces:~~

~~(a) In no instance shall the parking requirements be modified where the reconstruction involves the increase of density or intensity of use.~~

~~(b) Shelters for parking spaces that were previously unsheltered shall not be permitted unless the shelters meet the setback and land coverage requirements for the site.~~

~~(c) Where to the greatest extent possible, the ground floor area of the reconstructed building shall be utilized for off-street parking.~~

~~(d) Off-street parking modifications may include the number of spaces provided, minimum dimensions of the stalls, minimum aisle widths, and location of spaces within required yards, and be made to:~~

~~(i) Improve ingress and egress to the site;~~

~~(ii) Eliminate or reduce the instances where conditions require that parked vehicles back out onto public/private streets; or~~

~~(iii) Allow for the provision of handicapped-accessible parking spaces.~~

~~(E) Site plan approval.~~

~~(1) All applications for the rebuilding of involuntarily damaged or destroyed nonconforming structures, buildings or uses shall be submitted for site plan review in accordance with article III of this chapter.~~

~~(2) Permitted uses without site plan review, as listed in section 158.125, are not required to be processed under the site plan review provisions of article III, but can instead be processed in accordance with section 150.34~~

EXHIBIT "A"

- (3) Permitted uses with site plan review, which meet the provisions of section 158.100, may be exempted from site plan submission requirements, in accordance with said section, and the administrative staff is hereby authorized to modify the controls as set forth herein.
- (F) The town commission, by emergency ordinance, may develop additional or alternative procedures for the swift processing of applications in cases where a state of emergency is declared; and, in addition, may expand the authority of the administrative staff to relax certain controls by the emergency ordinance. A status report, delineating activities undertaken by the administrative staff under the provisions of this section, shall be provided to the planning and zoning board on a monthly basis.
- (G) Decisions of the administrative staff, made relative to the provisions of this section, may be appealed by any person to the zoning board of adjustment, in accordance with the appeal procedures set forth in section 158.027. No provision herein, shall be construed to deny the reconstruction, continuance or improvement of legally nonconforming structures, buildings and uses, so long as the reconstruction, continuance or improvement is in accordance with this section.
- (H) Developments approved by an outline development plan may request departures from the land development regulations through the standard ODP procedures.

158.140 – Reconstruction of nonconformities in the event of voluntary reconstruction.

- (A) Intent. It is the intent of this section, subject to an applicant meeting all of the criteria set forth below, to allow existing, legally nonconforming multifamily residential or tourism properties that exceed the current allowable density, to be voluntarily demolished and rebuilt for the existing use and density. Existing developments that are legally nonconforming due to the current number of dwelling or tourism units, may be reconstructed to the same building cubic content, the same number of units, and the same type of principal use(s) in existence prior to the reconstruction.
- (1) For multifamily or tourism use structures whose first habitable floor does not comply with the current flood control ordinance(s) or state requirements, an increase in height of the new structure will be granted equal to the increase in height required by the local flood control ordinance(s) or the state.
- (2) Voluntary reconstruction under this section allows for the town commission under certain circumstances to allow for modifications of zoning code requirements to comply with federal, state, or local code requirements and limited adjustments from the requirements of this Code as set forth below.
- (3) Density.
- (a) The maximum allowable density for voluntary reconstruction under this section shall be the density allowed by the underlying zoning district or the legally nonconforming existing density on the subject site at the time of application, whichever is greater.
- (b) The number of units approved by the ODP shall become the maximum allowable density.
- (c) Any additional density between what is allowed by the ODP and what was legally nonconforming shall be lost, forfeited and not available for future development.
- (B) Nonconformities and code compliance. In conjunction with an application to voluntarily reconstruct a legally nonconforming structure, the town commission may, as part of the review and approval process, permit modifications for one or several of the controls listed in sections 158.069, 158.102, 158.127, 158.128, 158.145, 158.150 and 158.153, in conformance with this section. In considering such request, the town commission shall consider the nature and character of existing and approved future development in the surrounding area, the comprehensive plan, and the impact thereon, in determining whether or the degree to which these controls may be modified. Modifications of zoning code requirements shall be subject to compliance with the following conditions:
- (1) Compliance with town ordinances. To the greatest extent possible, such reconstruction shall comply with all codes and regulations of the town, to eliminate prior existing nonconformities. For purposes of this section, "to the greatest extent possible" shall mean bringing the previous nonconformities into

EXHIBIT "A"

conformance with the Town's Code to the extent that it does not create an unnecessary and undue hardship as determined by the town.

(2) Prohibition on increase in extent of nonconformities. All such reconstruction shall not increase the extent of the prior existing nonconformities, except for height as provided herein, and all prior existing nonconformities shall be eliminated to the greatest extent possible.

(3) Modifications of zoning code requirements may be granted for the following:

(a) Building height.

i. The overall allowable height of a building, at the time of reconstruction, shall be measured from the minimum habitable floor elevation, as required by the local flood control regulations, or state mandated height, whichever is applicable.

ii. The overall height of a building may be increased by a maximum of the additional elevation required to comply with subsection (A).

iii. Modifications of zoning code requirements for the existing building height, exceeding the application of subsections (B)(3)(a)i. and (B)(3)(a)ii. above, may be requested not to exceed the minimum height necessary to comply with federal, state and town flood regulations and to allow for the maximum use of understructure area for parking to encourage the reduction of nonopen space. The burden to provide sufficient evidence as to why the modification is the minimum necessary and essential to the redevelopment of the site shall be upon the licensed design professional.

(b) Building cubic content. Legally nonconforming structures shall be permitted to rebuild the structure to the same building cubic content that existed at the time of application for voluntary reconstruction, subject to compliance with the following conditions:

i. Additional building volume created as a result of compliance with flood control laws shall not be included in determining building cubic content.

ii. Additional areas and volume created for elevators, stairs, landings, mechanical areas and walkways required to meet all applicable code requirements and minimum legal standards, which were not included in the former structure, shall not be included in building cubic content, provided that the addition of any of these elements does not create a greater nonconformity as to open space or required setback.

iii. Unit area. So long as there is no increase in overall building cubic content, as determined by the applicable subsection of (B)(3)(b), subject to compliance with all other conditions of this section, units within the structure may be increased in cubic volume as a result of decreasing the number of units to be reconstructed or by diminishing the previously existing common areas within the building.

(c) Open space. The required open space may be modified, but shall not be less than what existed prior to the voluntary redevelopment or a minimum of 50 percent of the lot area.

(d) Yard areas. Buildings or structures that are not in compliance with the current street, rear, side or waterfront yards regulations, other than the gulf or pass waterfront yards, and can be proven to have been permitted prior to the adoption of such regulations shall be considered legally nonconforming. The street, rear, side or waterfront yards, other than the gulf or pass waterfront yards, may be modified to be reconstructed as it existed prior to the application for voluntary reconstruction. The burden to provide evidence, sufficient to establish that the modification is the minimum necessary and essential to the redevelopment of the site, shall be upon the licensed design professional.

i. Modifications may be permitted to yard areas for the construction of a handicapped access appurtenance to the minimum legal standards necessary for any reconstruction.

ii. Modifications may be permitted to yard areas for the placement of stairs or stair landings that provide access into a reconstructed dwelling unit to the minimum code standard.

(C) Limited adjustments. Limited adjustments may be granted to the following controls in order to benefit the public interest. The burden of proof shall be upon the applicant. The benefit to the public interest shall be

EXHIBIT "A"

demonstrated by clear and convincing evidence and that the adjustments are necessary and essential to the application.

(1) Building height.

(a) Adjustments to the existing building height, exceeding the application of subsection (B)(3)(a), may be requested.

(b) Additional height permitted by the zoning code does not require an adjustment.

(2) Unit area.

(a) Units within the structure may be increased in cubic volume, as a result of increasing unit square footage, only if there is sufficient open space on the property to accommodate the increased square footage, and the structure complies with the building coverage requirements of the site.

(b) The floor area ratio (FAR) for the proposed structure shall not exceed the FAR of the existing structure or that allowed by the underlying zoning district, whichever is greater.

(3) Required yards. Properties that were previously permitted to build within a gulf or pass waterfront yard, closer to the water than currently permitted, must comply with the minimum required gulf or pass waterfront yard to the greatest extent possible. These properties may request an adjustment to decrease the required yard, but in no case shall the adjustment permit encroachments into a waterfront yard further than the amount of the previously existing encroachment.

(a) The adjustment to the required gulf or pass waterfront yards shall never be less than 50 feet from the mean high water line or erosion control line, whichever is most landward.

