

MEMORANDUM

DATE: September 12, 2016

TO: Planning and Zoning Board

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

SUBJECT: Planned Unit Development Code

Several issues were discussed during the August Planning & Zoning Board meeting, including but not limited to:

- Allowing only those properties that wish to redevelop to qualify for a PUD;
- Whether the PUD regulations should set specific limitations on requests for additional density;
- Regulating height; and
- Potential methods for restraining some of the flexibility that is typically inherent in many standard PUD regulations.

Staff and consultants have discussed these issues at length. In some cases, revisions have been made to the draft PUD regulations. In cases where revisions have not yet been made, Staff and consultants will bring forward options for addressing the issues raised, which will then allow the revisions to be made based on the direction received. Where the major policy issues are discussed in this report and in the draft PUD regulations, they will be delineated with a box around the text.

BACKGROUND

Ordinance 2015-02: On April 6, 2015, the Town Commission adopted Ordinance 2015-02, which specified that criteria to allow properties with existing nonconforming density to redevelop would be established in the Land Development Code. A copy of this ordinance is attached.

Ordinance 2015-10: On July 6, 2015, the Town Commission adopted Ordinance 2015-10, which separated Land Use Categories into “Established” and “Opportunity” areas. This was done to allow the Town to maintain and/or establish different land development criteria for properties that are unlikely to redevelop and those that are more likely to redevelop. The ordinance stated that the criteria governing the Opportunity Land Use Categories would be established in the Land Development Code.

It should be noted that Ordinance 2015-10 did not revise the intent or uses in the long-established Future Land Use Categories, but only changed the names to include the “Established Area” label.

A copy of this ordinance is attached to provide a reference to these Land Use Categories.

Nonconforming Density: The Town, in coordination with prior consultants, investigated existing built densities on the island and developed various scenarios that provided the ability to establish new Zoning Districts with density limitations that would allow properties to redevelop with existing densities and which, in some cases, may have allowed for the potential for requesting additional density. These scenarios ranged from a few new Zoning Districts with density ranges, to as many as 38 different Zoning Districts with specific density caps for each district.

After numerous joint meetings between the Town Commission and the Planning & Zoning Board, consensus was reached to move forward with a Planned Unit Development (PUD) concept which would allow the following, taking into consideration the Town’s Charter provisions regarding density:

- Allow properties that are nonconforming for density to redevelop at their existing density and become conforming under a new PUD Zoning District;
- Provide method(s) to request additional density for properties that wish to redevelop under a PUD;
- Allow redevelopment to utilize creative and flexible design parameters; and
- Provide a method for properties that are nonconforming for density, but may not desire to redevelop, to become conforming.

The primary purpose of the direction provided was to reduce nonconformity by encouraging creative, functional, high-quality redevelopment of older properties, while ensuring protection of the unique character of the community.

Consultant Engagement and Coordination: Following the direction from the Town Commission and Planning & Zoning Board, Staff embarked on a months-long procurement process to engage a land use consulting firm to assist the Town in developing land use provisions to carry out the above direction, as well as perform a complete rewrite of the Town’s Land Development Code as directed by the Town Commission. Particular attention was paid to securing a consultant with deep knowledge and experience in providing proven solutions for issues similar to, or comparable in complexity with, those faced by Longboat Key. Calvin, Giordano & Associates, Inc. (CGA) were ultimately selected to assist the Town with the rewrite of the Land Development Code.

For the last several months, Staff has worked with CGA consultants to develop a new section of the Land Development Code (LDC) to carry out the priority direction received. CGA was fully informed as to the process by which the direction was reached. They have studied all historic documents provided to them in preparation to the Land Development

Code rewrite, including the Vision Plan, the Comprehensive Plan, the Urban Land Institute Advisory Panel Report, adopted ordinances, and other applicable documents.

MAJOR ELEMENTS OF DRAFT PUD CODE

This section discusses the major elements contained in the draft PUD provisions. Discussion has been included and revisions explained regarding issues raised and direction received at the August Planning & Zoning Board meeting.

From “Process” to “Zoning District”: Unlike the Town’s current PUD section, this new section will not simply be a *process* for gaining development approval, but will be an actual new *Zoning District*. Any property that rezones into a PUD will be represented as such on the Town’s Zoning Map.

The draft includes two new Zoning Districts:

- Planned Unit Development Zoning (PUD): Designed for redevelopment of properties that are moved into Opportunity Area Future Land Use Categories
- Planned Unit Development – Special Purpose (PUD-SP): Designed for properties that are currently nonconforming for density and want to become conforming, but do not want to redevelop

Based on discussion during the August meeting, the Intent section of the draft PUD regulations has been updated to stipulate that the PUD Zoning District is intended only for redevelopment of existing residential, tourism, commercial, or mixed-use projects. Based on this revision, the PUD Zoning District would not be allowed for new development of vacant land. This ensures that the PUD Zoning District is only used to accomplish the intent of encouraging redevelopment of existing projects.

The Intent Section of the PUD Zoning District has also been revised to indicate that proposed redevelopment must be in keeping with the low-density character of the island. Proposed methods for density limitations will be discussed further in this report and in the presentation that Staff and consultants will present at the meeting.

The Whitney Beach Overlay Future Land Use category has also been added to the eligible areas that could qualify for redevelopment under a PUD. The Whitney Beach Overlay encourages mixed-use development, but the current Land Development Code does not include a zoning district where mixed-use development would be allowed. By including Whitney Beach Overlay as an eligible Future Land Use, there will now be a clear zoning district for true mixed-use development in this area.

Opportunity Future Land Use Areas: As indicated in the Background section of this report, the Comprehensive Plan includes Opportunity Area Future Land Use Categories. These categories could potentially be applied to any property that fits the description of an Opportunity Area.

At the August meeting, the issue was discussed as to whether the Comprehensive Plan and/or Land Development Code should proactively identify specific properties and/or geographic areas that would be eligible to move into an Opportunity Area.

As part of the work previously performed to provide various zoning scenarios to the Planning & Zoning Board and the Town Commission, Staff and consultants performed analysis to determine which properties and/or geographic areas might be appropriate for the Opportunity Areas. Therefore, if the Planning & Zoning Board desires to identify which properties and/or geographic areas are appropriate for the Opportunity Area provisions, Staff could provide a presentation with recommendations for the Planning & Zoning Board's consideration. However, the built development pattern of the island makes it difficult to group properties into broad use-connected geographic areas, since different uses (Residential, Tourism, Commercial, etc.) are often located right next to each other and mixed together. There are some exceptions to this, but attempting to broadly group multiple properties together will often result in the inclusion of other properties that are inappropriate for the particular Opportunity Area purpose.

Alternatively, and perhaps more practically, certain eligibility criteria could be established that could then be utilized to evaluate whether a specific property is eligible to be designated as an Opportunity Area on a case-by-case basis, should a property owner bring forward a request move a property into an Opportunity Area Future Land Use category. This would reduce and/or eliminate ambiguity as to whether a specific property is appropriate to be included in an Opportunity Future Land Use Area and, subsequently, eligible to be considered for redevelopment under the PUD Zoning District.

Staff and consultants will be prepared to discuss potential criteria which could be considered for eligibility purposes.

Density in the PUD Zoning District: For properties currently developed in excess of their allowed density, the new PUD Zoning District is intended to allow properties to redevelop at their existing nonconforming density. It may also allow the potential for redevelopment with additional density, if authorized through the Town Charter referendum process and ultimately approved by the Town Commission.

At the August meeting, the question was raised as to whether a maximum limitation or parameters should be placed on potential density increases. Hard density limitations were discussed at length during the previous joint meetings with the Town Commission and consensus was ultimately reached to pursue the PUD direction with no hard limits; however, it is recognized that current circumstances may warrant the inclusion of parameters on additional density. While the ability to potentially request additional density has been considered an incentive to redevelop older properties, the absence of any defined acceptable parameters leaves property owners with no guidance on what might be acceptable.

As a result of these concerns, Staff and consultants have developed potential options for incorporating a density limitation component, eligibility criteria, and/or performance standards for requests for additional density. Staff and consultants will discuss possible options that would specify the maximum density that could be requested by referendum, which could then potentially be granted based on certain criteria and standards being met.

It should be noted that any request for density over the existing built density would still require approval of the voters through the Town's Charter provisions. Also, any density limitations, criteria, or standards established in the PUD regulations would in no way confer any entitlements or guarantee approval of requests for additional density.

Density in the PUD-SP Zoning District: The PUD-SP Zoning District allows properties that do not seek to redevelop to become conforming for density, thus removing the nonconforming label that can create difficulties relating to financing, real estate transactions, and other issues. This PUD-SP Zoning District does not allow any increases to existing density.

Mixed Uses: The new PUD Zoning District will allow a mixture of uses, which will allow a more creative use of space. These uses will be determined based on the applicable Future Land Use Category and complimentary uses approved through the rezoning process.

At the August meeting, there was discussion regarding mixed-uses and the amount of uses that might be allowed in addition to the primary use. As a result of the discussion, the draft PUD regulations have been revised. The original language has been eliminated and replaced with language that stipulates that the Town Commission may approve additional uses, but the proposed uses must be compatible with the primary use and consistent with the intent and purpose of the applicable Opportunity Area Future Land Use Category. In addition, the se proposed additional uses must be shown to enhance the functionality of the overall development and not increase the impacts of the project to public facilities or adjacent property.

Staff and consultants will also discuss potential options for eligibility criteria and limitations for additional uses.

Height: The draft PUD Code contains a provision which would allow a certain amount of additional height to be granted for the purpose of increasing ceiling height for redevelopment.

At the August meeting, there was discussion regarding potential increases in height of buildings. The revised draft provides some suggested additional height limitations per floor, with additional requirements for enhanced setbacks and/or open space to offset any negative impacts.

In addition, Staff seeks the Planning & Zoning Board's opinion regarding the potential allowance of additional stories for the purpose of improving scenic veiws and increasing open space. The revised draft includes a text box that discusses this option and provides potential language that could be considered to allow the Town Commission to consider additional height for additional stories, **if** it can be demonstrated that additional stories would allow building design and placement that would improve scenic views from adjacent properties and does not create any negative impacts to adjacent properties or Gulf of Mexico Drive. This would also require additional open space to be provided. This provision would encourage building height to be clustered toward the center of a property, thus potentially opening up scenic views for adjacent properties.

Outline Development Plans: The draft Code eliminates the use of an Outline Development Plan (ODP) for properties that rezone into the new PUD Zoning District. Instead, the use of “Concept Plan” and “Final Site Plan” are utilized, thus bringing the new Code into conformance with nationally recognized vernacular and criteria.

Mixed-Use Community Districts: The new PUD and PUD-SP Zoning Districts will not incorporate the existing Mixed-Use Community (MUC) Districts, thus providing a separation between the new districts and the existing MUC Districts. Considering the existing MUC Districts are subject to certain judicial orders, Staff and the consultants felt it was best to allow the existing MUC Districts to be placed in a completely separate part of the LDC.

Beach Access: After additional consultation with our legal experts, the requirement for additional beach access points has been removed. However, language has been added to ensure retention of all existing public beach accesses and preservation and/or enhancement of scenic views.

At the August meeting, there was discussion regarding beach access points. After additional consultation with legal counsel, the language has been revised. Also, the protection of Bay Access points has been included in the revised language.

PATH FORWARD

Staff and the CGA team will present the draft ordinance, discuss the revised components, present the options for addressing the issues discussed above, and answer any questions the Board may have. Staff and CGA will then make any necessary revisions based on the direction provided and, if the draft is ready to move forward, bring it back to the Board as an ordinance for the Board’s consideration and potential recommendation to the Town Commission.

158.34– Planned Unit Development (PUD) Zoning

(A) **Intent.** The provisions of this district are intended to apply to ~~new development or to the redevelopment of existing residential, tourism, commercial, or mixed use projects, or any project~~ within an underlying Opportunity Area Future Land Use designation consistent with the standards of this section, ~~or within the Whitney Beach Overlay~~. The district is intended to offer flexibility of design and to encourage imaginative, functional, high-quality land planning developments which are compatible with adjacent and nearby lands and activities, ~~and are in keeping with the low density character of the Town~~. Redevelopment proposed under the PUD rezoning process shall not be subject to the Redevelopment Standards of section 158.140. Properties approved under the PUD site plan process of article III, division 1 of this chapter are not superseded or considered non-conforming by the provisions of this section.

Based on discussion during the August meeting, the Intent section of the draft PUD regulations has been updated to stipulate that the PUD Zoning District is intended only for redevelopment of existing residential, tourism, commercial, or mixed-use projects. Based on this revision, the PUD Zoning District would not be allowed for new development of vacant land. This ensures that the PUD Zoning District is only used to accomplish the intent of encouraging redevelopment of existing projects.

