

M E M O R A N D U M

DATE: November 2, 2016

TO: Planning and Zoning Board

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

SUBJECT: Proposed Ordinance 2016-35: Amending Policy 1.1.10 and Policy 1.1.11 of the Future Land Use Element of the Town’s Comprehensive Plan

PLANNING AND ZONING BOARD DIRECTION

At the October Planning and Zoning Board (“Board”) meeting, the Board directed Staff to bring forward an ordinance to amend the Town’s Comprehensive Plan to accommodate the following revisions:

1. Remove the word “dynamic.”
2. Reconsider the term “Opportunity Area.”

PROPOSED ORDINANCE 2016-35

Proposed Ordinance 2016-35 reflects the deletion of the word “dynamic” in relation to the Opportunity Areas. In addition, Staff has provided language related to the intent of the Opportunity Areas and descriptions of potential uses within these areas that reflects the language the Board has reviewed and considered in Ordinance 2016-32 for the Planned Unit Development provisions within the Land Development Code.

As to the reconsideration of the term “Opportunity Areas,” staff has included the materials and minutes from prior Town Commission meetings where this issue was previously discussed. At their Regular Meetings on May 4, 2015 and July 6, 2015, the Town Commission discussed various potential terms and, at their July 6, 2015, Regular Meeting, reached consensus to adopt the terms “Established Areas” and “Opportunity Areas.”

If the Board reaches consensus to recommend a change to the term “Opportunity Area,” this should be included in the recommendation to the Town Commission for both Ordinance 2016-35 and 2016-32.

In addition to the above, Staff has included a revision that deletes the Open Space Opportunity Area and Single Family Opportunity Area from the Future Land Use categories in the Comprehensive Plan. When the Opportunity Areas were initially adopted, the Open Space and Single Family categories were included in an overabundance of thoroughness, in the event we could determine a need for them. However, after further analysis and consideration, Staff can find no practical use for these two categories. Therefore, Staff recommends these two categories be deleted from the Future Land Use Categories.

PATH FORWARD

November 15, 2016: Planning and Zoning Board forwards recommendation of Ordinance 2016-35 to the Town Commission.

December 12, 2016: Ordinance 2016-35 presented to Town Commission at their Regular Workshop.

January 2, 2017: First Reading of Ordinance 2016-35; ordinance forwarded to Florida Department of Economic Opportunity (DEO) for Review.

January – February, 2017: DEO Review and Comment Period.

March 6, 2016: Second Reading and Adoption of Ordinance 2016-35.

ORDINANCE 2016-35

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 AND POLICY 1.1.11 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 is in the process of developing and adopting new Planned Unit Development Zoning Districts within the Town's Land Development Code; and

WHEREAS, these pending revisions to the Town's Land Development Code necessitate amendments to the Future Land Use Element of the Town's Comprehensive Plan; and

WHEREAS, the Town Commission seeks to amend the Town's Comprehensive Plan to provide guidance related to the application of these Planned Unit Developments within certain future land use categories; 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 November 15, 2016, 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 _____, 20___, and considered the recommendations of the Town's Planning and Zoning Board; and

WHEREAS, on _____, 20__, 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.

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 _____ day of _____, 201_.

Adopted on the second reading and public hearing the _____ day of _____, 201_.

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

OBJECTIVE 1.1

Policy 1.1.10

The Future Land Use Map, Figure 2, contains the following future land use categories 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 that are undeveloped or are suitable for dynamic redevelopment. Opportunity Areas are intended to enable flexibility of design and to encourage imaginative, functional, high-quality land planning developments which are compatible with adjacent and nearby lands and activities, are in keeping with the existing character of the Town, and help to preserve the historic balance of residential to tourism uses. These categories are also intended to accommodate existing built density and consideration of requests for additional density that exceeds the density limits allowed in an Established Area category, while recognizing and keeping with the relatively low-density nature of the community. Requests for additional residential or tourism density, exceeding that which is allowed in an Established Area category or has been approved by previous referendum, must be authorized by referendum of the qualified voters of Longboat Key prior to being considered by the Town.

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 provides the maximum densities and intensities of development for each future land use category in the Established Areas. Height restrictions for each category 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 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. All properties proposed for development within the Opportunity Area Future Land Use Categories must be rezoned to Planned Unit Development – Opportunity Area.