(b) If the structure cannot be otherwise constructed, adjustments to the required street, rear, side or waterfront yards, other than the gulf and pass waterfront yards, may be requested subject to compliance with the following:

i. Adjustments may be permitted to yard areas for the reconstruction of existing structures that are nonconforming, with adjustments to the required yards, in order to accommodate an increase in building cubic content as permitted in subsection (B)(3)(b) building cubic content, and shall be subject to the following limits:

a. Street yards shall be no less than 20 feet.

b. Side yards shall be no less than ten feet on each side.

c. Water yards, other than gulf or pass waterfront yards, shall be no less than 30 feet.

d. Rear yards shall be no less than 20 feet.

ii. Adjustments may be permitted for the reconstruction of existing structures that are nonconforming with regard to a specific setback so long as the reconstruction will not further reduce the setback.

iii. Adjustments to required yards shall be prioritized with the goal of preserving the required gulf waterfront yard.

(4) Open space. Adjustments may be granted so long as the provided open space is no less than 20 percent of the land area.

(5) Off-street parking spaces.

(a) In no instance shall the parking requirements be modified where the reconstruction involves the intensity of use.

(b) Shelters for parking spaces that were previously unsheltered shall not be permitted unless the shelters meet the setback and land coverage requirements for the site.

(c) To the greatest extent possible, the ground floor area of the reconstructed building shall be utilized for off-street parking.

EXHIBIT "A"

(d) Requested adjustments to the off-street parking requirements of the zoning code may include the number of spaces provided, minimum dimensions of the stalls, minimum aisle widths, and location of spaces within required yards only when clear and convincing evidence is submitted that the adjustment will:

i. Improve ingress and egress to the site;

ii. Eliminate or reduce the instances where conditions require that parked vehicles back out onto public/private streets; or

iii. Allow for the provision of handicapped-accessible parking spaces.

(6) If ten or more units cannot be otherwise constructed, the following adjustments to the supplemental controls for setbacks, maximum building length, distance between buildings, and distance between buildings and driveways for buildings may be requested:

(a) Maximum building length. Adjustments to the allowable building length may be granted so long as the proposed side yards comply with the underlying zoning district of the property.

(b) Distance between buildings.

i. Adjustments to the required distance between buildings may be granted so long as all applicable life safety, fire and building code requirements are met.

ii. Adjustments to the required distance between the front or rear of any buildings may be granted so long as all applicable life safety, fire and building code requirements are met.

iii. Adjustments to the required distance between the sides of any buildings may be granted so long as all applicable life safety, fire and building code requirements are met.

(c) Distance between buildings and driveways. Adjustments to the distance between the driveway or parking lot and any building may be granted, but shall not be reduced to less than ten feet. This supplemental control does not apply to proposed parking under or within a building or to a front entrance to a building.

(D) Application and review process. Applications for voluntary reconstruction of nonconforming multifamily or tourism properties shall follow the procedures for approval of an outline development plan and site plan review under article III of the Town of Longboat Key Zoning Code. The review process required for voluntary reconstruction shall require concurrent review and approval of the ODP and site plan applications.

(E) Mobile home parks. Mobile home parks that were in existence as of January 1, 2009, may voluntarily rebuild and convert to a multifamily building or buildings with up to the same density and up to the same cubic foot content of each mobile home in existence within a particular mobile home park and ancillary structures within the park, so long as the lot, yard, height and bulk regulations of the underlying zoning district are met. Each unit shall meet the minimum requirements for square footage in accordance with section 158.145. The application shall be in the form of an outline development plan and site plan and shall be otherwise governed by the provisions of this Code.

(F) Conflicting code provisions. Should provisions under this section for voluntary reconstruction and the provisions of sections 158.065 through 158.103 conflict, the provisions for voluntary reconstruction shall prevail.

(Ord. 2008-28, § 3, passed 5-4-09)

Editor's note— Ordinance 2008-28, § 3, added a new § 158.140 as set out herein. Section 2 of said ordinance renumbered existing §§ 158.140 and 158.141 as 158.141 and 158.142

EXHIBIT "A"

Division 2. - Lot, yard and bulk regulations

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.

- (A) **[No change.]**
- (B) Any building that lawfully existed on January 1, 2014, in the MUC-1, MUC-2, and MUC-3 zoning districts ~~shall not be deemed~~ **is not nonconforming** as a result of the lot, yard, and bulk regulations ~~that were~~ adopted for these districts in 2014. ~~Any such building~~ **and** may be reconstructed in its current configuration in accordance with all other applicable current regulations, but only on the specific parcel on which it is located.
- (C) Calculations of lot coverages ~~shall~~ **must** be verified by a licensed design professional.

EXHIBIT "A"

LOT				YARD				BULK		
District Uses	Min. Area (sq. ft.)	Min. Width (feet)	Min. Depth (feet)	Max. Gross 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	10,000	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/D.U.	2/30	25
Multifamily	25,000	100	125	3	30	35/15	25	750/bedroom D.U. and 250 each addl.	2/30	20

EXHIBIT "A"

								bedroom		
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/D.U.	2/30	25
Multifamily	25,000	100	125	4	40	35/15	25	750/bedroom D.U. and 250 each addl. bedroom	2/35	30
R-6MX										
Single-family	10,000	100	100	6	20	20/8	20	1,600	2/30	30
Two-family	15,000	125	100	6	20	20/8	20	1,000/D.U.	2/30	25
Multifamily	30,000	150	150	6	50	80/30	30	750/bedroom D.U. and 250 each addl. bedroom	4/50	30

EXHIBIT "A"

POLICY CONSIDERATION: Three (3) Lot, Yard, and Bulk Categories are proposed for the new R-8MXO through R-33MXO and TO-8 through T-O 38 zoning districts.

- Category 1 pertains to new development, but can also be utilized after involuntary or voluntary destruction, if a property owner chooses.
- Category 2 provides an alternate option that can be utilized if rebuilding in an involuntary destruction situation to replace the building envelope that was there, while allowing additional height for floodplain compliance and a 50-foot rear setback on the Gulf or pass.
- Category 3 provides an alternate option that can be utilized if rebuilding in a voluntary destruction situation and is similar to Category 2, with more strict street and side yard setbacks.

<u>R-8MXO to R-33MXO Multifamily</u>	<u>Min. Lot Area (sq. ft.)</u>	<u>Min. Lot Width (feet)</u>	<u>Min. Lot Depth (feet)</u>	<u>Max. Gross Den.</u>	<u>Min. Street Setback (feet)</u>	<u>Min. Side Yard Setback (both/one, feet)</u>	<u>Min. Rear Setback (feet)</u>		<u>Max. Height (stories/feet)</u>	<u>Max. Coverage (percent)</u>
<u>Category 1: New Development (May also be utilized after Involuntary or Involuntary Destruction)</u>	<u>30,000</u>	<u>150</u>	<u>150</u>	<u>not to exceed the number of dwelling units per acre associated with their respective numeric extensions</u>	<u>50</u>	<u>80/30</u>	<u>30</u>		<u>4/50</u>	<u>30</u>
<u>Category 2: Involuntary Destruction</u>	<u>As is</u>	<u>As is</u>	<u>As is</u>	<u>not to exceed the number of dwelling units per acre associated with their</u>	<u>As is</u>	<u>As is</u>	<u>As is, but not less than 50 on</u>		<u>As is, plus additional feet to meet current floodplain requirement and/or</u>	<u>As is, not to exceed 80</u>

EXHIBIT "A"

				<u>respective numeric extensions</u>			<u>gulf or pass</u>		<u>accommodate understructure parking</u>	
Category 3: Voluntary Destruction	<u>As is</u>	<u>As is</u>	<u>As is</u>	<u>not to exceed the number of dwelling units per acre associated with their respective numeric extensions</u>	<u>As is, but not less than 20</u>	<u>As is, but not less than 20/10</u>	<u>As is, but not less than 50 on gulf or pass</u>		<u>As is, plus additional feet to meet current floodplain requirement and/or accommodate understructure parking</u>	<u>As is, but not to exceed 80</u>
O-I	20,000	100	150	N.A.	45	40/15	20	N.A.	2/30	30 (40 with PUD/ODP)
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 D.U. located on the same lot	45	50/20*(b)	25	N.A.	2/30	40 (50 with PUD/ODP)

EXHIBIT "A"

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										
Single-family	10,000	100	100	(overall density:	20	20/8	20	1,600	4/50	30*(e)
Two-family	15,000	125	100	3.26	20	20/8	20	1,000/D.U. 750/bedroom D.U.	(5/65 with	(40 with
Multifamily and other permitted buildings	30,000	150	150	D.U./A.)	50	80/30	30	and 250 each addl. bedroom	PUD/ODP)	PUD/ODP)
MUC-2										
Single-family	10,000	100	100	(overall density:	20	20/8	20	1,600	4/50 (up to 12/130	30*(e)
Two-family	15,000	125	100	5.05	20	20/8	20	1,000/D.U. 750/bedroom D.U.	for tourism units and up to	(40 with
Multifamily and other permitted	30,000	150	150	U./A.)	g	80/30	30	and 250 each addl. bedroom	8/87 for other units with PUD/ODP)	PUD/ODP)