The Intent Section of the PUD Zoning District has also been revised to indicate that proposed redevelopment must be in keeping with the low-density character of the island. Proposed methods for density limitations will be discussed further in this report and in the presentation that Staff and consultants will present at the meeting.

The Whitney Beach Overlay Future Land Use category has also been added to the eligible areas that could qualify for redevelopment under a PUD. The Whitney Beach Overlay encourages mixed-use development, but the current Land Development Code does not include a zoning district where mixed-use development would be allowed. By including Whitney Beach Overlay as an eligible Future Land Use, there will now be a clear zoning district for true mixed-use development in this area.

(B) **Uses Permitted.** The principal and accessory uses that are allowed in PUD zoning districts are those that are consistent with the applicable Opportunity Area Future Land Use designation of the Comprehensive Plan as further described below:-

At the August meeting, the issue was discussed as to whether the Comprehensive Plan and/or Land Development Code should proactively identify specific properties and/or geographic areas that would be eligible to move into an Opportunity Area.

As part of the work previously performed to provide various zoning scenarios to the Planning & Zoning Board and the Town Commission, Staff and consultants performed analysis to determine which properties and/or geographic areas might be appropriate for the Opportunity Areas. Therefore, if the Planning & Zoning Board desires to identify which properties and/or geographic areas are appropriate for the Opportunity Area provisions, Staff could provide a presentation with recommendations for the Planning & Zoning Board's consideration. However, the built development pattern of the island makes it difficult to group properties into broad use-connected geographic areas, since different uses (Residential, Tourism, Commercial, etc.) are often located right next to each other and mixed together. There are some exceptions to this, but attempting to broadly group multiple properties together will often result in the inclusion of other properties that are inappropriate for the particular Opportunity Area purpose.

Alternatively, and perhaps more practically, certain eligibility criteria could be established that could then be utilized to evaluate whether a specific property is eligible to be designated as an Opportunity Area on a case-by-case basis, should a property owner bring forward a request move a property into an Opportunity Area Future Land Use category. This would reduce and/or eliminate ambiguity as to whether a specific property is appropriate to be included in an Opportunity Future Land Use Area and, subsequently, eligible to be considered for redevelopment under the PUD Zoning District.

Staff and consultants will be prepared to discuss potential criteria which could be considered for eligibility purposes.

Multi-Family Residential Opportunity Area (MFRO). Intended for multi-family residential developments and associated accessory uses and amenities that are limited to use by residents and guests of the development.

Commercial Tourism Destination Opportunity Area (CTDO). Intended for destination resort developments with full resort amenities and uses which enhance the purpose of the tourism use. Allowable uses include hotels, restaurants, meeting space, timeshares/fractional-ownership units, recreational amenities, and limited concierge-type residential units with full access to resort amenities.

Commercial/Residential Mixed Use Opportunity Area (CRMO). Intended for developments that contain a complimentary mixture of commercial and residential uses that have been planned in a manner that takes advantage of the complementary nature of the uses and their proximity to one another. This category encourages the vertical mixture of residential and nonresidential uses.

Commercial Opportunity Area (COMO). Intended for office-institutional uses as well as retail sales and services.

Whitney Beach Overlay (WBO). Intended to encourage redevelopment in a mixed use pattern that promotes high quality site design while protecting adjacent residential areas. Development proposals must include a substantial consolidation

of properties within the Whitney Beach Overlay and at least two land use types from the following: residential, tourism units, commercial, office, public facility, private institutional, or recreational. One land use type must not exceed 80 percent of the total site. Residential uses must not exceed 30 percent of a mixed use project. Development densities and intensities may be transferred within and between properties that are combined in one development proposal.

~~In addition, the PUD district permits the replacement of any legally established principal use that is not currently conforming to the applicable Future Land Use designation of the Comprehensive Plan without regard to the Redevelopment Standards of section 158.140. For development within an underlying Opportunity Area Future Land Use designation, other uses may also be allowed up to a percentage or amount equal to the principal uses as approved by the Town Commission.~~

Additional uses may be approved by the town commission through the PUD rezoning process, if the commission determines the proposed uses are compatible with the primary use and are consistent with the intent and purpose of the applicable Opportunity Area Future Land Use category. Any new uses must be shown to enhance the functionality of the overall development and not increase the impacts of the project to public facilities or adjacent property.

At the August meeting, there was discussion regarding mixed-uses and the amount of uses that might be allowed in addition to the primary use. As a result of the discussion, the draft PUD regulations have been revised. The original language has been eliminated and replaced with language that stipulates that the Town Commission may approve additional uses, but the proposed uses must be compatible with the primary use and consistent with the intent and purpose of the applicable Opportunity Area Future Land Use Category. In addition, the se proposed additional uses must be shown to enhance the functionality of the overall development and not increase the impacts of the project to public facilities or adjacent property.

Staff and consultants will also discuss potential options for eligibility criteria and limitations for additional uses.

~~(B)(C)~~ Procedures for Approval.

- (1) **In General.** The following steps shall be followed to request a change in zoning to PUD. A PUD zoning map amendment shall not be established unless and until an associated concept plan is simultaneously approved by the town commission. Applications for a change in zoning to PUD ~~that require an increase in density above the existing density allowed by the Future Land Use designation~~ may be filed and reviewed concurrently with the necessary Future Land Use map amendment to the appropriate Opportunity Area designation. If a referendum is required to increase density pursuant to the Town Charter, a formal application for a PUD rezoning may not be submitted until such referendum for the increase has been approved. Approval of a referendum for increased density does not guarantee approval of a density increase through the PUD rezoning process.

(2) **Pre-Application Conference.** A pre-application conference with the planning and zoning official, or designee, is required, at which time the request will be reviewed for eligibility to apply for the PUD zoning designation consistent with the standards of this section and with the provisions of the Comprehensive Plan. For the pre-application conference, applicants must specify in writing the existing and proposed uses and the existing and proposed density and intensity of the development, as well as any other necessary information as determined by the planning and zoning official to determine eligibility to apply for a change in zoning to PUD. Applications will not be processed unless they are determined by the planning and zoning official, or designee, to be eligible to apply for the PUD zoning designation.

(3) **Formal Application.** The application for a PUD shall be filed with the planning and zoning official. An application for site plan approval for all or a portion of the PUD may be filed and reviewed concurrently with the concept plan and PUD application. The application for site plan approval shall be processed in accordance with article III, division 2 of this chapter. Upon receipt of the application the planning and zoning official shall review the application to determine its appropriateness and completeness in respect to the requirements of this section, and accept or reject it in writing. Upon acceptance of the application, the town's administrative staff shall refer the application, together with all supporting documentation and a staff report, including findings of fact as to the consistency of the application with the Land Development Code and the Comprehensive Plan, to the planning and zoning board for its review and recommendations. The planning and zoning board and town commission shall not receive, review, make recommendations or act on applications for PUD approval except during the town's annual site and development plan season. During the review process, the town may retain consultants to assist in the review. The cost of retaining the consultants shall be borne by the applicant. For purposes of this chapter, the annual site and development plan cycle shall be September through June of the following year. For purposes of calculating the required processing times set forth in this section for the planning and zoning board and the town commission, the period of time from July 1 through August 31 shall not be counted in said computation.

(4) **Neighborhood Information Meeting.** Prior to consideration of the application by the Planning and Zoning Board, the applicant shall hold a neighborhood information meeting with property owners within 200 feet of the proposed development. The meeting must be held within the Town at a location and time convenient to the surrounding property owners to maximize attendance, subject to the following requirements:

(a). **Notification.** Two weeks prior to the meeting date, the applicant shall mail notices of the meeting date, time, and place to all property owners within a radius of 200 feet from the boundary of the proposed development and shall post the property. The applicant shall inform the planning and zoning official of the proposed meeting date and time prior to sending out the notices. Documentation of the mailed notice shall be provided to the planning and zoning official for verification.

(b). **Applicant's Presentation.** At the meeting, the applicant shall explain the proposed use of the subject property and make a copy of the proposed

concept plan available for review by attendees. The applicant may also discuss the project's development objectives, design philosophy and proposed schedule for completion.

(c). **Question and Answer Period.** Upon completion of the presentation, time shall be reserved for a question and answer period. Questions should be limited to the proposal as presented, not to the question of whether the site should be developed or redeveloped. The applicant shall identify how potential community concerns will be mitigated.

~~(3)~~(5) **Planning and Zoning Board Public Hearing.** Upon receipt of the application from the planning and zoning official, the planning and zoning board shall, in a quasi-judicial proceeding, review the PUD application and make recommendations to the town commission that are based on competent, substantial evidence of record. The planning and zoning board may also formulate findings of fact as to the consistency of the application with the Land Development Code and with the Comprehensive Plan. The board shall recommend approval of the application as submitted, approval of the application with changes or special conditions, or denial of the application. The determination and recommendations of the planning and zoning board shall be advisory only and shall not be binding upon the town commission. For purposes of this section the planning and zoning board shall receive the application from the planning and zoning official at the board's next regular meeting where a quorum is present following the planning and zoning official's submittal of the application to the board. The planning and zoning board is specifically authorized to continue its deliberations, reasonably request additional relevant materials, and elicit expert testimony to aid in its deliberations.

~~(4)~~(6) **Town Commission Public Hearing.** A public hearing on the PUD zoning application, conducted as a quasi-judicial proceeding, shall be held by the town commission upon the commission's receipt of the application from the planning and zoning board. Public notice of such hearing shall be given in accordance with the provisions of applicable Florida Statutes, the Town Charter and this chapter. For purposes of this section, the town commission shall receive an application from the planning and zoning board at the commission's next regular meeting where a quorum is present, following the submittal of the board's action on the application to the commission. A transcript of the hearing may be caused to be made by the town commission at the cost of the applicant, copies of which shall be made available at cost to any party to the proceedings; and all exhibits accepted in evidence shall be identified and duly preserved, or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record. The town commission is specifically authorized to continue its deliberations, request additional materials and elicit expert testimony to aid in its deliberations, and may, at its sole discretion, remand the application to the planning and zoning board for additional hearing and consideration. If changes are made to the application, accompanying plans or conditions of approval after review by the planning and zoning board, the commission may, at its sole discretion, remand the application back to the board, but is not required to do so.

~~(5)~~(7) **Town Commission Decision Procedures.** At the conclusion of the public hearing, the town commission shall review the PUD application and either approve it as submitted, approve it with changes or special conditions, or deny it. The

applicant may request that the application be withdrawn or that the hearing be continued if the applicant does not accept the changes or special conditions recommended by the town commission. The action taken by the town commission shall be by ordinance. The town commission may unilaterally extend the time for final action where the commission determines additional time is necessary to properly and completely review the PUD application.

- (a) In the event approval is granted, the town commission shall, as part of its ordinance, specify the drawings, plan sheets, renderings, specifications, and form of performance and maintenance bonds that shall be considered part of the final approval.
- (b) In the event a PUD is granted approval, the town commission shall set forth in the ordinance the time within which an application for final site plan approval, or applications in the case of a phased development, shall be filed. However, if a final site plan for the entire PUD was approved concurrently with the PUD, the ordinance does not need to specify a time period.

~~(6)~~(8) **Filing with the Town Clerk.** Within seven days after the adoption of the ordinance provided for in section 158.034(C)~~(5)~~(7) above, it shall be certified by the town clerk and shall be filed in the clerk's office, and a certified copy shall be mailed to the applicant. A PUD upon approval and acceptance, as provided herein, is defined as running with the land; however, an applicant may apply for a revision to the concept plan in accordance with the procedures of Section 158.034(H). Upon approval and acceptance immediately following expiration of the 30-day appeal period and upon successful resolution of any appeals, if applicable, the town clerk shall file with the clerk of the court the concept plan to record it in the official records of the county in which the property is located.

~~(G)~~(D) **PUD Zoning Development Standards.** A PUD shall be permitted only upon an order of the town commission approving the PUD concept plan and development standards. No PUD shall be approved unless it complies with the following standards:

At the August meeting, there was discussion regarding potential increases in height of buildings. The revised draft provides some suggested additional height limitations per floor, with additional requirements for enhanced setbacks and/or open space to offset any negative impacts.