~~Open Space Opportunity Areas (OSO). This category includes lands that are publicly-owned or controlled, and 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.~~

Open Space – Active Established Area (OS-A). Uses 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.

Open Space – Passive Established Area (OS-P). Uses 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.

Open Space – Conservation Established Area (OS-C). Uses 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.

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

~~Single-Family Residential Opportunity Areas (SFRO). This category permits single-family dwelling units. Additional development criteria, parameters, and standards are provided in the land development regulations.~~

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 that cannot be accommodated in the more dense residential areas. Development and redevelopment must be compatible with the need for preserving an estate residential character and minimize potential adverse impacts to fragile natural systems, including estuaries and dune systems.

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 that cannot be accommodated in the more dense residential areas. Development and redevelopment must be compatible with the preservation of the prevailing density pattern and minimize potential adverse impacts to fragile natural systems.

Multiple-Family Residential Opportunity Area (MFRO). This category is intended for multi-family residential developments and associated accessory uses and amenities that are limited to use by residents and guests of the development ~~permits multiple-family residential development~~. Additional development criteria, parameters, and standards are provided in the land development regulations.

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.

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.

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, preserve stability of established residential areas, and include sufficient open space, parking and landscaping to reinforce goals and objectives for quality living areas.

Commercial Tourism Destination Opportunity Areas (CTDO). This category is 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 apartment-styled tourism units with full access to resort amenities. Residential uses are not permitted as a principal use, but a limited number of residential units may be permitted for on-site personnel. ~~permits resort-style tourism uses.~~ Additional development criteria, parameters, and standards are provided in the land development regulations.

Tourist Resort Commercial Established Area (TRC-3/TRC-6). These categories permit the unique 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 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) Site Plan 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.

Commercial/Residential Mixed Use Opportunity Area (CRMO). This category is intended for developments that contain a complimentary mixture of commercial office, commercial retail, commercial tourism, 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 permits~~ a vertical mix of residential and nonresidential uses. Additional development criteria, parameters, and standards are provided in the land development regulations.

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 – mixed-use community (PUD-MUC) 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 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-MUC 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-MUC 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 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:

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 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% |

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 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% |

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 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% |

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)~~ Site Plan process of the land development regulations.

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)~~ Site Plan process of the land development regulations.

Commercial Opportunity Area (COMO). This category permits office-institutional uses as well as retail sales and services. Additional development criteria, parameters, and standards are provided in the land development regulations.

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 lot coverage of 30 percent, and maximum height is 30 feet.

General Commercial Established Area (CG). This category is intended to accommodate general retail sales and services 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 not activities or trades that generate nuisance impacts such as noise, air pollutants or fire hazards, nor is wholesaling or warehousing allowed. Structures may not exceed lot coverage of 30 percent, and maximum height is 40 feet.

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 must not be located adjacent to residential development. Office/Institutional, Limited Commercial and General Commercial uses may be allowed. Structures may not exceed lot coverage of 40 percent and maximum height is 40 feet. Tourism units must not exceed three (3) units per acre, except as allowed by Future Land Use Policy 1.1.11.

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 lot coverage of 40 percent and maximum height 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)~~ Site Plan 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.

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: residential, tourism units, commercial, office, public facility, private institutional, or recreational. One land use type must not exceed 80% of the total site. Residential uses must not exceed 30% of a mixed use project. Development approval must follow the ~~outline development~~ PUD process of the land development regulations. A complete application for development approval pursuant to the WBO will receive priority for Town development review and 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~~ PUD 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. Requests for additional tourism units, other than the 250 tourism units previously authorized by the referendum vote of March 16, 2008, must be authorized by separate referendum and are limited to parcels

within the Commercial Tourism Destination Opportunity Areas (CTDO) or the Commercial/Residential Mixed Use Opportunity Area (CRMO). Tourism units on Longboat Key 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.