EXHIBIT "A"

buildings										
MUC-3										
Multifamily	30,000	150	150	(overall density: 11.26 D.U./A.)	50	80/30	30	750/bedroom D.U. and 250 each addl. bedroom	4/50 (10/120 with PUD/ODP)	30*(e)
T-3										
Multifamily	25,000	100	125	3 D.U./A.	40	35/15	25	750/bedroom D.U. and 250 each addl. 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 T.U./A.	45	50/20	25	300/bedroom D.U. and 125 each addl. bedroom	3/40 (4/55 with PUD/ODP)	25 (35 with PUD/ODP)
TQ-6										
Multifamily	30,000	150	150	6 D.U./A.	50	80/30	30	750/bedroom D.U. and 250 each addl. bedroom	4/50 (5/65 with PUD/ODP)	30 (40 with PUD/ODP)
Tourism unit (including time-share	55,000	175	300	6 T.U./A.	50	80/30	30	300/bedroom D.U. and 125 each addl.	4/50 (5/65 with PUD/ODP)(j)	30 (40 with PUD/ODP)

EXHIBIT "A"

TO-6 to TO-38 Tourism	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Lot Depth (feet)	Max. Gross Den.	Min. Street Setback (feet)	Min. Side Yard Setback (both/one, feet)	Min. Rear Setback (feet)	bedroom	Max. Height (stories/feet)	Max. Coverage (percent)
Category 1: New Development (May also be utilized after Involuntary or Voluntary Destruction)	55,000	175	300	not to exceed the number of tourism units per acre associated with their respective numeric extensions	50	80/30	30		4/50 (5/65 with PUD/ODP)(j)	30 (40 with PUD/ODP)
Category 2: Involuntary Destruction	As is	As is	As is	not to exceed the number of dwelling units per acre associated with their respective numeric extensions	As is	As is	As is, but not less than 50 on gulf or pass		As is, plus additional feet to meet current floodplain requirement and/or accommodate understructure parking	As is, but not to exceed 80
Category 3: Voluntary Destruction	As is	As is	As is	not to exceed the number of dwelling units per acre associated with their respective numeric extensions	As is, but not less than 20	As is, but not less than 20/10	As is, but not less than 50 on gulf or pass		As is plus additional feet to meet current floodplain requirement and/or accommodate understructure	As is, but not to exceed 80

EXHIBIT "A"

									parking	
--	--	--	--	--	--	--	--	--	---------	--

- (a) Density expressed in terms of dwelling or tourism 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~~ must be 15 feet. If commercial use adjoins a residential use or district, the minimum ~~required~~ side yard setback ~~shall be~~ is 30 feet.
- (c) In R-4SF districts all lots which existed on October 15, 1969, ~~shall~~ must 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 uses 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~~ is 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, see section 158.130.
- (g) See subsection 158.102(L).
- (h) In the Special Canal Waterfront Yard District for all lots abutting privately owned manmade residential canals, credit ~~shall~~ will 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~~ is 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~~ will be used in accordance with this chapter in making those determinations.
- (i) Pursuant to section 158.067, 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. 2008-35, § 6, passed 2-2-09; Ord. 2012-08, §§ 14, 15(Exh. B), passed 7-2-12; Ord. 2013-10, § 2, passed 6-17-13; Ord. 2013-20, §§ 21, 22(Exh. C), passed 6-30-14)

EXHIBIT "A"

Division 3. - Commercial Revitalization

158.176 - Commercial revitalization—Permitted uses.

- (A) Without site plan review and approval.
 - (1) Essential services.
- (B) With site plan review and approval.
 - (1) Permitted uses in C-1, C-2, C-3, O-I and M-1 districts.

All uses are subject to the provisions of ~~subsection 158.138(A), the status of nonconformities Chapter 161 - Nonconformities.~~

(Ord. 02-19, passed 1-6-03)

158.180 - Distribution of ~~250~~ tourism units.

- (A) Purpose. It is the intent of this section to govern the eligibility for and allocation of the ~~250~~ tourism units authorized by referendum election held on March 18, 2008. ~~Approval, approval with conditions, or disapproval shall be by vote after public hearing before the town commission,~~ pursuant to the provisions of this section.

It is further the intention of this section that the quality and location of such units shall benefit the public interest of Longboat Key, while being compatible with and not detrimental to the character of the area. ~~The terms "tourism unit" and "tourism use" as used in this section shall be defined by section 158.006 Definitions, as amended, in this Zoning Code.~~

- (B) Eligible properties. The following properties are eligible to apply for additional tourism units based upon applicable conditions as described ~~underin~~ this section:
 - (1) ~~T-3, and T-6, and TO-6 through TO-38~~ zoned properties may be eligible for additional tourism units. Two or more contiguous ~~T-3, or T-6, or TO-6 through TO-38~~ properties may be merged to create one larger development lot.
 - (2) Residentially zoned properties with an existing legal tourism use may be eligible for additional tourism units. Two or more contiguous nonconforming tourism used properties may be merged to create one larger development lot.
 - (3) OI, C-1, C-2, C-3, and M-1 zoned property with a conforming principal use may be eligible for additional tourism units.
 - (a) For commercial and office zoned property, the tourism use ~~shall~~must not exceed that allowed for an accessory use, ~~as defined.~~
 - (b) For M-1 zoned property, a marina ~~shall be~~is its principal use, and no more than 33 percent of the buildable land area ~~shall be~~is allowed for total floor area of the tourism use. The total allowable floor area ~~shall~~may include the square footage of common use areas and open terraces, but not garages and nonhabitable basement spaces.
 - (4) Additional tourism units under this section are not permitted in OS-A, OS-P, OS-C, MUC-1, and MUC-3 zoning districts.
 - (5) Additional tourism units in the MUC-2 zoning districts are governed by the provisions of subsection 158.009(L).
 - (6) Properties with existing PUD overlays ~~may be~~are eligible for additional tourism units ~~based upon if the~~ the underlying zoning district ~~is eligible.~~ All property owners within the PUD overlay ~~shall~~must join in an ODP amendment application ~~to request additional tourism units in order for the application to be processed by the town.~~

EXHIBIT "A"

- (C) Alternate review processes. Distribution of additional tourism units to T-O6 through TO-38 zoned properties may ~~request approval be approved~~ through the site plan approval process provided the ~~proposal request~~ meets the requirements of subsection (D) below. All other eligible ~~applications requests~~ for additional tourism units ~~shall~~ must use the outline development plan (ODP) process that includes a binding concept plan ~~as defined by section 158.006~~ or a final site plan ~~as described in section 158.095~~; these ~~proposals requests~~ must meet the requirements of subsection (E) below.
- (D) Standards for T-O6 through TO-38 zoned properties. T-O6 through TO-38 zoned properties may seek final site plan approval that includes additional tourism units without filing an ODP application provided the site plan meets the requirements of this Code, as adjusted by the following standards:
- (1) Must comply with the maximum building height and lot coverage for properties not filing an ODP application.
 - (2) In meeting the 50 percent open space requirement in section 158.069 and subsection 158.102(F)(2), up to 20 percent of the required open space may be permeable paving.
 - (3) May not fall below 75 percent of the required distances set forth in subsection 158.102(L)(2) for side setbacks and for separation between buildings, except the latter distance may be reduced by 50 percent where at least one of the proposed buildings does not exceed two stories (the minimum distances required by subsection 158.102(L)(2) can be multiplied by 0.75 or by 0.50 as applicable).
 - (4) May not exceed double the maximum floor area ratio normally allowed in the T-O6 through TO-38 zoning districts (0.64 would be allowed instead of 0.32, see subsection 158.102(C)).
 - (5) May not fall below half the minimum living space ratio normally required in the T-O6 through TO-38 zoning districts (0.75 would be allowed instead of 1.50, see subsection 158.102(C)).
 - (6) May not fall below half the minimum open space ratio normally required in the T-O6 through TO-38 zoning districts (1.10 would be allowed instead of 2.20, see subsection 158.102(C)).
 - (7) Parking:
 - (a) The parking flexibility provisions of subsection 158.128(N) and the parking waivers allowable under subsection 158.128(O) may be requested and approved as part of the final site plan approval.
 - (b) The minimum front setback for parking spaces in subsection 158.128(H)(2) may be ~~cut in~~ reduced by half provided the remaining setback is landscaped to visually screen parked automobiles.
 - (c) Parking spaces that are limited to valet parking may be 8.5 feet wide and 18 feet ~~long deep~~ instead of the ten- by 20-foot spaces required for self-parking stalls (see subsection 158.128(A)(1)).
 - (d) Landscaped parking islands may be five (5) feet wide by 18 feet long instead of the ten- by 20-foot islands required by subsection 158.128(I)(4).
 - (8) In order to grant final site plan approval or approval with conditions, the town commission must find by competent substantial evidence that the project incorporating the additional tourism units:
 - (a) Meets these and other applicable standards;
 - (b) Is in the best interest of the town and its citizens; and
 - (c) Does not adversely impact or affect the public interest.
- (E) Standards for all other eligible applications. All other ~~properties~~ eligible ~~applications~~ for additional tourism units must ~~be part of request approval through~~ an ODP application that follows the procedures and meets the standards in this Code. In determining whether additional tourism units