In addition, Staff seeks the Planning & Zoning Board's opinion regarding the potential allowance of additional stories for the purpose of improving scenic views and increasing open space, if it can be demonstrated that additional stories would allow building design and placement that would improve scenic views from adjacent properties and does not create any negative impacts to adjacent properties or Gulf of Mexico Drive. This would also require additional open space to be provided. This provision would encourage building height to be clustered toward the center of a property, thus potentially opening up scenic views for adjacent properties. If the Planning & Zoning Board wishes to consider this, Staff would recommend the following language:

Additional increases in building height to accommodate additional stories, greater than those described above, may be approved by the Town Commission for the purpose of increasing open space by two percent for every one foot of additional height requested and where it is demonstrated that the additional building height enables building design and placement that improves scenic views from adjacent properties and does not create any negative impacts to adjacent properties or Gulf of Mexico Drive.

- (1) **Height and Lot Coverage.** The proposed height and lot coverage shall not exceed the maximum height and lot coverage allowed by the applicable Opportunity Area Future Land Use category~~future land use designation~~, or the height and lot coverage of the existing development that is proposed for redevelopment, whichever is greater. The town commission may, at the applicant's request, approve increases in building height ~~by up to 30 percent above this maximum~~ to accommodate an increase in the average height of individual building stories by up to three feet per story, as long as the number of stories does not exceed the maximum allowed by the applicable Opportunity Area Future Land Use~~future land use~~ designation, or of the existing development that is proposed for redevelopment, whichever is greater. In such cases, no individual building story shall be approved for a height of more than 14 feet for residential and tourism use, and 16 feet for non-residential use. In exchange for such requested increases in total building height, the required building setback shall be increased by two feet, for every one foot of additional height requested, or open space shall be increased by two percent for every one foot of additional height requested. Preference will be given to building placement that improves scenic views from adjacent properties.

At the August meeting, the question was raised as to whether a maximum limitation or parameters should be placed on potential density increases. Hard density limitations were discussed at length during the previous joint meetings with the Town Commission and consensus was ultimately reached to pursue the PUD direction with no hard limits; however, it is recognized that current circumstances may warrant the inclusion of parameters on additional density. While the ability to potentially request additional density has been considered an incentive to redevelop older properties, the absence of any defined acceptable parameters leaves property owners with no guidance on what might be acceptable.

As a result of these concerns, Staff and consultants have developed potential options for incorporating a density limitation component, eligibility criteria, and/or performance standards for requests for additional density. Staff and consultants will discuss possible options that would specify the maximum density that could be requested by referendum, which could then potentially be granted based on certain criteria and standards being met.

It should be noted that any request for density over the existing built density would still require approval of the voters through the Town's Charter provisions. Also, any density limitations, criteria, or standards established in the PUD regulations would in no way confer any entitlements or guarantee approval of requests for additional density.

- (2) **Density.** The proposed density shall not exceed the total density of the existing development that is proposed for redevelopment, ~~without regard to unit type, or the maximum density allowed by the underlying future land use designation, whichever is greater.~~ Applicants may request increases in density through the PUD process only upon approval of the increase in units by referendum pursuant to the Town Charter. Approval of the increase in units by referendum only allows the applicant to submit the request through the PUD process and does not guarantee approval of the requested increase.
- (3) **Building Setbacks.** The proposed minimum side and rear building setbacks, as measured from the boundaries of the PUD, shall not be less than ~~the minimum setbacks of the applicable future land use designation, or~~ the setbacks of the existing development that is proposed for redevelopment, ~~whichever is less.~~
- (4) **Off-Street Parking.** Off-street parking shall meet the standards and requirements of section 158.128 of the Land Development Code. The town commission may reduce the number of required parking spaces upon submittal by the applicant of a parking study demonstrating a reduction in parking need. The parking study shall be based on competent, substantial evidence which may include, but is not limited to, utilization of professional standards, formulas or studies from sources such as the Urban Land Institute (ULI), the Institute of Transportation Engineers (ITE), or similar organizations. ~~Documented patron surveys and other data gathering methodologies and sources may also be considered by the commission.~~
- (5) **Beach and Bay Access.** For all proposed PUDs ~~located west of Gulf of Mexico Drive, a minimum of one public beach access of at least 5 feet in width shall be provided, and in no case shall~~ the number of existing beach and/or bay access

points shall not be decreased below the number existing at the time of the PUD application. All public beach and/or bay access points shall be recorded ~~by easement to the public~~ as easements in the public record and copies provided to the Town Clerk.

- (6) **Natural Shoreline.** For proposed PUDs located east of Gulf of Mexico Drive, the same percentage of natural shoreline area as a percentage of the total shoreline as it exists at the time of PUD application shall be preserved or provided.

~~(D)~~(E) **Application Contents and Submittal Requirements.** An application for a PUD, including full payment of an application fee as set forth by resolution of the town commission, shall be filed and signed by or on behalf of the landowner(s) by an authorized agent, with the planning and zoning official. The purpose of the associated concept plan is to provide the town with information with respect to the type, character, scale, and intensity of development as well as the time phasing of the proposed PUD in order for the town to evaluate the impact of the development to the town. Any application for a PUD shall be submitted on a form provided by the town and in addition shall include at a minimum the following information, unless the planning and zoning official determines in writing that one or more of the following elements do not apply to the particular application:

- (1) A scaled drawing delineating the relationship of the site to existing development in the area, including streets, utilities, residential and commercial development, and important physical features in and adjoining the project, including ecological features.
- (2) A scaled drawing delineating the approximate location and dimensions of all boundary lines of the development, and of any contiguous lands, including those separated only by a street, canal or similar feature, in which the developer or property owner presently has any legal interest.
- (3) A verified statement, including a certificate of ownership, showing each and every person having a legal ownership interest in the subject property except publicly held corporations whose stock is traded on a nationally recognized stock exchange, in which case the name and address of the corporation and principal executive officers will be sufficient.
 - (a) For applications filed on behalf of an association, the applicant's attorney shall certify in writing that the association is legally authorized to represent the interest of all owners of property subject to the application.
- (4) A scaled drawing delineating the approximate location, nature and extent of all existing easements, streets, buildings, land uses, zoning, tree groupings, watercourses, uplands, wetlands, and topographic contours (i.e., at six-inch intervals with reference to mean sea level), on the site; the existing zoning and land use for all contiguous property; and flood protection elevation data and flood zones.
- (5) Tabulations by acreage and percentage as to the amount of the site that is uplands and wetlands, indicating those wetlands landward and seaward of the mean high-water line (MHWL), including the extent and type of wetlands in accordance with the town's Comprehensive Plan.
- (6) A concept plan that depicts the proposed development and is intended to become an integral part of a PUD approval. At an applicant's discretion, a final site plan may be submitted for approval concurrently with the concept plan. The concept

plan shall show the existing and proposed uses and structures, lots, streets, and other physical aspects of the proposed development as enumerated. The concept plan shall at a minimum include the following:

- (a) The approximate locations, intensity and acreages of general land uses (proposed), including dwelling types and units and general types of nonresidential uses, open spaces, recreational facilities and other proposed uses.
 - (b) A zoning table that describes the total site and each component of the site in terms of acreage and percentage of total site area, land uses, number and type of dwelling units, square feet of all nonresidential buildings, residential and tourism unit density, and other information that is descriptive of the proposal.
 - (c) Proposed development standards for each component of the project including building setbacks, building coverage, building floor area, building height, and maximum impervious area.
 - (d) Parking standards for each component and/or land use proposed for the project.
 - (e) Special design standards, if any, for each component of the project and for proposed common areas and rights-of-way, such as architectural, sign, enhanced landscaping, and buffering standards.
 - (f) A proposed development schedule indicating approximate starting and completion dates for the entire project and any phases thereof, together with appropriate identification and description of such phases.
- (7) A traffic impact analysis shall be provided, except for voluntary reconstruction without additional dwelling or tourism units, to ensure that the adopted level of service standards are not exceeded before capacity-related improvements are implemented; and a scaled drawing delineating a circulation facilities plan indicating approximate locations and types of proposed streets, bicycle paths, pedestrian walks, and emergency vehicle access points, including all curb cuts, driveways, off-street parking and loading areas and off-street surfaces available for maneuvering vehicles.
- (8) Such additional data and information as the applicant may believe is pertinent to the plan of development.
- (9) Such additional relevant data and information the town may reasonably require.
- (10) A written statement by the applicant describing fully the character and intended use of the PUD and setting forth the reasons why, in his opinion, a PUD would be in the public interest and would be consistent with the intent of this section.

~~(E)~~(F) **Review Criteria.** The town commission shall base its decision on each PUD application on competent, substantial evidence of record and shall include conclusions but may also include written findings of fact related to the specific proposal and shall set forth the reasons for the grant of approval, with or without changes or special conditions, or for the denial of a PUD application. The commission's approval, approval with changes or special conditions, or denial of a PUD application, shall be based on the application, evidence and testimony presented in the public hearing, and all of the following standards:

- (1) In what respects the PUD is or is not consistent with the intent of a PUD zoning district as provided in this section.

- (2) The purpose, location and amount of common open space in the plan, the adequacy or inadequacy of the proposal for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as it relates to the proposed density and type of development.
- (3) The physical design of the plan and the manner in which the design makes adequate provision for public services, provides adequate control over vehicular traffic and parking, and addresses the amenities of light and air, recreation and visual enjoyment.
- (4) The positive or negative impacts of the proposed plan on the surrounding neighborhood.
- (5) For phased developments, the plan must provide sufficient safeguards to protect the public interest, and the residents and owners of the PUD through the completion of the project.
- (6) The extent to which the plan provides for an effective and unified development on the project site making appropriate provision for the preservation of scenic features and amenities of the site and the surrounding areas.
- (7) The extent to which the visual character and community amenities of the proposed redevelopment are equal or better in quality than the existing development.

~~(7)~~(8) The extent to which the development protects or enhances unique site characteristics such as scenic views of the Gulf of Mexico and Sarasota Bay, natural vistas, or similar features.

~~(F)~~(G) **Effect of Approval.** Approval of a PUD zoning map amendment and concept plan does not convey any rights for development. Development may only occur after approval of a final site plan, subdivision, and/or other development approvals and permits, as applicable, consistent with the approved concept plan, the Land Development Code, and the Comprehensive Plan.

- (1) An application for final site plan approval may be for all the land included in a concept plan or for a portion of the land as set forth in the PUD approval.
- (2) The final site plan application shall include any drawings, plan sheets, renderings, specifications, covenants, easements, conditions, and form of performance and maintenance bonds as were set forth by the town commission in the ordinance approving the PUD and required by subsection 157.31(B).
- (3) The submission, review and approval of an application for final site plan approval shall be subject to the procedures and provisions of a site plan review as set forth within sections 158.095 through 158.103.
- (4) PUD applications may include a request for final site plan approval at the same time as concept plan approval; see subsection 158.034(C)(3).
- (5) An application for approval of a final site plan for a portion of or all of a PUD shall be in compliance with the approved concept plan with respect to open space and lot, yard and bulk regulations.
- (6) If the final site plan is not in compliance, the applicant shall revise the final site plan, apply for a site plan exemption, or amend the concept plan through the process provided in section 158.034(H) in order to achieve compliance.

- (7) Notwithstanding the 24-month period specified in subsection 158.099(E), final site development plan approval for a PUD runs with the land for a period not to exceed four calendar years from the date of the ordinance adopting the final site development plan.
- (8) The design, construction, and guarantee of completion and maintenance of all physical improvements—including, but not limited to, streets, drainage, potable water, and sewage collection required by a PUD zoning—shall comply with chapter 157 of the Land Development Code and all other applicable ordinances.

~~(G)~~(H) **Revisions to Concept Plan.**

- (1) ~~Revocation for Unauthorized Deviations from Plan.~~ Any unauthorized deviation from the approved concept plan shall cause the planning and zoning official to issue a cease and desist letter for the unauthorized development. No further development on the project shall be permitted until the applicant has obtained approval as either a Minor Revision or Major Revision to the Concept Plan as directed by the planning and zoning official in accordance with the standards of Section 158.34(H)(1) and (2). ~~immediately revoke the PUD approval until such time as the deviations are corrected or revisions approved.~~

~~— Periodic Review. The town commissioners may initiate a review of the PUD and may revise the concept plan and specifications as needed to protect the public health, safety, or welfare and to ensure compliance with the Comprehensive Plan and the Land Development Code.~~

- ~~(3)~~(2) **Minor Revisions of Concept Plan.** Changes to an approved concept plan that are minor in nature are changes that are not deemed to be Major Revisions as defined in Section 158.34(H)(3) which do not affect the overall character of the PUD. Minor revisions of a concept plan may be approved administratively by the planning and zoning official. ~~The following shall be presumed to be minor revisions: changes in alignment location direction, or length of local streets which do not substantially alter traffic circulation within the project; changes to building setbacks or building heights of not more than 10 percent or changes to accessory uses.~~(a)

- ~~(4)~~(3) **Major Revisions of Concept Plan.** Major revisions to an approved concept plan are changes which affect the overall character of the PUD. Major revisions to concept plan shall require submittal of a new PUD application meeting the requirements of this section. Major revisions shall be processed as a new PUD in accordance with the requirements of section 158.034(C) the Land Development Code. The following shall be ~~presumed~~ deemed to be major revisions: any changes involving additional acreage or to the dimensions or boundaries of the PUD; any increases in density or intensity; any change in the approved land use(s) including the amount, configuration, and location thereof; any decreases in open space; any proposed ~~principle~~ principal uses not previously considered; minor street or driveway relocation or any change to streets or driveways significantly altering the general distribution of traffic; any change affecting a condition of approval made by the town commissioners; changes to building setbacks or building heights of more than ten percent; or any other changes deemed to have a major impact to surrounding properties or to public facilities.