In 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) categories. ~~The~~ standard maximum lot coverage and height of the future land use category in which the tourism units are located 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)~~ Site Plan 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 applies, except that up to an additional 10% of lot coverage may be approved through the ~~ODP~~ Site Plan 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 |
| | | | | | Maximum Height (stories/feet) | | | |
| OSO | 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 | | | |
| | | IP | Island Preserve | 1 du/5 ac | | | | |
| SFR0 | SF Residential | | | | | | | |
| | | RL-1 | Low Density SF Residential | 1 du/ac | | | | |
| | | RL-2 | Low Density SF Residential | 2 du/ac | | | | |
| MFRO | Multiple-Family Residential | | | | | | | |
| | | RM-3 | Medium Density SF/Mixed Residential | 3 du/ac | | | | |
| | | RM-4 | Medium Density SF/Mixed Residential | 4 du/ac | | | | |
| | | RH-6 | High Density SF/Mixed Residential | 6 du/ac | | | | |
| CTDO | Commercial Tourist Destination | | | | | | | |
| | | 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 Intensities | |
| | | | | | 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% | 5/65 |
| | | MUC-2 | Mixed Use Community (Islandside) | 5.05 u/ac | 30% | 40% | 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.

10. Ordinance 2015-17, Amending the Town Code for Compliance With State Law Relating to Mangrove Regulation - Continued

Following comments, the motion carried by a 7-0 roll call vote, as follows: Larson, aye; Zunz, aye; Younger, aye; Pastor, aye; Duncan, aye; Daly, aye; Gans, aye.

ORDINANCES - FIRST READING AND PUBLIC HEARING

11. Ordinance 2015-10, Comprehensive Plan Amendments, Future Land Use Element

At their March 17, 2015, Regular Meeting, the Planning & Zoning Board recommended approval of Ordinance 2015-10, as amended. The Comprehensive Plan amendment modifies future land use categories into more general groupings focused on opportunity areas identified throughout the Town. The Ordinance was considered at and forwarded from the April 20, 2015, Regular Workshop Meeting for first reading, public hearing, and discussion. Recommended Action: Pending first reading, public hearing, and discussion, forward Ordinance 2015-10 to Florida Department of Economic Opportunity (FDEO) for review and comment.

Town Clerk Trish Granger placed Ordinance 2015-10 on record for first reading and public hearing by title only.

Commr. Pastor moved to pass Ordinance 2015-10 on first reading and to forward to the Florida Department of Economic Opportunity (FDEO) for review and comment. The motion was seconded by Vice Mayor Gans.

Mayor Duncan opened the public hearing.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Director Alaina Ray gave a PowerPoint presentation on Ordinance 2015-10. Discussions were held on the following topics/issues:

- terminology utilized in the proposed land use categories
- process for moving forward and existing motion on the Ordinance
- option to amend verbiage during review by the State.

As no one wished to speak, Mayor Duncan closed the public hearing.

Following comments, the motion carried by a 7-0 roll call vote, as follows: Pastor, aye; Gans, aye; Larson, aye; Duncan, aye; Younger, aye; Zunz, aye; Daly, aye.

RECESS: 8:47 p.m. – 9:00 p.m.

12. Ordinance 2015-15, Amending the FY 2014-2015 Budget in the Amount of \$100,000 to Provide for Canal Survey and Feasibility Study

The Town Commission directed staff to evaluate canal conditions, depths, the need for dredging, and to also identify funding options to include a hybrid approach of special districts, and/or the use of ad valorem funds. To fully develop these evaluations and options staff needs to procure professional services for this study. Ordinance 2015-15 provides for funding in the amount of \$100,000 and was forwarded from the April 20, 2015, Regular Meeting for first reading and public hearing. Recommended Action: Pending first reading, public hearing, and discussion, forward Ordinance 2015-15 to the June 1, 2015, Regular Meeting for second reading and public hearing.

COMMITTEE REPORTS AND COMMUNICATIONS

3. Manatee County Special Liaison Report- Continued

A. Organizations - Continued

Commr. Zunz noted that the Manatee Chamber of Commerce retreat was scheduled for September 25 and 26, 2015.

CLOSING AND ACTION ON CONSENT AGENDA

7. Authorization for Mayor to Execute Sovereignty Submerged Lands Easement #41743 for Beach Nourishment and Maintenance Dredging at Longboat Pass

Authorization for the execution of Florida Department of Environmental Protection Easement #41743, Permit Authorization #0298107-004-JC, is a requirement for the permit application process for the Joint Manatee County and Town of Longboat Key, Longboat Pass Maintenance Dredging and Sand Placement Project. Recommended Action: Approval of the Consent Agenda will authorize the Mayor's signature on Easement #41743.

Following comments, Mayor Duncan advised that Item 7 would be considered later this meeting.