EXHIBIT "A"

will be allocated, the town commission will evaluate the quality of each application using the following criteria. An ideal application would meet all eight (8) "best" criteria:

(1) through (8) **[No change.]**

(F) Approval process. The additional tourism units requested in the ~~final site plan or binding concept plan shall~~ ODP application will be committed by the town upon the plan's approval, subject to the conditions below:

(1) When additional tourism units have been approved/committed through approval of an ODP and binding concept plan, the applicant ~~shall have~~ has no more than six (6) months ~~to submit for the town to receive~~ a complete application for final site plan approval. Failure to submit a complete application within six months, or submitting a complete site plan application within six (6) months that is denied after all appeals are exhausted, ~~shall~~ will result in the loss of the tourism units committed to the project, and the units ~~shall become~~ will be available for other ~~proposed developments-eligible properties~~ within the town.

(2) Final site plan approval for the construction of additional tourism units ~~shall~~ expires 24 months after the date of approval if a complete application for building permit has not been submitted to the town and a building permit issued for the construction of all buildings that include tourism units. ~~Allocated~~ Committed tourism units associated with an expired final site plan or an expired building permit ~~shall become~~ will be available for other ~~proposed developments-eligible properties~~ within the town.

(3) Concurrent review and approval of an ODP and final site plan is allowed; the final site plan replaces the requirement for a binding concept plan.

~~(4) Concurrent review and approval of applications for involuntary or voluntary rebuild, in accordance with sections 158.139 and 158.140, and applications for up to 250 tourism units, under this section, is allowed and shall be by ODP application in conjunction with a final site plan. The final site plan replaces the requirement for a binding concept plan.~~

(Ord. 2008-34, § 3, passed 5-4-09; Ord. 2012-08, § 16, passed 7-2-12; Ord. 2013-07, § 2, passed 3-4-13; Ord. 2013-20, § 26, passed 6-30-14)

[No other changes proposed to this chapter.]

Chapter 159 - POST-DISASTER REDEVELOPMENT PLAN

159.10 - Emergency repairs and emergency permitting.

(A) through (B) **[No change.]**

(C) Emergency permits to permit emergency repairs ~~shall not be deemed~~ are not a waiver ~~of by~~ the town of a determination of whether the structure has been substantially damaged in excess of 50 percent or more as provided in chapter 154 (flood control). Such determination ~~shall~~ must be made pursuant to chapter 154 ~~(flood control)~~ and, where applicable, ~~section 158.139, "rebuilding nonconforming structures in the event of involuntary destruction"~~ chapter 161 (nonconformities), as well as any other applicable state or local laws. Further, such emergency repairs may be considered in the calculation for determining whether the market value of the improvement meets or exceeds 50 percent of the value of the structure as defined and calculated under chapter 154, ~~(flood control)~~.

(D) **[No change.]**

[No other changes proposed to this chapter.]

EXHIBIT "A"

Chapter 161

NONCONFORMITIES

Sections:

SUBDIVISION 1	GENERALLY
161.11	Purpose and Findings.
161.12	Applicability.
161.13	Continuation.
161.14	Abandonment.
SUBDIVISION 2	NONCONFORMING USES
161.21	Applicability.
161.22	Continuance.
161.23	Enlargement.
161.24	Conditions.
161.25	Change of Use Regulations.
SUBDIVISION 3	NONCONFORMING SITES
161.31	Purpose and Findings
161.32	Applicability
161.33	Authority to Continue.
161.34	Nonconforming Site Categories.
161.35	Extension.
161.36	Relocations.
161.37	Change in Use.
161.38	Abandonment.
161.39	Exception for Repairs Pursuant to Public Order.
SUBDIVISION 4	NONCONFORMING STRUCTURES
161.41	Applicability.
161.42	Continuance of Nonconforming Structures.
161.43	Enlargement.
161.44	Termination of Nonconforming Structures.
SUBDIVISION 5	NONCONFORMING LOTS
161.51	Applicability.
161.52	Generally.
SUBDIVISION 6	CERTIFICATE OF NONCONFORMING USE
161.61	Applicability.
161.62	Contents.
161.63	Denial of Registration.
161.64	Amendment.
SUBDIVISION 7	TERMINATION OF NONCONFORMITIES
161.71	Violation of Chapter.
161.72	Specific Acts of Termination.
161.73	Notice.
161.74	Action of the Board of Adjustment.
161.75	Destruction or Damage of Structure.
SUBDIVISION 8	EXPANSION OF NONCONFORMITY
161.81	Applicability.
161.82	Additional Criteria for Expansion Variance.
161.83	Conditions Applicable.
SUBDIVISION 9	SPECIAL EXTENSIONS
161.84	Extension of Time to Comply

EXHIBIT "A"

SUBDIVISION 1: GENERALLY

161.11 - Purpose and Findings.

The purpose of this chapter is to protect a property right, structure, or use, lawfully established and continuously maintained in a lawful manner prior to the adoption of this code or prior to any amendment to this code that otherwise renders such structure or use unlawful. A nonconforming structure or use recognized prior to such amendment of this code may continue to operate in accordance with the regulation under which the nonconforming structure or use was recognized so long as the nonconforming structure or use is not in violation of such regulation, the amendment of this code notwithstanding. Nothing in this chapter prohibits the voluntary compliance with any future ordinance, regulation, or incentive.

161.12 - Applicability.

This chapter applies to any nonconformity. There are four (4) categories of nonconformities as defined in Table 161-1.

161.13 - Continuation.

On or after the effective date of this code or an amendment hereto, a nonconformity that was lawfully operated, established, or commenced in accordance with the provisions of all regulations in effect at that time may continue subject to this chapter.

161.14 - Abandonment.

If any nonconformity is abandoned for 12 months, any future use of such premises must conform to the provisions of this code. Such abandonment of a nonconformity terminates the right to continue the nonconformity.

SUBDIVISION 2: NONCONFORMING USES

161.21 - Applicability.

This section applies to the continuation, enlargement, or expansion of a nonconforming use.

161.22 - Continuance.

The lawful use of any structure existing as of the effective date of this chapter may be continued, although such use does not conform to the provisions of this code. Such use may be extended throughout the structure, provided there are no structural alterations or additions to the structure, except those required by law.

EXHIBIT "A"

**Table 161-1
Nonconformities**

Situation	Definition
Nonconforming use (Subdivision 2 of this chapter)	A use that was lawfully established but that no longer complies with the use regulations applicable to the zoning district in which the property is located. See section 158.125 of this code.
Nonconforming site (Subdivision 3 of this chapter)	A lot, parcel, or development site that was lawfully established but that does not comply with the development standards of this code.
Nonconforming structure (Subdivision 4 of this chapter)	A structure that was lawfully erected but that does not comply with all the applicable regulations of this code.
Nonconforming lot (Subdivision 5 of this chapter)	A lot that fails to meet the requirements for area, height, yards, buffer, or other dimensional standards and regulations because of a change in the applicable zoning district regulations, condemnation of a portion of the lot, or other governmental action.

161.23 - Enlargement.

A conforming structure in which a nonconforming use operates may not be enlarged or extended except as required by law.

161.24 - Conditions.

The right of nonconforming uses to continue is subject to all regulations for maintenance of the premises and any conditions of operation reasonably required for the protection of adjacent property.

161.25 - Change of Use Regulations

(a) Changes to Conforming Uses

Any nonconforming use may be changed to a use conforming with these regulations established for the district in which the nonconforming use is located, provided, however, that a nonconforming use so changed must not in the future be changed back to a nonconforming use. A nonconforming use may be changed to another nonconforming use by approval of the Town Commission, provided that the new use is determined to be more consistent with the spirit of this code, the neighborhood, and the comprehensive plan.