DRAFT

158.035 – Planned Unit Development – Special Purpose (PUD-SP) Zoning

- (A) **Intent.** The provisions of this district are intended to apply to existing residential, tourism, or mixed use projects that were legally established prior to March 12, 1984 which do not comply with the existing maximum density provisions of the Comprehensive Plan. The intent of the PUD-SP zoning district is to allow such uses, through the process specified in this section, to establish zoning district standards with which the project is currently and will continue to comply. The PUD-SP zoning district is not to be applied to new development on vacant land or to redevelopment ~~exceeding 50 percent of the market value of existing development of existing sites other than interior and/or exterior renovations to existing structures or the construction of new buildings or accessory uses of 1,000 square feet or less.~~ Properties approved under the PUD site plan process of article III, division 1 of this chapter are not superseded or considered non-conforming by the provisions of this section.
- (B) **Uses Permitted.** The PUD-SP shall only allow the continuance of uses that were legally established prior to March 12, 1984 and that remained in existence at the time of application for rezoning to the PUD-SP zoning district.
- (C) **Procedures for Approval.**
- (1) **In General.** The following steps shall be followed to request a change in zoning to PUD-SP. A PUD-SP zoning map amendment shall not be established unless and until an associated existing site development plan is simultaneously approved by the town commission.
 - (2) **Pre-Application Conference.** A pre-application conference with the planning and zoning official, or designee, is required, at which time the request will be reviewed for eligibility to apply for the PUD-SP zoning designation consistent with the standards of this section and with the provisions of the Comprehensive Plan. For the pre-application conference, applicants must specify in writing the existing uses, density, and intensity of the development, as well as any other necessary information as determined by the planning and zoning official, or designee, to determine eligibility to apply for a change in zoning to PUD-SP. Applications cannot proceed unless and until they are determined by the planning and zoning official, or designee, to be eligible to apply for the PUD-SP zoning designation.
 - (3) **Formal Application.** The application for a PUD-SP rezoning shall be filed with the planning and zoning official. Upon receipt of the application the planning and zoning official shall review the application to determine its appropriateness and completeness in respect to the requirements of this section, and accept or reject it in writing. Upon acceptance of the application, the town's administrative staff shall refer the application, together with all supporting documentation and a staff report, including findings of fact as to the consistency of the application with the Land Development Code and the Comprehensive Plan, to the planning and zoning board for its review and recommendations. The planning and zoning board and town commission shall not receive, review, make recommendations or act on applications for PUD-SP rezoning approval except during the town's annual site and development plan season. During the review process, the town may retain consultants to assist in the review. The cost of retaining the consultants shall be

borne by the applicant. For purposes of this chapter, the annual site and development plan cycle shall be September through June of the following year. For purposes of calculating the required processing times set forth in this section for the planning and zoning board and the town commission, the period of time from July 1 through August 31 shall not be counted in said computation.

(4) **Neighborhood Information Meeting.** Prior to consideration of the application by the Planning and Zoning Board, the applicant shall hold a neighborhood information meeting with property owners within 200 feet of the proposed development. The meeting must be held at a location and time convenient to the surrounding property owners to maximize attendance, subject to the following requirements:

(a). **Notification.** Two weeks prior to the meeting date, the applicant shall mail notices of the meeting date, time, and place to all property owners within a radius of 200 feet from the boundary of the proposed development and shall post the property. The applicant shall inform the planning and zoning official of the proposed meeting date and time prior to sending out the notices. Documentation of the mailed notice shall be provided to the planning and zoning official for verification.

(b). **Applicant's Presentation.** At the meeting, the applicant shall explain the proposed use of the subject property and make a copy of the proposed concept plan available for review by attendees. The applicant may also discuss the project's development objectives, design philosophy and proposed schedule for completion.

(a)-(c). **Question and Answer Period.** Upon completion of the presentation, time shall be reserved for a question and answer period. Questions should be limited to the proposal as presented, not to the question of whether the site should be developed or redeveloped. The applicant shall identify how potential community concerns will be mitigated.

(6)(5) **Planning and Zoning Board Public Hearing.** Upon receipt of the application from the planning and zoning official, the planning and zoning board shall, in a quasi-judicial proceeding, review the PUD-SP rezoning application and plans and make recommendations to the town commission that are based on competent, substantial evidence of record. The planning and zoning board may also formulate findings of fact as to the consistency of the application with the Land Development Code and with the Comprehensive Plan. The board shall recommend approval of the application as submitted, approval of the application with changes or special conditions, or denial of the application. The determination and recommendations of the planning and zoning board shall be advisory only and shall not be binding upon the town commission. For purposes of this section the planning and zoning board shall receive PUD-SP rezoning application from the planning and zoning official at the board's next regular meeting where a quorum is present following the planning and zoning official's submittal of the application to the board. The planning and zoning board is specifically authorized to continue its deliberations, reasonably request additional relevant materials, and elicit expert testimony to aid in its deliberations.

~~(7)~~(6) **Town Commission Public Hearing.** A public hearing on the PUD application, conducted as a quasi-judicial proceeding, shall be held by the town commission upon the commission's receipt of the application from the planning and zoning board, public notice of which shall be given in accordance with the provisions of the Charter and this chapter. For purposes of this section, the town commission shall receive a PUD-SP application from the planning and zoning board at the commission's next regular meeting where a quorum is present, following the submittal of the board's action on the application to the commission. A transcript of the hearing may be caused to be made by the town commission at the cost of the applicant, copies of which shall be made available at cost to any party to the proceedings; and all exhibits accepted in evidence shall be identified and duly preserved, or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record. The town commission is specifically authorized to continue its deliberations, request additional materials and elicit expert testimony to aid in its deliberations, and may, at its sole discretion, remand the application to the planning and zoning board for additional hearing and consideration. If changes are made to the application, accompanying plans or conditions of approval after review by the planning and zoning board, the commission may, at its sole discretion, remand the application back to the board, but is not required to do so.

~~(8)~~(7) **Town Commission Decision Procedures.** At the conclusion of the public hearing, the town commission shall review the PUD-SP rezoning application and either approve it as submitted, approve it with changes or special conditions, or deny it. The applicant may request that the application be withdrawn or that the hearing be continued if the applicant does not accept the changes or special conditions recommended by the town commission. The action taken by the town commission shall be by ordinance. The town commission may unilaterally extend the time for final action where the commission determines additional time is necessary to properly and completely review the PUD-SP application.

In the event approval is granted, the town commission shall, as part of its ordinance, specify the drawings, plan sheets, renderings, and specifications that shall be considered part of the final approval.

~~() In the event approval is granted subject to changes or special conditions, the applicant shall, within 30 calendar days after receiving a copy of the ordinance of the town commission, notify the town commission in writing of the applicant's acceptance or refusal of all the conditions. In the event the applicant refuses to accept all the conditions or fails to reply within 30 calendar days, the applicant shall be deemed to have withdrawn the plan. Nothing contained herein shall prevent the town commission and the applicant from mutually agreeing to a change in the conditions, or an extension of the time during which the applicant shall notify the town commission of acceptance or refusal of the conditions.~~

~~(9)~~(8) **Filing with the Town Clerk.** Within seven days after the adoption of the ordinance provided for in section 158.035(C)~~(5)~~(7) above, it shall be certified by the town clerk and shall be filed in the Clerk's office, and a certified copy shall be mailed to the applicant. An existing development plan upon approval and acceptance, as provided herein, is defined as running with the land. ~~Upon approval and acceptance~~Immediately following the 30-day appeal period and upon successful resolution of any appeals, if applicable, the town clerk shall file with the clerk of the

court the existing development plan to record it in the official records of the county in which the property is located.

(D) **PUD-SP Zoning Development Standards.** The development standards for a PUD-SP shall be established through the process specified in this section and shall be based on the existing, lawfully established development. Development standards shall include, but not be limited to, the following: Maximum height, maximum lot coverage, maximum density, principal and accessory uses, and building and parking setbacks.

(E) **Application Contents and Submittal Requirements.** An application for a PUD-SP rezoning, including full payment of an application fee as set forth by resolution of the town commission, shall be filed and signed by or on behalf of the landowner(s) by an authorized agent, with the planning and zoning official. Any application for a PUD-SP rezoning shall be submitted on a form provided by the town and in addition shall include at a minimum the following information, unless the planning and zoning official determines in writing that one or more of the following elements do not apply to the particular application:

(1) A scaled drawing delineating the relationship of the site to existing development in the area, including streets, utilities, residential and commercial development, and important physical features in and adjoining the project, including ecological features.

(2) A scaled drawing delineating the location and dimensions of all boundary lines of the development, and of any contiguous lands, including those separated only by a street, canal or similar feature, in which the developer or property owner presently has any legal interest.

(3) A verified statement, including a certificate of ownership, showing each and every person having a legal ownership interest in the subject property except publicly held corporations whose stock is traded on a nationally recognized stock exchange, in which case the name and address of the corporation and principal executive officers will be sufficient.

(a) For applications filed on behalf of an association, the applicant's attorney shall certify in writing that the association is legally authorized to represent the interest of all owners of property subject to the application.

(4) Tabulations by acreage and percentage as to the amount of the site that is uplands and wetlands, indicating those wetlands landward and seaward of the mean high-water line (MHWL), including the extent and type of wetlands in accordance with the town's Comprehensive Plan.

(4)(5) An existing site development plan, which is a site plan, drawn to scale, that depicts the existing development and is intended to become an integral part of a PUD-SP approval. The existing site development plan shall include the following:

(a) A scaled drawing delineating the locations, intensity and acreages of general land uses (existing), including dwelling types and units and general types of nonresidential uses, open spaces, recreational facilities and other existing uses.

(b) A zoning table that describes the total site and each component of the site in terms of acreage and percentage of total site area, land uses, number and type

of dwelling units, square feet of all nonresidential buildings, residential and tourism unit density, and other information that is descriptive of the existing development.

(c) Applicable development standards for each component of the project including building setbacks, building coverage, building floor area, building height, and maximum impervious area.

(d) Parking standards for each component and/or land use for the project.

(e) Special design standards, if any, for each component of the project and for common areas and rights-of-way, such as architectural, sign, enhanced landscaping, and buffering standards.

(f) The location, nature and extent of all existing easements, streets, buildings, land uses, zoning, tree groupings, watercourses, uplands, wetlands, and topographic contours (i.e., at six-inch intervals with reference to mean sea level), on the site; the existing zoning and land use for all contiguous property; and flood protection elevation data and flood zones.

(g) Architectural definitions for buildings in the development, including use, height, daylight plane, exterior construction material, exact number of dwelling units, sizes and types of buildings and dwelling units, together with typical floor plans of each type. The floor plans should indicate uses and square footage of each proposed use within each building or structure and all exterior dimensions of each type of building or structure.

(h) The type and location of all existing trees protected by town regulations.

(i) Location, design and character of all utilities.

(j) Location, height and general character of perimeter and ornamental walls, fences, landscaping, including berms and other required screening devices and any other plans for protecting adjacent property owners.

(k) Location of all pedestrian walls, malls and bike paths.

(l) Location and character of recreation areas and facilities and the disposition of all open space indicated on drawings. This information should include calculations, verified by a licensed designed professional, indicating how the town's opens space requirements are being met. If common facilities (such as recreation areas or structures, private streets, common open space, etc.) are provided for the development, statements as to how such common facilities are provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, homeowners associations, surety arrangements, or other legal instruments providing adequate guarantees to the town that such common facilities will not become a future liability of the town.

(m) Location and character of all outside facilities for waste disposal, storage areas or displays.

(n) Flood protection elevation data and flood zones delineated.

~~(j)(o)~~ All permits and supporting documentation, correspondence and any other material submitted to outside permitting agencies or received from such agencies.

~~(5)(4) A zoning table that describes the total site and each component of the site in terms of acreage and percentage of total site area, land uses, number and type of dwelling units, square feet of all nonresidential buildings, residential and tourism unit density, and other information that is descriptive of the existing development.~~

~~Applicable development standards for each component of the project including building setbacks, building coverage, building floor area, building height, and maximum impervious area.~~

~~Parking standards for each component and/or land use for the project.~~

~~Special design standards, if any, for each component of the project and for common areas and rights of way, such as architectural, sign, enhanced landscaping, and buffering standards.~~

- (6) Such additional data and information as the applicant may believe is pertinent to the existing plan of development.
- (7) Such additional relevant data and information the town may reasonably require.
- (8) A written statement by the applicant describing fully the character and use of the existing development and setting forth the reasons why, in his opinion, a PUD-SP rezoning would be in the public interest and would be consistent with the town's statement of purposes of a PUD-SP zoning.

(F) **Review Criteria.** The town commission shall base its decision on each PUD-SP rezoning application and existing site development plan on competent, substantial evidence of record and shall include conclusions but may also include written findings of fact related to the specific proposal and shall set forth the reasons for the grant of approval, with or without changes or special conditions, or for the denial of a PUD-SP rezoning application. The commission's approval, approval with changes or special conditions, or denial of a PUD-SP rezoning application and existing site development plan, shall be based on the application, evidence and testimony presented in the public hearing, and the following standards:

- (1) In what respects the PUD-SP rezoning application and existing site development plan are or are not consistent with the intent of a PUD-SP zoning district as provided in this section.
- (2) Whether and the extent to which the PUD-SP rezoning application and existing site development plan accurately depict the existing development that has occurred and currently exists on the site.

(G) Revisions to a PUD-SP Development Plan.

- (1) **Revocation for Unauthorized – Deviations from Plan.** Any unapproved unauthorized deviation from the approved existing site development plan shall cause the planning and zoning official to issue a cease and desist letter for the unauthorized development. No further development on the project shall be permitted until the applicant has obtained approval as either a Minor Revision or is rezoned to an appropriate designation that complies with the current

~~Comprehensive Plan or to PUD as specified under section 158.34 of the Land Development Code. immediately revoke the PUD-SP approval until such time as the deviations are corrected or revisions approved.~~

- ~~(1) **Periodic Review.** The town commissioners may initiate a review of the PUD-SP and may revise the plan and specifications as needed to protect the public health, safety, or welfare and to ensure compliance with the Comprehensive Plan and the Land Development Code.~~
- (2) **Minor Revisions to PUD-SP.** Changes to an approved PUD-SP that are minor in nature are changes that are not deemed to be Major Revisions as defined in Section 158.35(H)(3) which do not affect the overall character of the PUD-SP. Minor revisions to an existing development plan may be approved administratively by the planning and zoning official. ~~The following may be considered to be minor revisions: changes to accessory structures, landscaping, or vehicular use areas that do not increase the extent of any non-conformity or affect surrounding property; and changes that do not qualify as major revisions as specified in section 158.035(G)(4).~~ Routine maintenance and repair are permitted and shall not be considered revisions to a PUD-SP.
- (3) **Major Revisions to PUD-SP.** Changes that affect the overall character of an approved PUD-SP are not permitted under the PUD-SP designation. Such changes shall include, but are not limited to, redevelopment, any increases in density or intensity, changes in approved land uses, decreases in open space, alterations to the general distribution of traffic, changes affecting a condition of approval made by the town commission, changes to building setbacks or height, any other change deemed to have a substantial impact to surrounding properties or public facilities. Any such development shall require a rezoning to an appropriate designation that complies with the current Comprehensive Plan or to PUD as specified under section 158.034 of the Land Development Code.

Town of Longboat Key

**PLANNED UNIT DEVELOPMENT ZONING
PLANNING AND ZONING BOARD PRESENTATION - SEPTEMBER 20, 2016**



Luis N. Serna, AICP
Christopher Brimo, AICP
Andrew Dickman, Esq., AICP

Calvin, Giordano & Associates, Inc.

EXCEPTIONAL SOLUTIONS™



Purpose of the PUD Zoning Regulations:

2



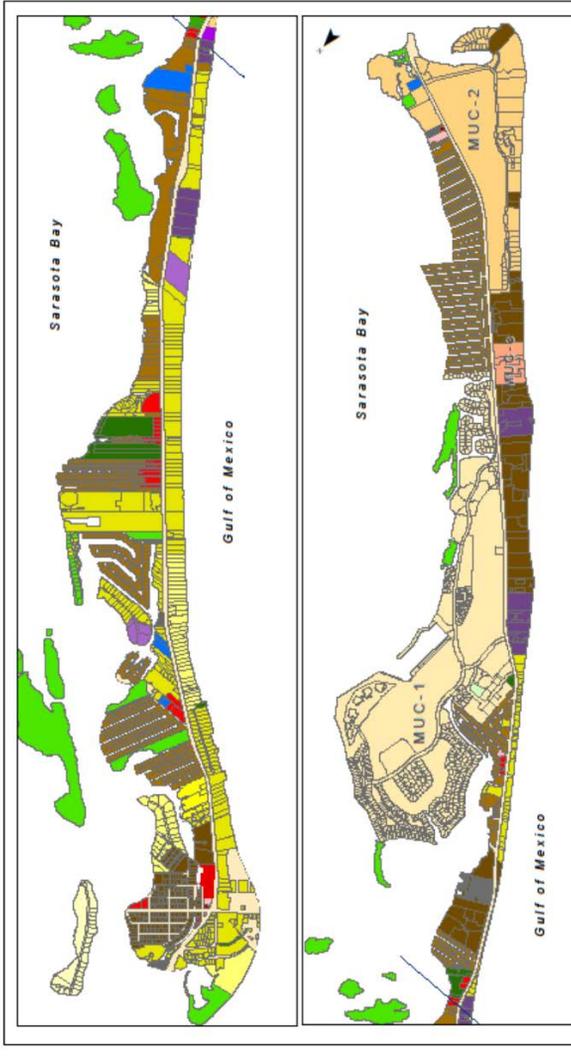
- To address nonconforming properties
- To address current redevelopment restrictions
- To reflect the Town's Vision of protecting the character and natural beauty of Longboat Key



Proposed Revisions to the draft PUD Zoning Regulations

- Will only apply to redevelopment
- Requires Future Land Use Map amendment to an Opportunity Area Designation – Multi-Family Residential (MFRO), Commercial Tourism (CTDO), Commercial/Residential Mixed Use (CRMO), Commercial (COMO), Whitney Beach Overlay (WBO)

(A) Intent. The provisions of this district are intended to apply to ~~new~~ ~~development or to the~~ redevelopment of existing residential, tourism, commercial, or mixed use projects, ~~or any project~~ within an underlying Opportunity Area Future Land Use designation consistent with the standards of this section. The district is intended to offer flexibility of design and to encourage imaginative, functional, high-quality land planning developments which are compatible with adjacent and nearby lands and activities, and are in keeping with the low density character of the Town. Redevelopment proposed under the PUD rezoning process shall not be subject to the Redevelopment Standards of



- **Requires a Neighborhood Information Meeting**

(C) Procedures for Approval – Pre-Application Conference, Formal Application, Neighborhood Information Meeting, Planning and Zoning Board Public Hearing, Town Commission Public Hearing, Filing with the Town Clerk.

(4) Neighborhood Information Meeting. Prior to consideration of the application by the Planning and Zoning Board, the applicant shall hold a neighborhood information meeting with property owners within 200 feet of the proposed development. The meeting must be held within the Town at a location and time convenient to the surrounding property owners to maximize attendance, subject to the following requirements:

- (a) Notification.** Two weeks prior to the meeting date, the applicant shall mail notices of the meeting date, time, and place to all property owners within a radius of 200 feet from the boundary of the proposed development and shall post the property. The applicant shall inform the planning and zoning official of the proposed meeting date and time prior to sending out the notices. Documentation of the mailed notice shall be provided to the planning and zoning official for verification.
- (b) Applicant's Presentation.** At the meeting, the applicant shall explain the proposed use of the subject property and make a copy of the proposed concept plan available for review by attendees. The applicant may also discuss the project's development objectives, design philosophy and proposed schedule for completion.
- (c) Question and Answer Period.** Upon completion of the presentation, time shall be reserved for a question and answer period. Questions should be limited to the proposal as presented, not to the question of whether the site should be developed or redeveloped. The applicant shall identify how potential community concerns will be mitigated.



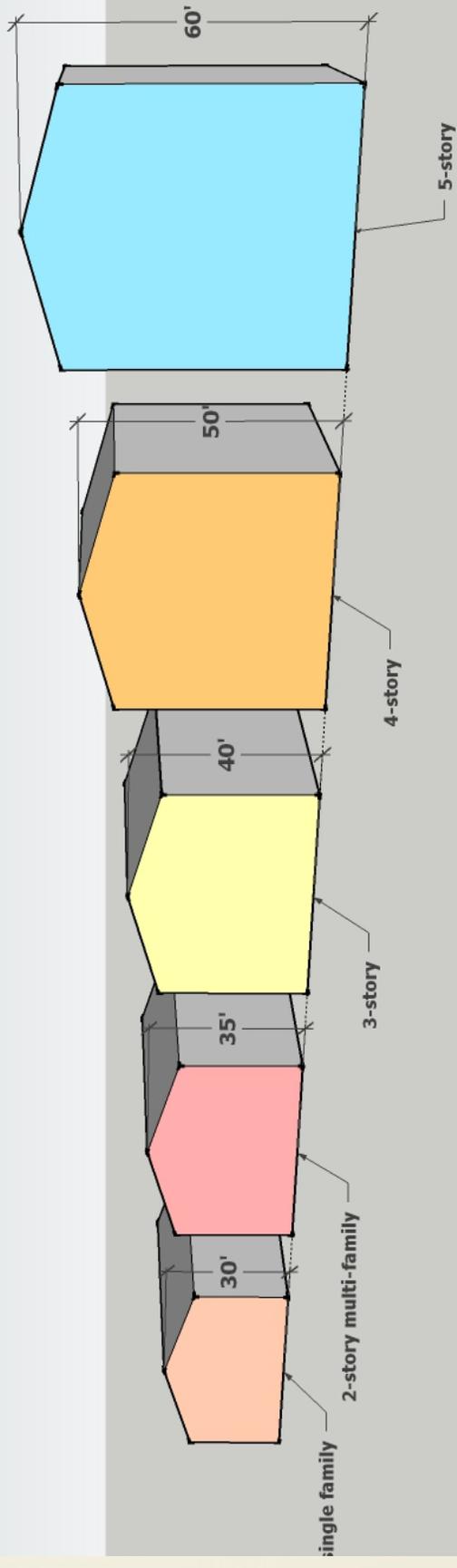
- **Height Regulations**

(1) **Height and Lot Coverage.** The proposed height and lot coverage shall not exceed the maximum height and lot coverage allowed by the applicable Opportunity Area Future Land Use category-future-land-use designation, or the height and lot coverage of the existing development that is proposed for redevelopment, whichever is greater. The town commission may, at the applicant's request, approve increases in building height by up to 30 percent above this maximum to accommodate an increase in the average height of individual building stories by up to three feet per story, as long as the number of stories does not exceed the maximum allowed by the applicable Opportunity Area Future Land Use designation, or of the existing development that is proposed for redevelopment, whichever is greater. In such cases, no individual building story shall be approved for a height of more than 14 feet for residential and tourism use, and 16 feet for non-residential use. In exchange for such requested increases in total building height, the required building setback shall be increased by two feet, for every one foot of additional height requested, or open space shall be increased by two percent for every one foot of additional height requested. Preference will be given to building placement that preserves or improves scenic views from adjacent properties.