(b) Limitations on Changing Nonconforming Uses

All changes of nonconforming uses must conform to all development standards established by this code. A nonconforming use must not be changed to another nonconforming use that requires more off-street parking and loading space than the former nonconforming use unless adequate additional off-street parking and loading space is provided for the increment of the new nonconforming use as if the increment were a separate use. A nonconforming use must not be changed to another

EXHIBIT "A"

nonconforming use unless the original nonconforming use is registered in conformance with this chapter.

SUBDIVISION 3: NONCONFORMING SITES

161.31 - Purpose and findings.

This code establishes various site design standards. Certain development sites may not meet current requirements and other design specifications. This subdivision requires that nonconforming sites be conformed to the site development standards prescribed by this code.

161.32 - Applicability.

This subdivision applies to the continuation, enlargement, or expansion of a nonconforming site.

161.33 - Authority to Continue.

Any lawfully existing nonconforming site may continue so long as it remains otherwise lawful subject to this subdivision.

161.34 - Nonconforming Site Categories.

Lots, parcels, or sites devoted to the uses described in Column (A) of Table 161-2 have the time period established in Column (B) of Table 161-2 to either bring the site into conformance with the provisions of this code or have a variance approved for the site. All owners of record of commercial zoned properties will be notified by the building official by first class mail of this provision prior to the end of the nine (9) year period.

161.35 - Extension.

A conforming use located on a nonconforming site must not be expanded until the site is brought into conformance with the provisions of this code. However, single-family residential structures that are located on a legally nonconforming site with respect to required yards, areas, or height may be structurally altered or enlarged, providing the portion of the structure that is altered or enlarged conforms with the provisions of this code.

**Table 161-2
Nonconforming Site Categories**

(A) Site Category	(B) Conformance Period
Commercial sites on parcels of at least 10 acres	10 years
Commercial sites on parcels of less than 10 acres	12 years
Multiple-family developments	15 years

161.36 - Relocations.

No structure may be relocated to a nonconforming site until the site is brought into conformance with the provisions of this ordinance.

161.37 - Change in Use.

An existing structure located on a nonconforming site must not be changed from one use classification to another use classification provided in this code until the site is brought into

EXHIBIT "A"

conformance with the provisions of this code or a nonconforming site variance has been approved by the board of adjustment.

161.38 - Abandonment.

When the use of a nonconforming site has been abandoned for a period of 12 months, the site must not be used, developed, or improved until it is brought into conformance with this code or as otherwise allowed in this code. The board of adjustment may grant a single, six (6) month extension period for the purpose of bringing the site into conformance with this code. Extension applications must be filed in accordance with the procedures for site plan review in this code. For purposes of this chapter, rental or lease payments and taxes will not be considered a continued use, and the disconnection of utilities will constitute a means of establishing the commencement of the abandonment of the use of the site. This provision will not prevent extensions by the Town Commission as specified in section 161.84.

161.39 - Exception for Repairs Pursuant to Public Order.

Nothing in this chapter prevents the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official charged with protecting the public safety and who declares such structure to be unsafe and orders it to be restored to a safe condition, provided such restoration is not otherwise in violation of the various provisions of this code prohibiting the repair or restoration of partially damaged or destroyed structures.

SUBDIVISION 4: NONCONFORMING STRUCTURES

161.41 - Applicability.

This section applies to the continuation, enlargement, or expansion of nonconforming structures.

161.42 - Continuance of Nonconforming Structures.

Subject to all limitations in this code, and the provisions of Section 161.39 Exception for Repairs Pursuant to Public Order of this chapter, a nonconforming structure may be occupied, operated, and maintained in a state of good repair, but must not be enlarged or extended.

161.43 - Enlargement.

A nonconforming structure in which only permitted uses operate may be enlarged or extended if the enlargement or extension can be made in compliance with all of the provisions of this code established for structures in the zoning district where the nonconforming structure is located. Such enlargement is also subject to all other applicable Town ordinances.

161.44 - Termination of Nonconforming Structures.

(a) Damage to Structures.

The right to operate and maintain a nonconforming structure terminates whenever the nonconforming structure is damaged in any manner from any cause and the cost of repairing such damage exceeds 50 percent of the replacement cost of the structure on the date of the damage.

(b) Obsolescence of Structure.

The right to operate and maintain a nonconforming structure terminates whenever the nonconforming structure becomes obsolete or substandard under any applicable ordinance of the Town, and the cost of replacing the structure in lawful compliance with the applicable ordinance

EXHIBIT "A"

exceeds 50 percent of the replacement cost of the structure on the date that the proper official of the Town determines that the structure is obsolete or substandard.

(c) Determination of Replacement Cost.

The cost of land or any factors other than the value of the nonconforming structure itself must not be included in determining the replacement cost of a nonconforming structure. Determination of replacement cost may be appealed to the board of adjustment.

SUBDIVISION 5: NONCONFORMING LOTS

161.51 - Applicability.

This section applies to the continuation, enlargement, or expansion of nonconforming lots.

161.52 - Generally.

A substandard lot must comply with the yard, buffer, setback, and bulk regulations of the zoning district that makes the lot nonconforming to the required area of the lot. This section does not require the re-platting or combination of platted lots under same ownership protected by any Florida vested rights law contrary to this requirement.

SUBDIVISION 6: CERTIFICATE OF NONCONFORMITY

161.61 - Applicability.

(a) - Generally.

The owner of a nonconformity must register the nonconformity by filing with the planning and zoning official a registration statement.

(b) - Exemptions.

Registration is not required for:

- (1) A use or structure that is made nonconforming by a governmental action other than rezoning;
- (2) Any fence of legal height and construction that does not constitute a nonconforming use and does not require registration; and
- (3) Any nonconforming lot.

161.62 - Contents.

Registration must be made on behalf of the owner or by a person, firm, corporation, or other entity that has a legal or equitable interest in the nonconforming property. A registration statement requires a disclosure of the complete ownership of the land or structure, and must be in such form and require the furnishing of such information, photographs, and documentation necessary to demonstrate that:

- (a) The nonconformity was lawfully established prior to the effective date of the applicable regulations;
- (b) The nonconformity has been continuously maintained since it was established; and
- (c) The nonconformity has not been abandoned.

161.63 - Denial of Registration.

The planning and zoning official must deny any registration if it appears that the documents relied thereon are not valid, or that the documents produced do not show the existence of a lawful nonconformity in accordance with the criteria set forth in this chapter. The applicant may appeal this determination to the board of adjustment.

EXHIBIT "A"

161.64 - Amendment.

At any time after registration, upon application to the planning and zoning official and with the written consent of the affected property owner, a registration statement may be amended to indicate changes in ownership. A copy of each registration statement must be returned to the owner and a copy filed in the records of the Town. The planning and zoning official will accept and file all tendered registration statements within the 30 days of receiving such statements, but the acceptance of such statements does not constitute an authorization to operate an unlawful use. The filing of a false registration statement with the town is a violation of this code.

SUBDIVISION 7: TERMINATION OF NONCONFORMITIES

161.71 - Violation of Chapter.

A violation of this chapter immediately terminates a lawful nonconformity.

161.72 - Specific Acts of Termination.

Any of the following specific acts immediately terminates a nonconformity:

- (a)** Changing a nonconformity to conform. This type of termination applies only to the nonconformity existing prior to any change.
- (b)** Abandonment of a nonconformity for a period of 12 or more consecutive calendar months; or
- (c)** Failure to register a nonconformity as provided in this chapter.

161.73 - Notice.

The planning and zoning official must provide 30 days' advance notice and an opportunity for a hearing before the board of adjustment prior to terminating nonconforming rights under this chapter.

161.74 - Action of the Board of Adjustment.

The board of adjustment may inquire into the existence of a nonconformity, fire or health hazards, and any other danger or nuisance to the public due to or created by any condition or use existing on a nonconforming property. Upon written findings, the board may require the discontinuance of such use. The owner of the subject use will have at least 20 days' written notice prior to the day of the public hearing. Time allowed for discontinuance of such use will be prescribed by the board at a subsequent public hearing, after having heard from the affected parties, based on the board's ruling as to a reasonable amortization period for the nonconforming use.

In prescribing the amortization period, the board will consider the following factors:

- (a)** The property owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming;
- (b)** Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages;
- (c)** Any return on investment since inception of the use, including net income and depreciation; and
- (d)** The anticipated annual recovery of investment, including net income and depreciation.

161.75 - Destruction or Damage of Structure.

The right to operate and maintain any nonconformity, except for a single-family dwelling unit, terminates and must cease to exist whenever the structure associated with the nonconformity is

EXHIBIT "A"

damaged or destroyed from any cause whatsoever, and the cost of repairing the damage or destruction exceeds 50 percent of the replacement cost of the structure on the date of the damage or destruction. A nonconforming single-family dwelling unit that is destroyed or damaged more than 50 percent of the replacement cost may be rebuilt, provided that a development approval is issued within one (1) year of the date of such damage or destruction. The planning and zoning official may require the submission of sufficient evidence to verify the date of damage or destruction.