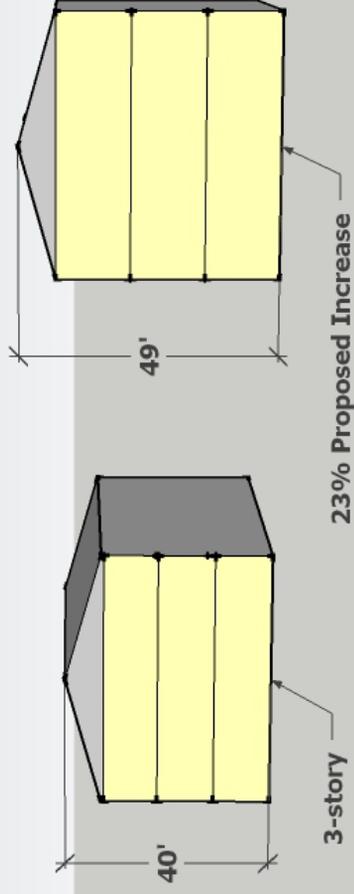
Development Standards - Building Height Increases

Longboat Key Existing Heights



Development Standards - Building Height Increases (Continued)

3-Story with Proposed Increases



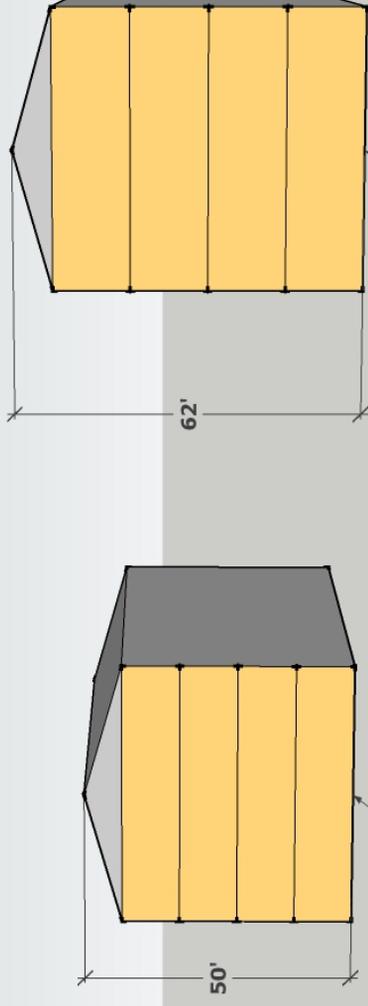
Current Regulations

- * + 3 ft. per story (max)
- * Each additional 1 ft. in height requires an additional 2 ft. of setback or 2% increase in open space provided (maximum of 18 ft. in additional setback or 18% increase in open space)



Development Standards - Building Height Increases (Continued)

4-Story with Proposed Increases



4-story

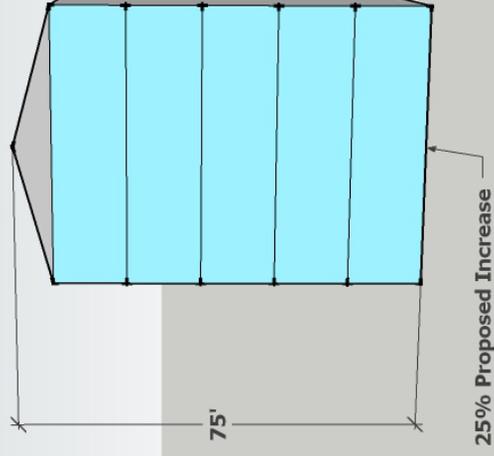
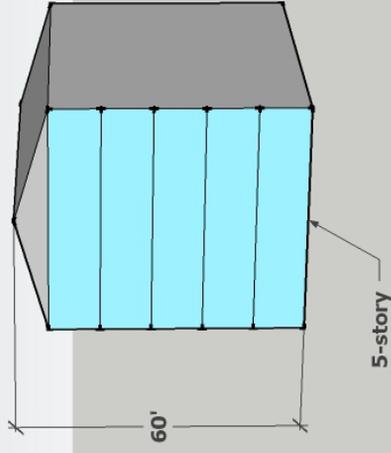
24% Proposed Increase

- * + 3 ft. per story (max)
- * Each additional 1 ft. in height requires an additional 2 ft. of setback or 2% increase in open space provided (maximum of 24 ft. in additional setback or 24% increase in open space)



Development Standards - Building Height Increases (Continued)

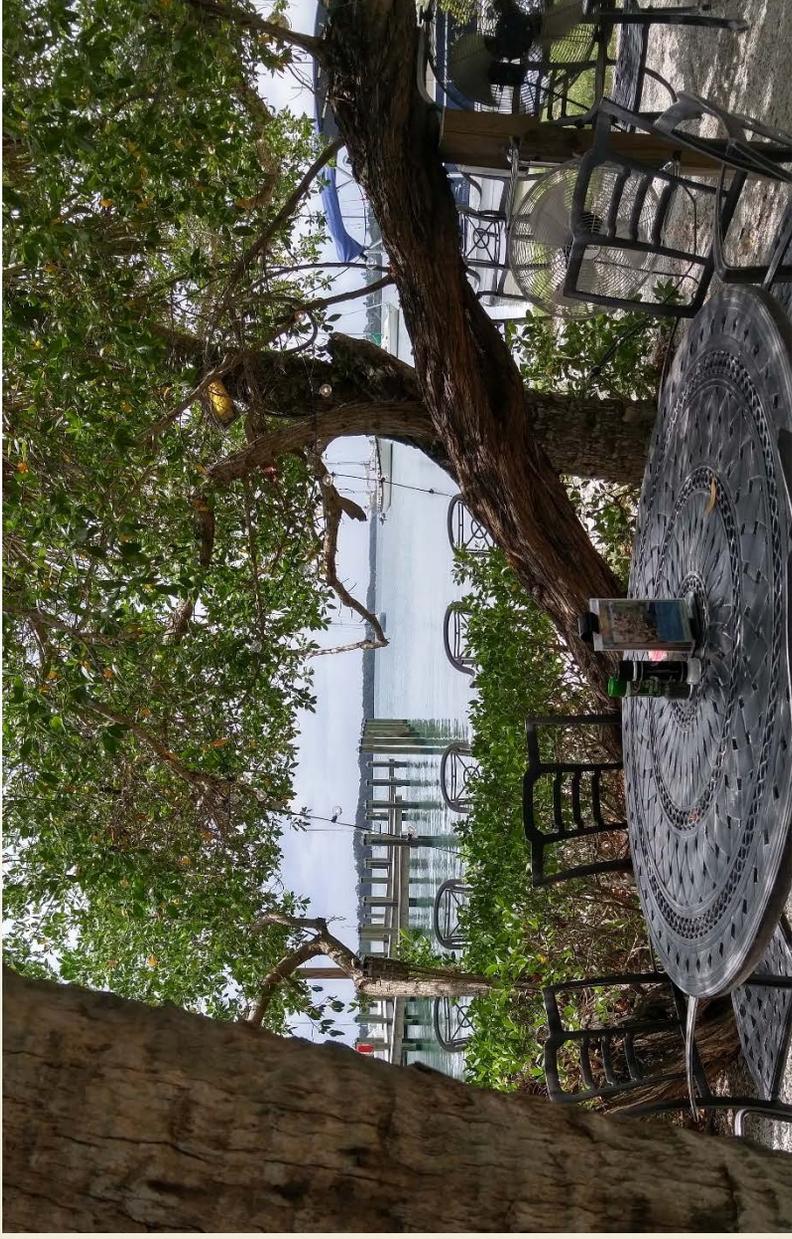
5-Story with Proposed Increase



- * + 3 ft. per story (max)
- * Each additional 1 ft. in height requires an additional 2 ft. of setback or 2% increase in open space provided (maximum of 30 ft. in additional setback or 30% increase in open space)



- **Additional criteria to address preservation of scenic views**



(F) Review Criteria.

- (8) The extent to which the development protects or enhances unique site characteristics such as scenic views of the Gulf of Mexico and Sarasota Bay, natural vistas, or similar features.



- **Revise text on permitted redevelopment in PUD-SP**

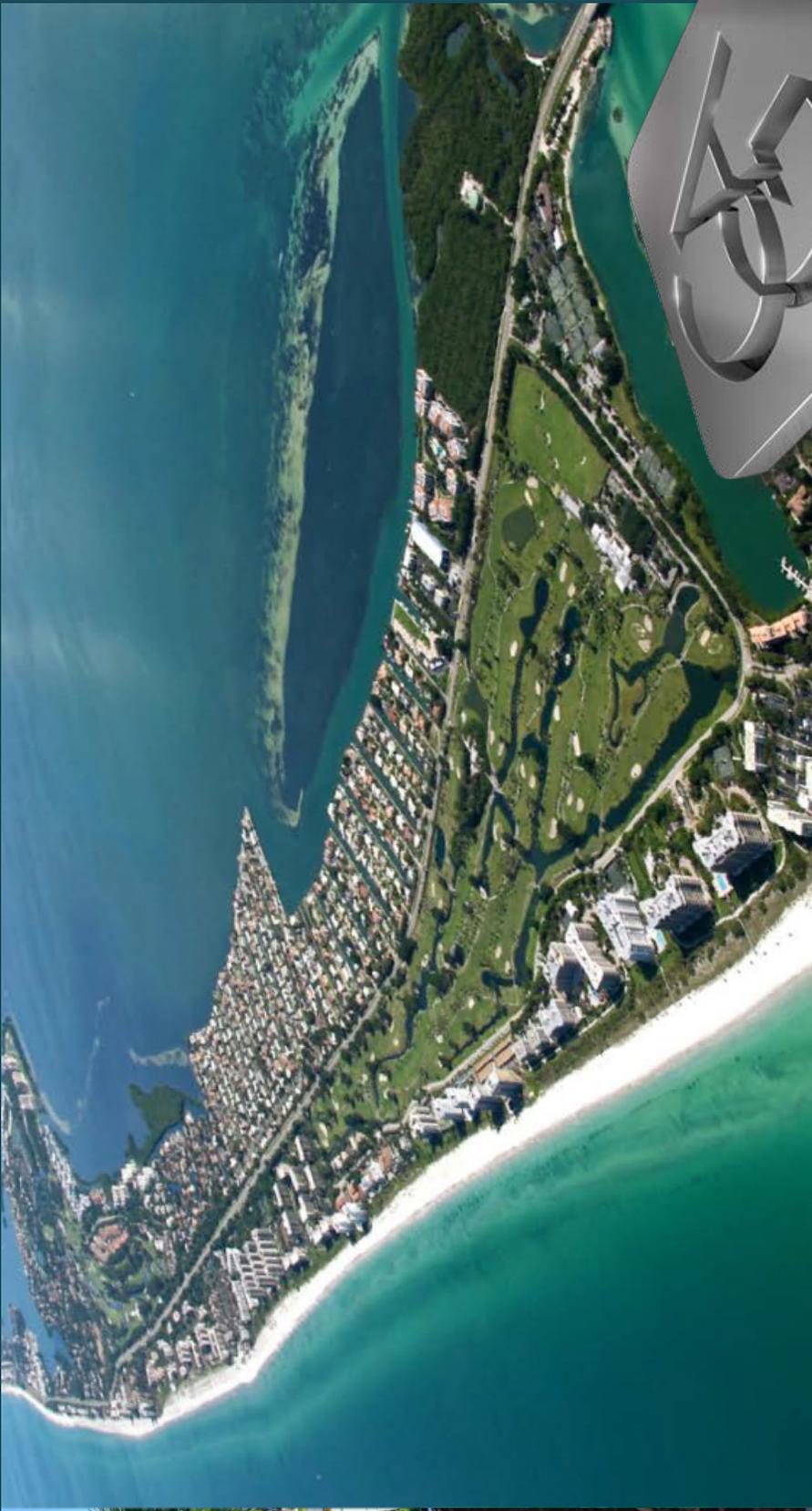
158.35 – Planned Unit Development – Special Purpose (PUD-SP) Zoning

(A) Intent. The provisions of this district are intended to apply to existing residential, tourism, or mixed use projects that were legally established prior to March 12, 1984 which do not comply with the existing maximum density provisions of the Comprehensive Plan. The intent of the PUD-SP zoning district is to allow such uses, through the process specified in this section, to establish zoning district standards with which the project is currently and will continue to comply. The PUD-SP zoning district is not to be applied to new development on vacant land or to redevelopment ~~exceeding 50 percent of the market value of existing development of existing sites other than interior and/or exterior renovations to existing structures or the construction of new buildings or accessory uses of 1,000 square feet or less.~~ Properties approved under the PUD site plan process of article III, division 1 of this chapter are not superseded or considered non-conforming by the provisions of this section.

- **Reformatting of submittal requirements**



Questions/Comments?



Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS™



ORDINANCE 2015-02

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, APPROVING FOR ADOPTION AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN AS REQUIRED BY SECTION 163.3184(3), FLORIDA STATUTES; AMENDING POLICIES 1.1.5(A), 1.1.5(B), AND 1.1.6 OF THE FUTURE LAND USE ELEMENT RELATED TO REDEVELOPING NONCONFORMING PROPERTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Town Commission seeks to amend the Town's Comprehensive Plan to allow certain nonconforming properties reasonable economic redevelopment opportunities including, but not limited to, possible increases in allowable density, and

WHEREAS, Article II, Section 22 of the Town Charter requires referendum approval of the Town's electors to increase density in excess of the density limits established by the 1984 Comprehensive Plan; and

WHEREAS, the Town Commission in accordance with the Town Charter, Article II, Section 22, 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?

; and

WHEREAS, a majority of the Town electors affirmatively approved the referendum question provided for in Ordinance 2007-48; and

WHEREAS, the Town Commission seeks to amend both the Comprehensive Plan and the Town of Longboat Key's land development regulations to effectuate the will of the electors; and

WHEREAS, the Town wishes to clarify its policy for the redevelopment of nonconforming properties in the Town's Comprehensive Plan and land development regulations; and

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

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

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

WHEREAS, the Town provided due public notice of the Planning and Zoning Board public hearing that was conducted in a manner affording public participation to the fullest extent possible for the review of the proposed Comprehensive Plan amendments; and

WHEREAS, the Town's Planning and Zoning Board, as the local planning agency, held a public hearing on December 16, 2014, to consider the proposed Comprehensive Plan amendments and provided recommendations to the Town Commission as the local governing body; and

WHEREAS, after due public notice, the Town Commission held a workshop on January 20, 2015, and considered the recommendations of the Town's Planning and Zoning Board; and

WHEREAS, on February 2, 2015, the Town Commission conducted a duly noticed initial public hearing on the proposed Comprehensive Plan amendments and upon a majority vote of the Town Commission approved the forwarding of the Comprehensive Plan amendments to the applicable reviewing agencies as provided for in section 163.3184, Florida Statutes; and

WHEREAS, on March 6, 2015, the Town received notification that the reviewing agencies did not have any comments regarding the Town's Comprehensive Plan Amendments; and

WHEREAS, on April 6, 2015, the Town Commission conducted a duly noticed second public hearing on the proposed Comprehensive Plan amendments and the Town Commission approved the adoption of the amended Future Land Use Element

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

SECTION 3. If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance is valid.

SECTION 4.

This Ordinance becomes effective when adopted in accordance with Florida law and the Charter of the Town of Longboat Key.

Passed on the first reading and initial public hearing the 2nd day of February, 2015.

Adopted on the second reading and public hearing the 6th day of April, 2015.

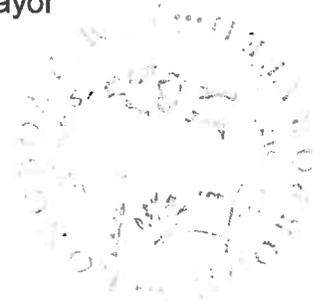


Jack G. Duncan, Mayor

ATTEST:



Trish Granger, Town Clerk



Exhibits:

"A": Amended Comprehensive Plan Future Land Use Element: Policies 1.1.5 and 1.1.6

Exhibit "A"

Policy 1.1.5 (A)

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

The Land Development Code will specify standards for redeveloping lawfully existing property that does not currently conform to the future land use density and building volume limits provided elsewhere in this Plan—and may establish standards to conform certain property with lawfully existing nonconforming density.

Policy 1.1.5 (B)

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

Policy 1.1.6 [RESERVED]

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

ORDINANCE 2015-10

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, ADOPTING AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; AMENDING POLICIES 1.1.10, 1.1.11, AND TABLE 1 OF THE FUTURE LAND USE ELEMENT OF THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Town Commission seeks to amend the Town's Comprehensive Plan to allow certain nonconforming properties reasonable economic redevelopment opportunities including, but not limited to, possible increases in allowable density; and

WHEREAS, Article II, Section 22, of the Town Charter requires referendum approval of the Town's electors to increase density in excess of the density limits established by the 1984 Comprehensive Plan; and

WHEREAS, the Town Commission in accordance with Article II, Section 22, of the Town Charter, 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?

; and

WHEREAS, a majority of the Town electors affirmatively approved the referendum question provided for in Ordinance 2007-48; and

WHEREAS, the Town Commission seeks to amend both the Comprehensive Plan and the Town of Longboat Key's land development regulations; and

WHEREAS, the Town wishes to clarify its policy for the redevelopment of nonconforming properties in the Town's Comprehensive Plan and land development regulations; and

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

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

WHEREAS, the Town provided due public notice of the Planning and Zoning Board public hearing that was conducted in a manner affording public participation to the fullest extent possible for the review of the proposed Comprehensive Plan amendments; and

WHEREAS, the Town's Planning and Zoning Board, as the local planning agency, held a public hearing on March 17, 2015, to consider the proposed Comprehensive Plan amendments and provided recommendations to the Town Commission as the local governing body; and

WHEREAS, after due public notice, the Town Commission held a workshop on April 20, 2015 and considered the recommendations of the Town's Planning and Zoning Board; and

WHEREAS, on May 4, 2015, the Town Commission conducted a duly noticed initial public hearing on the proposed Comprehensive Plan amendments and upon a majority vote of the Town Commission approved the forwarding of the Comprehensive Plan amendments to the applicable reviewing agencies as provided for in section 163.3184, Florida Statutes; and

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

WHEREAS, on or about June 10, 2015, the Town received notification that the reviewing agencies did not have any comments but proposed one (1) suggested modification regarding the Town's Comprehensive Plan Amendments and such modification is incorporated in the ordinance for second public hearing; and

WHEREAS, on July 6, 2015, the Town Commission conducted a duly noticed second public hearing on the proposed Comprehensive Plan amendments and the Town Commission approved the adoption of the amended Future Land Use Element.

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

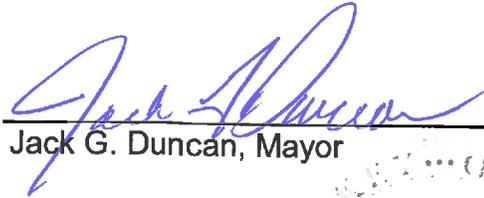
SECTION 2. The Comprehensive Plan amendments attached hereto and incorporated herein as Exhibit "A" are hereby adopted by the Town of Longboat Key.

SECTION 3. If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance is valid.

SECTION 4. This Ordinance becomes effective when adopted in accordance with Florida law and the Charter of the Town of Longboat Key.

Passed on the first reading and initial public hearing the 4th day of May, 2015.

Adopted on the second reading and public hearing the 6th day of July, 2015.



Jack G. Duncan, Mayor

ATTEST:



Trish Granger, Town Clerk

Exhibits:

"A": Amended Comprehensive Plan Future Land Use Element:
Policies 1.1.10, 1.1.11, and Table 1



EXHIBIT 'A'
FUTURE LAND USE ELEMENT

GOAL 1 [No changes.]

OBJECTIVE 1.1 [No changes.]

Policy 1.1 through Policy 1.1.9 [No changes.]

Policy 1.1.10

The Future Land Use Map, Figure 2, shall contain the following future land use categories, which that are further detailed in and implemented by the land development regulations. Table 1 divides real property on the island into two (2) overarching types of future planning areas: Opportunity Areas and Established Areas. Opportunity Areas are real properties suitable for dynamic redevelopment. Established Areas are real properties the development of which are mature in nature and whose development character is not anticipated to change beyond what is currently existing, foreseen by the current future land use categories of the Comprehensive Plan, or the applicable uses and standards of the land development regulations. Table 1 illustrates provides the maximum densities and intensities of development for each future land use category in the Established Areas. Height restrictions for each category shall do not apply to antennae, enclosed elevator shafts, enclosed stairwells and their parapet walls, enclosed mechanical equipment areas, chimneys, or house of worship spires, but the Town land development regulations shall limit their height. Additional Development criteria, parameters, and standards for future land use categories in the Opportunity Areas are provided in the land development regulations.

- 1) ~~Open Space.~~ Open space categories Opportunity Areas (OSO). This category includes lands that are publicly-owned or controlled, and which are designed, used, or intended to be used for open space and recreational activities by residents and visitors. Additional Development criteria, parameters, and standards are provided in the land development regulations. ~~The open space categories are:~~
 - a. ~~Open Space – Active~~ Established Area (OS-A). Uses may include, but are not limited to, on-site improvements, structures, or other active, player-oriented facilities such as recreation centers, community centers, playgrounds, ballfields, tennis courts and associated accessory facilities. Impervious surface coverage is limited to 30 percent of the lot or parcel.
 - b. ~~Open Space – Passive~~ Established Area (OS-P). Uses may include those that allow for primarily less-active leisure pursuits, such as, but are not limited to, nature trails, nature centers and associated accessory structures such as restrooms, boardwalks, docks, and parking areas (including ingress/egress aisles). Impervious surface coverage is limited to 15 percent of the lot or parcel.
 - e. ~~Open Space – Conservation~~ Established Area (OS-C). Uses may include those that allow for the protection and management of natural areas or archaeological sites, to remain in their natural state with little or no disturbance. Structures are

limited to improvements such as boardwalks, permeable pathways, and signage necessary for conservation management, limited public access, and resource-related educational activities.

- 2) ~~Island Preserve Established Area (IP).~~ This residential category includes addresses residentially developed islands offshore of the mainland of Longboat Key. Density is limited to one dwelling unit per five acres. Public service facilities shall must be provided by the developer prior to construction of any habitable structures.

- 3) ~~Low Density Single-Family Residential Opportunity Areas (SFRO).~~ ~~The low density single-family residential categories~~ This category permits single-family dwelling units. Additional development criteria, parameters, and standards are provided in the land development regulations. ~~and community residential homes with six or fewer residents plus staff per dwelling unit.~~ In areas which are characterized by built communities with densities lower than the maximum allowed, the land development regulations shall be applied to assure that future development or redevelopment provides a smooth transition in residential densities, while minimizing potential disruption to open space and natural systems. ~~The single-family residential categories are:~~
 - a. ~~Low-Density Single-Family Residential Established Area (RL-1).~~ This category is intended to protect and preserve opportunities for detached single-family units, at a density of up to one (1) unit per acre. This category is located at highly valued water-oriented sites along the bay, bayou, or gulf. It provides for land area to accommodate a unique lifestyle which that cannot be accommodated in the more dense residential areas. Development and redevelopment shall must be compatible with the need for preserving an estate residential character and shall minimize potential adverse impacts to fragile natural systems, including estuaries and the dune systems.

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

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

~~impacts of land use transitions between the medium density category lands and areas designated for lower density, higher density, or nonresidential uses.~~

Multiple-Family Residential Opportunity Area (MFRO). This category permits multiple-family residential development. ~~Additional Ddevelopment criteria, parameters, and standards are provided in the land development regulations.~~

- a. ~~Medium-Density Single-Family/Mixed Residential~~ Established Area (RM-3). This category allows medium-density residential development, including single-family detached units, multiple-family units, or a mixture of single-family detached units and multiple-family units, at a density of no more than three (3) units per acre.
- b. ~~Medium Density Single-Family/Mixed Residential~~ Established Area (RM-4). This category allows medium-density residential development, including single-family detached units, multiple-family units, or a mixture of single-family detached units and multiple-family units, at a density of no more than four (4) units per acre.
- 5) ~~High Density Single-Family/Mixed Residential~~ Established Area (RH-6). The high density single-family/mixed residential category permits dwelling units and community residential homes with six or fewer residents plus staff per dwelling unit. This category allows high density residential development, including single-family detached dwelling units, multiple-family dwelling units, or a mixture of single-family detached dwelling units and multiple-family dwelling units, at a density of no more than six dwelling units per acre. Specific density of future development proposals within these areas shall must provide for smooth transitions in residential density and compatibility with the surrounding area, shall preserve stability of established residential areas, and shall include sufficient open space, parking and landscaping to reinforce goals and objectives for quality living areas.

Commercial Tourism Destination Opportunity Areas (CTDO). This category permits resort-style tourism uses. ~~Additional Ddevelopment criteria, parameters, and standards are provided in the land development regulations.~~

- 6) ~~Tourist Resort Commercial~~ Established Area (TRC-3/TRC-6). ~~The category is~~ These categories intended to accommodate permit the unique land needs for resort-oriented facilities. These facilities generally are marketed as vacation accommodations for tourists and other transients seeking an environment with a high level of amenities. Uses include multifamily dwelling units, time-share units, and tourism units. Associated resort amenities, such as restaurants, shops, and recreational facilities, may be permitted on the site in conjunction with a tourist resort commercial development. All commercially provided recreational activities requiring shoreline or near-shore water utilization shall must be concentrated at the commercial hotel facilities. Additional tourism units may be allowed pursuant to Future Land Use Policy 1.1.11. Lot coverage may exceed the standard lot coverage by up to 10%, and height may exceed the standard height by one story as shown on Table 1, through the Outline Development Plan (ODP) process of the land development regulations. Table 1 provides associated density, height, and lot coverage allowances and limits for these categories. The additional story

as shown in Table 1 for TRC-6 may also be approved through the final site plan approval process for properties that are granted additional tourism units through section 158.180 of the land development regulations. ~~The two Tourist Resort Commercial categories are as follows:~~

- ~~a. Medium Density Tourist Resort/Commercial (TRC-3). Density shall not exceed three units per acre. Tourism units and associated resort amenities shall not exceed a lot coverage of 25%, and maximum height shall be 40 feet.~~
- ~~b. High Density Tourist Resort Commercial (TRC-6). Density shall not exceed six units per acre. Tourism units and associated resort amenities shall not exceed a lot coverage of 30%, and maximum height shall be 50 feet.~~

Commercial/Residential Mixed Use Opportunity Area (CRMO). This category permits a vertical mix of residential and nonresidential uses. Additional development criteria, parameters, and standards are provided in the land development regulations.