SUBDIVISION 8: EXPANSION OF NONCONFORMITY

161.81 - Applicability.

A nonconformity must not expand unless a variance is approved in accordance with the provisions of this code.

161.82 - Additional Criteria for Expansion Variance.

In addition to the standard considerations and findings required by this code for a variance, the following additional considerations and findings are required for a variance to expand a nonconformity:

- (a) The termination of the nonconformity will result in unnecessary hardship;
- (b) The continuation and expansion of the nonconformity will not be contrary to the public interest;
- (c) The continuation and expansion of the nonconformity will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district;
- (d) The use will be in harmony with the spirit and purpose of these regulations and the relevant comprehensive plan goals, objectives, policies, and strategies;
- (e) The plight of the applicant seeking the continuation and expansion of the nonconformity is due to unique circumstances existing on the property or within the surrounding district;
- (f) The continuation and expansion of the nonconformity will not substantially weaken the general purposes of this chapter or the regulations established in this code for the applicable zoning district;
- (g) The continuation and expansion of the nonconformity will not adversely affect the public health, safety, and welfare; and
- (h) The continuation and expansion of the nonconformity through a reasonable amortization period is appropriate.

161.83 - Conditions Applicable.

All conditions attached to a variance, or any other development approval or development order issued under any previously enacted land development regulations continue to apply to the proposed expanded use and are enforceable as provided in this code. Such conditions may be waived if an application is approved pursuant to this chapter and the applicant agrees to waive and abandon all rights secured under the regulations formerly in effect.

SUBDIVISION 8: SPECIAL EXTENSIONS

161.84 - Extension of time to comply.

Should a period of nonuse or vacancy be caused by legal restraints upon the owner or lessee, the owner or lessee may set forth such grounds in a petition to the town commission and serve such petition on the planning and zoning official. The time may be extended by the town commission for good cause shown to provide for the removal of the nonconforming building or structure, or the making of the building or structure conforming, on or before the end of the period approved. The town commission may require the petitioner to decrease the nonconformity of the building or structure in one or more aspects of its nonconformity. The property owner shall have furnished the town with a good and

EXHIBIT "A"

sufficient surety bond or other security in an amount to be approved by the town commission, to require compliance with this chapter.

MULTI-FAMILY DENSITY TABLE

Mixed Residential (Multi-Family) Properties

OBJECTID

PROPID	PROPERTY	ADDRESS	ACRES	ACTUAL BUILT UNITS	ACTUAL DENSITY	CURRENT FLUM	CURRENT ZONING	CURRENT ZONED DENSITY	ALLOWED UNITS WITH CURRENT ZONING	NON-CONFORMING BUILT UNITS	ALLOWED BUT UNBUILT UNITS	DENSITY CONFORMITY STATUS	NEW ZONING	NEW ZONED DENSITY	MAXIMUM UNITS WITH NEW ZONING	NEW UNITS REQUIRING REFERENDUM
7	3	Aquarius Club	1701 GMD	4.15	66	15.92	RH-6	R-6MX	6	24	42	Non Conforming		16	66	0
8	4	Arbomar Apartments	4485 GMD	1.64	32	19.46	RM-3	R-3MX	3	4	28	Non Conforming		20	32	0
10	5	Avignon Villas Condominium	5611 GMD	1.02	9	8.85	RM-3	R-3MX	3	3	6	Non Conforming		10	10	1
12	6	Banyan Bay Club Condominium	5250 GMD	5.64	100	17.74	RM-4	R-4MX	4	22	78	Non Conforming		18	101	1
13	7	Bay Harbour Apartments	450 GMD	3.42	40	11.70	RM-4	R-4MX	4	13	27	Non Conforming		12	41	1
15	8	Bayport Beach & Tennis Club	3850 GMD	26.91	136	5.05	RH-6	R-6MX	6	161	25	Conforming		6	161	0
19	11	Beach Harbor Club	3800 GMD	6.05	137	22.64	RH-6	R-6MX	6	36	101	Non Conforming		24	145	8
20	12	Beach Walk Condominium	6833 GMD	3.43	20	5.83	RM-3	R-3MX	3	10	10	Non Conforming		6	20	0
22	13	Beachplace	1111 GMD	30.48	340	11.15	RH-6	R-6MX	6	182	158	Non Conforming		12	365	25
23	14	Beachside Cottages of Longboat	371 North Shore Rd	0.40	2	5.01	RM-3	R-3SF	3	1	1	Non Conforming		6	2	0
24	15	Aria (Benedict Estates)	2251 GMD	5.04	2	0.40	RH-6	R-6MX	6	30	28	Conforming		6	30	0
27	16	Buttonwood Cove	3660 GMD	8.93	58	6.50	RH-6	R-6MX	6	53	5	Non Conforming		8	71	13
31	18	Castillian, The	4515 GMD	5.57	62	11.12	RM-3	R-3MX	3	16	46	Non Conforming		12	66	4
36	21	Club Longboat Beach & Tennis	5055 GMD	8.77	87	9.92	RM-3	R-3MX	3	26	61	Non Conforming		10	87	0
44	24	Covert Condo III (Gulfside)	5211 GMD	2.14	15	7.01	RM-3	R-3MX	3	6	9	Non Conforming		8	17	2
49	27	Embassy Court Condominium	4138 GMD	0.72	2	2.77	RM-4	R-4MX	4	2	0	Conforming		4	2	0
53	28	en Provence	2121 GMD	5.75	24	4.17	RH-6	R-6MX	6	34	10	Conforming		6	34	0
54	29	Faine Apartments	420 Firehouse Ct	1.25	10	7.97	RM-3	R-3MX	3	3	7	Non Conforming		8	10	0
59	32	Grande at Longboat Key Condominium	4561 GMD	0.83	9	10.86	RM-3	R-3MX	3	2	7	Non Conforming		12	9	0
62	34	Gulf Key Condo	540 Neptune Ave	1.15	10	8.72	RM-4	R-4MX	4	4	6	Non Conforming		10	11	1
64	36	Gulfshore of Longboat Key	3710 GMD	7.75	180	23.24	RH-6	R-6MX	6	46	134	Non Conforming		24	185	5
65	37	H & M Associates Subdivision	5801 GMD	2.09	2	0.95	RM-3	R-3MX	3	6	4	Conforming		3	6	0
75	39	Islander Club of Longboat	2295 GMD	6.97	149	21.37	RH-6	R-6MX	6	41	108	Non Conforming		22	153	4
83	43	Laguna Yacht Village	6340 GMD	7.54	6	0.80	RM-3	R-3SF	3	22	16	Conforming		3	22	0
84	44	Lands End	675 Longboat Ct	4.85	11	2.27	RM-3	R-3MX	3	14	3	Conforming		3	14	0
88	45	Longbeach Village Condominium	7075 GMD	14.88	204	13.71	RM-3	R-3MX	3	44	160	Non Conforming		14	208	4
89	46	Longboat Arms	3300 GMD	4.58	46	10.04	RM-4	R-4MX	4	18	28	Non Conforming		12	55	9
91	48	Longboat Beach House	4311 GMD	1.69	23	13.61	RM-3	R-3MX	3	5	18	Non Conforming		14	23	0
92	49	Longboat Beachcomber	2729 GMD	1.54	46	29.92	RM-3	R-3MX	3	4	42	Non Conforming		30	46	0
93	50	Longboat Cove	5471 GMD	3.85	28	7.27	RM-3	R-3MX	3	11	17	Non Conforming		8	30	2
95	52	Longboat Key Casa Del Mar	4621 GMD	5.31	107	20.16	RM-3	R-3MX	3	15	92	Non Conforming		22	116	9
104	54	Longboat Landing Condominium	5320 GMD	1.51	10	6.62	RM-3	R-3MX	3	4	6	Non Conforming		8	12	2
106	56	Longboat Sandpipers Condominium	5635 GMD	2.04	11	5.40	RM-3	R-3MX	3	6	5	Non Conforming		6	12	1
108	57	Longboat Terrace	5391 GMD	4.88	38	7.78	RM-3	R-3MX	3	14	24	Non Conforming		8	39	1
113	58	Neptune on Longboat Key	2850 GMD	0.55	12	21.77	RM-4	R-4MX	4	2	10	Non Conforming		22	12	0
114	59	New Pass Shores	501 Channel Ln	1.19	9	7.54	RM-4	R-4SF	4	4	5	Non Conforming		8	9	0
116	60	Northgate of Longboat Key	490 North Shore Rd	1.58	10	6.32	RM-3	R-3MX	3	4	6	Non Conforming		8	12	2
118	61	Pelican Harbour & Beach Club	4239 GMD	9.77	128	13.11	RM-3	R-3MX	3	29	99	Non Conforming		14	136	8
119	62	Pelton Place	5144 GMD	0.96	4	4.17	RM-4	R-4MX	4	3	1	Non Conforming		6	5	1
121	63	Players Club	1485 GMD	11.42	135	11.83	RH-6	R-6MX	6	68	67	Non Conforming		12	136	1
122	64	Portobello	3235 GMD	5.51	70	12.71	RM-3	R-3MX	3	16	54	Non Conforming		14	77	7
124	66	Privateer North	1050 Longboat Club	2.37	64	27.03	RH-6	R-6MX	6	14	50	Non Conforming		28	66	2
125	67	Privateer South	1000 Longboat Club	2.15	69	32.07	RH-6	R-6MX	6	12	57	Non Conforming		33	71	2
132	68	Regent Place	827 Longboat Club Rd	3.55	37	10.41	RH-6	R-6MX	6	21	16	Non Conforming		12	42	5
137	69	Salty Acres Condominium	5621 GMD	0.98	7	7.17	RM-3	R-3MX	3	2	5	Non Conforming		8	7	0
141	71	Sandpiper Beach House	5451 GMD	0.18	2	11.20	RM-3	R-3MX	3	1	1	Non Conforming		12	2	0
142	72	Sands Point	100 Sands Point Rd	7.73	82	10.61	RH-6	R-6MX	6	46	36	Non Conforming		12	92	10
144	74	Savarese Inlet	675 Longboat Ct	0.71	1	1.41	RM-3	R-3MX	3	2	1	Conforming		3	2	0
147	77	Sea Pines Condominium	6925 GMD	2.96	32	10.81	RM-3	R-3MX	3	8	24	Non Conforming		12	35	3
150	80	Seaplace	2089 GMD	36.14	484	13.39	RH-6	R-6MX	6	216	268	Non Conforming		14	505	21
151	81	Seascape Condominium	5135 GMD	1.13	9	7.99	RM-3	R-3MX	3	3	6	Non Conforming		8	9	0
155	84	Shore Condominium	5757 GMD	5.03	54	10.73	RM-3	R-3MX	3	15	39	Non Conforming		12	60	6
159	86	Spanish Main Yacht Club Condominium	5700 GMD	25.20	213	8.45	RM-3	R-3MX	3	75	138	Non Conforming		10	251	38
161	87	Sunrise Shores Condominium	5220 GMD	1.43	9	6.31	RM-4	R-4MX	4	5	4	Non Conforming		8	11	2
162	88	Sunset Beach	2105 GMD	5.97	65	10.89	RH-6	R-6MX	6	35	30	Non Conforming		12	71	6
163	89	Sutton Place Condominium	4300 GMD	6.09	82	13.46	RM-4	R-4MX	4	24	58	Non Conforming		14	85	3
166	90	Tencon Beach	1511 GMD	3.38	10	2.96	RH-6	R-6MX	6	20	10	Conforming		6	20	0
168	91	Tides of Longboat Condominium	5555 GMD	2.15	13	6.04	RM-3	R-3MX	3	6	7	Non Conforming		8	17	4
169	92	Tiffany Plaza	4325 GMD	3.12	43	13.77	RM-3	R-3MX	3	9	34	Non Conforming		14	43	0
172	93	Tree House	2930 GMD	0.68	4	5.86	RM-4	R-4SF	4	2	2	Non Conforming		6	4	0
173	94	Triton Cove	3050 GMD	1.38	5	3.62	RM-4	R-4MX	4	5	0	Conforming		4	5	0