- 7) ~~Mixed Use Community. The mixed use community (MUC) categories allow a mix of residential and nonresidential uses in planned communities developed through the planned unit development (PUD) procedures and standards of the land development regulations. The MUC categories encompass mixed use communities approved under prior adopted resolutions and ordinances of the Town Commission, which prior approved uses, densities and intensities are hereby recognized and affirmed. In each MUC, density is calculated on the basis of the average overall density of tourism and dwelling units per acre of all property included in the respective MUC. Clustered development patterns are encouraged and thus the density of separate parcels within each MUC may exceed the average overall density of the MUC category. No boundary of any existing MUC shall be expanded to include additional lands unless contiguous to the boundaries of the MUC as it existed as of December 31, 2010. Redevelopment may occur up to the maximum densities designated herein, and consistent with the public health, safety and welfare, best quality design, expanded recreational and open space amenities, and adequate public infrastructure and services. Within the acreage allocated for nonresidential uses, tourism units and associated resort amenities, commercial/office uses, and institutional uses shall must not exceed a maximum lot coverage of 30 percent of a project site per use, except an additional 10% of lot coverage per use may be permitted through the PUD procedures and standards of the land development regulations to improve the design of the community and functionality of the uses, as shown on Table 1. Similarly, the standard height of nonresidential structures in MUC-1 may be increased by one story through the PUD procedures and standards of the land development regulations to improve the design of the community and functionality of the uses, as shown on Table 1.~~

A minimum of 50% of the total property within the MUC shall must be maintained in open space. Open space means an area comprised of permeable open surfaces excluding structures and impermeable surfaces. Recreation uses include, but are not limited to, those uses allowed in the Open Space – Active

and Open Space – Passive land use categories, the recreational facilities identified in Table 1 of the Recreation and Open Space Element, and golf courses. Recreational acreage is not limited. The mix of uses within the contiguous boundaries of each MUC, as calculated prior to the application of the 50% open space requirement, is allocated as follows:

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

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

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

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

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

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

- 8) ~~—~~ Institutional Established Area (INS). This category is for use by public and semipublic facilities including, but not limited to schools, government buildings, civic centers, utilities, houses of worship, parks and recreation areas, cemeteries, and nursing homes. Lot coverage may exceed the standard lot coverage by up to 10%, as shown on Table 1, through the Outline Development Plan (ODP) process of the land development regulations.
- 9) ~~—~~ Office-Institutional Established Area (OI). This category allows for a variety of office and private institutional uses including, but not limited to, banks and other financial institutions. Tourism units may be allowed pursuant to Future Land Use Policy 1.1.11. A maximum of 15% additional lot coverage may be granted as a waiver in conjunction with the revitalization of the development, as further detailed in and implemented by the land development regulations. Lot coverage also may exceed the standard lot coverage by up to 10%, as shown on Table 1, through the Outline Development Plan (ODP) process of the land development regulations.
- 10) ~~—~~ Commercial Opportunity Area (COMO). ~~The commercial land use~~ This category categories allow permits office-institutional uses as well as retail sales and services. Additional development criteria, parameters, and standards are provided in the land development regulations. ~~Tourism units may be allowed pursuant to Future Land Use Policy 1.1.11. A maximum of 15% additional lot coverage may be granted as a waiver in conjunction with the revitalization of the commercial development, as further detailed in and implemented by the land development regulations. Lot coverage also may exceed the standard lot coverage by up to 10%, as shown on Table 1, through the Outline Development Plan (ODP) process of the land development regulations. A waterfront restaurant may be allowed an additional five feet in building height above the maximum allowed in the land use category.~~

~~The commercial categories are as follows:~~

- a. ~~—~~ Limited Commercial Established Area (CL). This category is intended to provide essential tourist or household services in locations highly accessible to residential areas and major thoroughfares. Uses may include neighborhood shops with limited inventory or goods, and specialty shops oriented to services and goods for resort uses in the immediate vicinity, and those uses allowed in the Office/Institutional category. Structures may not exceed a standard lot coverage of 30 percent, and maximum height shall be is 30 feet.
- b. ~~—~~ General Commercial Established Area (CG). This category is intended to accommodate general retail sales and services, ~~and shall be~~ located in highly accessible areas adjacent to major or minor arterials. Uses may include those uses allowed in the Office/Institutional and Limited Commercial categories, but ~~may not include~~ activities or trades that generate nuisance impacts such as noise, air pollutants or fire hazards, nor ~~may~~ is wholesaling or warehousing be allowed. Structures may not exceed a standard lot coverage of 30 percent, and maximum height shall be is 40 feet.

- e. ~~Highway Commercial~~ Established Area (CH). This category is intended for uses that require access to major arterials and sufficient area for internal vehicular circulation and parking. Uses may include, but are not limited to, vehicular service stations, hotels, motels and restaurants, and retail sales and services oriented to the motoring public or transient resident. Lands designated in this category ~~shall~~ must not be located adjacent to residential development. Office/Institutional, Limited Commercial and General Commercial uses may be allowed. Structures may not exceed ~~a standard~~ lot coverage of 40 percent and maximum height ~~shall be~~ is 40 feet. Tourism units ~~shall~~ must not exceed three (3) units per acre, except as allowed by Future Land Use Policy 1.1.11.
- d. ~~Marine Commercial Service~~ Established Area (MCS). This category is intended for sales and services oriented to the marine industry, such marine repair and services, employee services, storage and commercial support services. One accessory dwelling unit located on the same lot may be permitted as provided in the land development regulations. Structures may not exceed ~~a standard~~ lot coverage of 40 percent and maximum height ~~shall be~~ is 30 feet.

In each of the Commercial Established areas (CL, CG, CH, and MCS) described above, tourism units may be allowed pursuant to Future Land Use Policy 1.1.11. A maximum of 15% additional lot coverage may be granted as a waiver in conjunction with the revitalization of the commercial development, as further detailed in and implemented by the land development regulations. Lot coverage also may exceed the standard lot coverage by up to 10%, as shown on Table 1, through the Outline Development Plan (ODP) process of the land development regulations. A waterfront restaurant may be allowed an additional five feet in building height above the maximum allowed in the land use category.

- 11) ~~Whitney Beach Overlay~~ (WBO). The Whitney Beach Overlay category is intended to provide incentives that encourage redevelopment in a mixed use pattern that promotes high quality site design while protecting adjacent residential areas. Owners within the WBO may choose to develop pursuant either to the underlying Future Land Use categories for their properties, or the WBO standards herein. Development proposals must include a substantial consolidation of properties within the WBO and at least two (2) land use types from the following ~~types~~: residential, tourism units, commercial, office, public facility, private institutional, or recreational. ~~No one~~ One land use type ~~shall~~ must ~~not~~ exceed 80% of the total site. Residential uses ~~shall~~ must not exceed 30% of a mixed use project. Development approval ~~shall~~ must follow the outline development process of the land development regulations. A complete application for development approval pursuant to the WBO ~~shall~~ will receive priority for Town development review and ~~approval~~ determination. Development densities and intensities of the underlying Future Land Use categories may be transferred within and between properties that are combined in one (1) development proposal under the WBO criteria. The nonresidential intensities of the underlying Future Land Use category may be increased by 10% additional lot coverage through the planned unit development or outline development plan processes. Administrative waivers for parking flexibility, setbacks, awning

overhangs, internal circulation, and open space may be provided pursuant to the land development regulations.

Policy 1.1.11

Historically, tourism has been an important element of the Town's economy. The Town will maintain land development regulations that implement the Town referendum vote of March 16, 2008, that permits a limited increase of no more than a total additional 250 tourism units islandwide to help restore the historic balance between residential and tourism uses. Development of the 250 tourism units, which are additional to allowed under the Comprehensive Plan at the time of the referendum, will be limited to parcels within the Medium Density Tourist Resort/Commercial (TRC-3), High Density Tourist Resort/Commercial (TRC-6), Limited Commercial (CL), General Commercial (CG), Highway-Oriented Commercial (CH), Office-Institutional (OI), and Marina Commercial Service (MCS) future land use categories and parcels in residential future land use categories that contain an existing legal tourism use. Tourism units on Longboat Key shall ~~shall~~ must provide transient lodging accommodations of less than 30 consecutive calendar days or one entire calendar month, whichever is less, and are not to be used as dwelling units for permanent occupancy. The standard maximum lot coverage and height of the future land use category in which the tourism units are located ~~shall apply~~ applies, except that up to an additional 10% of lot coverage and an additional story as shown in Table 1 may be approved through the Outline Development Plan (ODP) process of the land development regulations. The additional story shown on Table 1 for TRC-6 may also be approved through the final site plan approval process for properties that are granted additional tourism units through section 158.180 of the land development regulations. In the residential land use categories, the standard maximum lot coverage and height of the zoning district in which the tourism units are located ~~shall apply~~ applies, except that up to an additional 10% of lot coverage may be approved through the ODP process of the land development regulations. The town must find by competent substantial evidence that the project incorporating the tourism units is in the best interest of the town and its citizens and does not adversely impact or affect the public interest.

**Table 1
Land Use Densities and Intensities in the Town of Longboat Key**

OPPORTUNITY AREAS		ESTABLISHED AREAS						
Symbol	Category	Symbol	Category	Density	Maximum Lot Coverage		Nonresidential Intensities	
					Standard	PUD or ODP	Standard	PUD or ODP
<u>OSO</u>	Open Space	OS	Open Space					
		OS-A	Open Space – Active		30%			
		OS-P	Open Space – Passive		15%			
		OS-C	Open Space – Conservation		See Policy 1.1.10			
<u>SFRO</u>	SF Residential	IP	Island Preserve	1 du/5 ac				
		RL-1	Low Density SF Residential	1 du/ac				
<u>MFRO</u>	Multiple-Family Residential	RL-2	Low Density SF Residential	2 du/ac				
		RM-3	Medium Density SF/Mixed Residential	3 du/ac				
		RM-4	Medium Density SF/Mixed Residential	4 du/ac				
<u>CTDO</u>	Commercial Tourist Destination	RH-6	High Density SF/Mixed Residential	6 du/ac				
		TRC-3	Medium Density Tourist Resort/Commercial	3 u/ac	25%	35%	3/40	4/55
		TRC-6	High Density Tourist Resort/Commercial	6 u/ac	30%	40%	4/50	5/65**

**Table 1—continued
Land Use Densities and Intensities in the Town of Longboat Key**

OPPORTUNITY AREAS		ESTABLISHED AREAS						
Symbol	Category	Symbol	Category	Density	Maximum Lot Coverage Standard	Nonresidential Intensity PUD or ODP	Maximum Height (stories/feet) Standard PUD or ODP	
CRMO	Commercial/ Residential Mixed Use							
		MUC-1	Mixed Use Community (Bay Isles)	3.26 du/ac	30%	40%	4/50	5/65
		MUC-2	Mixed Use Community (Islandside)	5.05 u/ac	30%	40%	4/50	12/130 (tourism units) 8/87 (other)
		MUC-3	Mixed Use Community (Promenade/Water Club)	11.26 du/ac				
		INS	Institutional		30%	40%	2/30	
COMO	Commercial							
		OI	Office-Institutional		30%	40%	2/30	
		CL	Limited Commercial		30%	40%	2/30*	
		CG	General Commercial		30%	40%	3/40*	
		CH	Highway Commercial	3 tourism u/ac	40%	50%	3/40*	
		MCS	Marina Commercial Service	1 accessory du located on the same lot	40%	50%	2/30*	

Note: Dwelling units per acre (du/ac) refers to residential units; units per acre (u/ac) includes both tourism units and residential units.

* An additional five feet in building height allowed for a waterfront restaurant.

** This additional story for TRC-6 properties may also be approved through the final site plan approval process for properties that are granted additional tourism units through section 158.180 of the land development regulations.