175	96	Twin Shores Mobile Home	3740 GMD	5.36	103	19.23	RH-6	R-6MX	6	32	71		Non Conforming	20	107	4
176	97	Veinte	2675 GMD	2.02	22	10.91	RM-3	R-3MX	3	6	16		Non Conforming	12	24	2
179	99	Villa Casuarina	5321 GMD	0.96	6	6.24	RM-3	R-3MX	3	2	4		Non Conforming	8	7	1
180	100	Villa Di Lancia	2175 GMD	6.80	39	5.73	RH-6	R-6MX	6	40		1	Conforming	6	40	0
181	101	Villa Dos Palmas Condominium	771 St Judes Dr N	0.88	8	9.07	RM-4	R-4SF	4	3	5		Non Conforming	10	8	0
187	105	Whitney Beach Condominium	6700 GMD	28.79	143	4.97	RM-3	R-3MX	3	86	57		Non Conforming	6	172	29
189	106	Windward Bay Condominium	4888 GMD	28.00	296	10.57	RM-4	R-4MX	4	112	184		Non Conforming	12	336	40
215	117	Welch Property	5150/5200 GMD	1.72	3	1.74	RM-4	R-4MX	4	6		3	Conforming	4	6	0
219	118	Blue Galaxy	5541 GMD	0.99	10	10.15	RM-3	R-3MX	3	2	8		Non Conforming	12	11	1
222	119	Fairhaven Properties	5145 GMD	1.11	2	1.81	RM-3	R-3MX	3	3		1	Conforming	3	3	0
2	121	360 North Condo R-3MX	280 North Shore Rd	1.29	6	4.64	RM-3	R-3MX	3	3	3		Non Conforming	6	7	1
49	125	LBK Yacht/Tennis Mark I	4140 GMD	1.15	8	6.95	RM-4	R-4MX	4	4	4		Non Conforming	8	9	1
29	127	Cabana Beach Club Condo (Bayside)	5850 GMD	0.35	2	5.67	RM-3	R-3MX	3	1	1		Non Conforming	6	2	0
44	131	Covert Condo II	5231 GMD	2.08	27	12.99	RM-3	R-3MX	3	6	21		Non Conforming	14	29	2
44	132	Covert Condo I	5230 GMD	1.47	12	8.14	RM-3	R-3MX	3	4	8		Non Conforming	10	14	2
44	133	Covert Condo III (Bayside)	5210 GMD	1.09	6	5.53	RM-3	R-3MX	3	3	3		Non Conforming	6	6	0
113	134	2837 GMD	2837 GMD	0.23	2	8.79	RM-4	R-4MX	4	1	1		Non Conforming	10	2	0
113	135	2813 GMD	2813 GMD	0.31	4	13.00	RM-4	R-4MX	4	1	3		Non Conforming	14	4	0
141	136	3037 GMD	3037 GMD	0.36	2	5.53	RM-3	R-3MX	3	1	1		Non Conforming	6	2	0
184	103	Westchester Condominium	4835 GMD	6.06	76	12.55	RM-3	R-3MX	3	18	58		Non Conforming	14	84	8
94	51	Longboat Harbour	4454 GMD	20.69	488	23.59	RM-4	R-4MX	4	82	406		Non Conforming	24	496	8
0	139	Longboat Harbour Towers	4401 GMD	3.12	73	23.37	RM-4	R-4MX	4	12	61		Non Conforming	24	74	1
94	140	Longboat Harbor North	4970 GMD	2.83	10	3.53	RM-4	R-4MX	4	11		1	Conforming	4	11	0
Total				453.74	5.023				1,968	3,158	103			5,440	314	

TOURISM DENSITY TABLE

Tourism Properties

PROPID	PROPERTY	ADDRESS	ACRES	ACTUAL BUILT UNITS	ACTUAL DENSITY	CURRENT FLUM	CURRENT ZONING	CURRENT ZONED DENSITY	ALLOWED UNITS WITH CURRENT ZONING	NON-CONFORMING BUILT UNITS	ALLOWED BUT UNBUILT UNITS	DENSITY CONFORMITY STATUS	NEW ZONING	NEW ZONED DENSITY	MAXIMUM UNITS WITH NEW ZONING	NEW UNITS REQUIRING REFERENDUM	USE CONFORMITY STATUS
1	Sea Oats Apts - 5601 GMD	5601 GMD	1.00	8	8.03	RM-3	R-3MX	3	2	6		Non Conforming		10	9	1	Use Non Conforming
2	Apollo	2945 GMD	0.52	5	9.67	RM-3	R-3MX	3	1	4		Non Conforming		10	5	0	Use Non Conforming
9	Seabird Beach Resort (The Beach @ LBK)	3465 GMD	0.58	15	25.93	RM-3	R-3MX	3	1	14		Non Conforming		26	15	0	Use Non Conforming
10	Beach Castle Resort (Bayside)	5310 GMD	1.31	13	9.89	RM-3	R-4MX	4	5	8		Non Conforming		10	13	0	Use Non Conforming
17	Cabana Beach Club (Dunes)	5851 GMD	1.05	9	8.55	RM-3	R-3MX	3	3	6		Non Conforming		10	10	1	Use Non Conforming
19	Cedars East	5680 GMD	29.97	93	3.10	RM-3	R-3MX	3	89	4		Non Conforming		4	119	26	Use Non Conforming
20	Cedars West	5655 GMD	6.23	56	8.99	RM-3	R-3MX	3	18	38		Non Conforming		10	62	6	Use Non Conforming
22	Colony Beach & Tennis Club	1620 GMD	17.59	237	13.47	TRC-6	T-6	6	105	132		Non Conforming		14	246	9	Use Conforming
23	Continental's Sea Club I (Sea Club I)	4141 GMD	1.70	24	14.08	RM-3	R-3MX	3	5	19		Non Conforming		16	27	3	Use Non Conforming
25	Diplomat, The	3155 GMD	1.72	50	29.00	RM-3	R-3MX	3	5	45		Non Conforming		30	51	1	Use Non Conforming
26	Dock on the Bay	3440 GMD	3.58	19	5.31	RM-4	R-4MX	4	14	5		Non Conforming		6	21	2	Use Non Conforming
30	Four Winds Beach Resort	2605 GMD	3.46	45	13.01	TRC-6	T-6	6	20	25		Non Conforming		14	48	3	Use Conforming
31	Grand Mariner Longboat Key Condominium	595 Dream Island Rd	1.87	13	6.94	TRC-3	T-3	3	5	8		Non Conforming		8	14	1	Use Conforming
33	Gulf Front Condominium	5201 GMD	1.09	8	7.31	RM-3	R-3MX	3	3	5		Non Conforming		8	8	0	Use Non Conforming
35	Gulf Tides (Bayside)	3008 GMD	1.10	11	9.96	RM-3	R-4MX	4	4	7		Non Conforming		10	11	0	Use Non Conforming
38	Harbour Villa Club at the Bucca	615 Dream Island Rd	4.54	38	8.37	TRC-3	T-3	3	13	25		Non Conforming		10	45	7	Use Conforming
40	Islands West	2525 GMD	4.24	88	20.77	TRC-6	T-6	6	25	63		Non Conforming		22	93	5	Use Conforming
41	La Firenze	4131 GMD	2.31	10	4.34	TRC-6	T-6	6	13		3	Conforming		6	13	0	Use Conforming
42	La Playa	4425 GMD	1.64	21	12.84	RM-3	R-3MX	3	4	17		Non Conforming		14	22	1	Use Non Conforming
47	Longboat Bay Club	3200 GMD	1.66	15	9.05	RM-4	R-4MX	4	6	9		Non Conforming		10	16	1	Use Non Conforming
53	LBK Yacht/Tennis Mark II	4215 GMD	1.18	18	15.19	RM-3	T-6	6	7	11		Non Conforming		16	18	0	Use Non Conforming
55	Longboat Pass Condominium	380 North Shore Rd	0.62	9	14.52	RM-3	R-3MX	3	1	8		Non Conforming		16	9	0	Use Non Conforming
65	Positano Condominium	4949 GMD	10.25	7	0.68	TRC-3	T-3	3	30		23	Conforming		3	30	0	Use Conforming
70	Sand Cay Condominium	4725 GMD	4.56	60	13.14	TRC-6	T-6	6	27	33		Non Conforming		14	63	3	Use Conforming
73	Continental's Sea Club I (Sea Club I)	5155 GMD	1.09	10	9.15	RM-3	R-3MX	3	3	7		Non Conforming		10	10	0	Use Non Conforming
75	Sea Gate Club	2425 GMD	5.40	91	16.84	TRC-6	T-6	6	32	59		Non Conforming		18	97	6	Use Conforming
76	Sea Horse Beach Resort	3453 GMD	1.72	36	20.96	RM-3	R-3MX	3	5	31		Non Conforming		22	37	1	Use Non Conforming
78	Sea Twlg Condominium	5645 GMD	1.13	6	5.29	RM-3	R-3MX	3	3	3		Non Conforming		6	6	0	Use Non Conforming
79	Seagrape Inn Condominium	5125 GMD	1.16	8	6.92	RM-3	R-3MX	3	3	5		Non Conforming		8	9	1	Use Non Conforming
82	4475 GMD (pev Seaside Motel)	4475 GMD	0.56	2	3.59	RM-3	R-3MX	3	1	1		Non Conforming		4	2	0	Use Non Conforming
83	Shore Acres	4765 GMD	2.58	1	0.39	TRC-6	T-6	6	15		14	Conforming		6	15	0	Use Conforming
85	Silver Sands Condominium	5841 GMD	1.66	35	21.09	RM-3	R-3MX	3	4	31		Non Conforming		22	36	1	Use Non Conforming
95	Turtle Crawl Condominium	4235 GMD	1.77	31	17.49	TRC-6	T-6	6	10	21		Non Conforming		18	31	0	Use Conforming
98	Veranda Beach Club	2509 GMD	3.68	40	10.86	TRC-6	T-6	6	22	18		Non Conforming		12	44	4	Use Conforming
102	Vizcaya at Longboat Key	2355 GMD	8.24	35	4.25	TRC-6	T-6	6	49		14	Conforming		6	49	0	Use Conforming
104	White Sands (Bayside)	5114 GMD	2.41	18	7.45	RM-4	R-4MX	4	9	9		Non Conforming		8	19	1	Use Non Conforming
107	Sun n Sea	4651 GMD	3.32	28	8.44	TRC-6	T-6	6	19	9		Non Conforming		10	33	5	Use Conforming
108	Continental's Sea Club II (Sea Club III)	5591 GMD	1.00	8	8.00	RM-3	R-3MX	3	3	5		Non Conforming		8	8	0	Use Non Conforming
109	Hilton - Zota	4711 GMD	5.04	187	37.13	TRC-6	T-6	6	30	157		Non Conforming		38	191	4	Use Conforming
110	Cannons Cottages	6051 GMD	2.09	4	1.92	RL-1	R-1SF	1	2	2		Non Conforming		2	4	0	Use Non Conforming
111	Silver Sands Bayside	5830 GMD	0.68	2	2.94	RM-3	R-3SF	3	2	0		Conforming		3	2	0	Use Non Conforming
112	Bayou of Longboat Key	5850 GMD	0.37	3	8.03	RM-3	R-3SF	3	1	2		Non Conforming		10	3	0	Use Non Conforming
113	Wicker Inn	5581 GMD	1.72	13	7.54	RM-3	R-3MX	3	5	8		Non Conforming		8	13	0	Use Non Conforming
114	Riviera Beach	5451 GMD	0.89	9	10.06	RM-3	R-3MX	3	2	7		Non Conforming		12	10	1	Use Non Conforming
115	Arbors by the Sea	5441 GMD	0.97	7	7.19	RM-3	R-3MX	3	2	5		Non Conforming		8	7	0	Use Non Conforming
116	Little Gull Bayside	5330 GMD	1.55	8	5.15	RM-3	R-3MX	3	4	4		Non Conforming		6	9	1	Use Non Conforming
120	Dream Island T-3	595 Dream Island Rd	0.67	0	0.00	TRC-3	T-3	3	2		2	Conforming		3	2	0	Use Conforming
122	Key Apartments	571 St Judes Dr	0.43	8	18.71	RM-4	R-4SF	4	1	7		Non Conforming		20	8	0	Use Non Conforming
123	White Sands of Longboat Gulfside	5115 GMD	1.22	12	9.83	RM-4	R-4MX	4	4	8		Non Conforming		10	12	0	Use Non Conforming
124	Longboat Key Yacht & Tennis Club	4215 GMD	1.10	19	17.32	RM-3	R-3MX	3	3	16		Non Conforming		18	19	0	Use Non Conforming
126	Little Gull Gulfside	5331 GMD	1.01	8	7.90	RM-3	R-3MX	3	3	5		Non Conforming		8	8	0	Use Non Conforming
128	Rolling Waves	6351 GMD	1.06	8	7.56	RL-1	R-1SF	1	1	7		Non Conforming		8	8	0	Use Non Conforming
129	Gulf Tides (Gulfside)	3005 GMD	0.71	10	14.14	RM-3	R-3MX	3	2	8		Non Conforming		16	11	1	Use Non Conforming
130	Beach Castle Resort (Gulfside)	5311 GMD	0.98	7	7.16	RM-4	R-3MX	3	2	5		Non Conforming		8	7	0	Use Non Conforming
137	4011 GMD (Single Family)	4011 GMD	0.17	1	6.01	RM-3	R-3SF	3	1	0		Conforming		8	1	0	Use Non Conforming
138	AKA 6381 GMD	AKA 6385 GMD	0.55	2	3.67	RL-1	R-1SF	1	1	1		Non Conforming		4	2	0	Use Non Conforming
	TOTAL		160.72	1,529					652	933	56			645	1,681	96	