ORDINANCES - SECOND READING AND PUBLIC HEARING

8. Ordinance 2015-10, Comprehensive Plan Amendments, Future Land Use Element (FLUE)

At their March 17, 2015, Regular Meeting the Planning & Zoning Board recommended approval of Ordinance 2015-10 with revisions to a 'Whereas' clause. This Comprehensive Plan amendment modifies future land use categories into more general groupings focused on opportunity areas identified throughout the Town. The Commission considered Ordinance 2015-10 at the April 20, 2015, Regular Workshop Meeting. At the May 4, 2015, Regular Meeting, following first reading and public hearing, the Commission forwarded Ordinance 2015-10 to Florida State Department of Economic Opportunity for review and comment. This Ordinance is placed on the July 6, 2015, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2015-10.

Town Clerk Trish Granger placed Ordinance 2015-10 on record for second reading and public hearing by title only.

Commr. Zunz moved to adopt Ordinance 2015-10. The motion was seconded by Commr. Pastor.

Mayor Duncan opened the public hearing.

Planning, Zoning, and Building Department Director Alaina Ray provided an overview of Ordinance 2015-10. Discussions were held on the following topics/issues:

- impact of changes on current zoning categories and/or densities
- opinion of no conflict with discussions at Commission and P&Z Board Joint Meeting
- option to modify terminology utilized.

8. Ordinance 2015-10, Comprehensive Plan Amendments, FLUE - Continued
Commr. Zunz moved to amend Ordinance 2015-10 to rename the “Stability Area(s)” to “Established Area(s)” and the “Opportunity Area(s)” to “Renewable Area(s)” throughout the Ordinance. The motion was seconded by Vice Mayor Gans.

Mayor Duncan moved a second amendment retaining the terminology of “Opportunity Area(s)” and renaming the “Stability Area(s)” to “Established Area(s)” throughout Ordinance 2015-10. The motion was seconded by Commr. Younger.

As no one wished to speak, Mayor Duncan closed the public hearing.

The second amendment to the motion, superseding the first amendment, carried by a 6-0 roll call vote, as follows: Duncan, aye; Younger, aye; Zunz, aye; Pastor, aye; Gans, aye; Larson, aye.

The motion to adopt Ordinance 2015-10, as amended, carried by a 6-0 roll call vote, as follows: Zunz, aye; Pastor, aye; Larson, aye; Younger, aye; Gans, aye; Duncan, aye.

9. Ordinance 2015-14, Amending Chapter 91, Animals, and Chapter 33.18, Boards and Commissions, Violations Procedure

At the February 17, 2015, Regular Workshop Meeting the Town Commission directed staff to develop Ordinance 2015-14, to remove Town Code provisions requiring pet licenses. At the April 6, 2015, Regular Meeting the Town Attorney advised that some outdated language and inconsistencies regarding regulations and fines would also be addressed in Ordinance 2015-14. This item was placed on the June 1, 2015, Regular Meeting for first reading and discussion then forwarded to the July 6, 2015, Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2015-14.

Town Clerk Trish Granger placed Ordinance 2015-14 on record for second reading and public hearing by title only.

Vice Mayor Gans moved to adopt Ordinance 2015-14. The motion was seconded by Commr. Pastor.

Mayor Duncan opened the public hearing.

Town Manager Dave Bullock commented on issues addressed, eliminating the Town Code requirements that duplicate Florida Statutes and local County regulations, deferring to the local regulations on fees and enforcements. Town Attorney Maggie Mooney-Portale advised that text highlighted in the Ordinance provided reflects the titles utilized by both Counties animal services offices.

Discussion ensued on the lack of leash regulations utilizing the terminology “under control law” (Subsection 91.13, Dogs and Cats At Large).

MEMORANDUM

DATE: May 11, 2015

TO: David Bullock, Town Manager

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

SUBJECT: Terminology for Ordinance 2015-10: Comprehensive Plan Future Land Use Categories

During First Reading and Public Hearing of Ordinance 2015-10 at the Town Commission Regular Meeting on May 4, 2015, the Town Commission indicated they might want to change the terms “Stability” and “Opportunity” that are utilized within the ordinance. Concern arose as to whether the Florida Department of Economic Opportunity (DEO) would consider this a significant change that would require additional review, should the Town Commission decide to change these terms at Second Reading, after the DEO review of the Ordinance.

Staff contacted the DEO to inquire whether a change in terminology would result in an additional review, should the Town Commission choose to alter one or both of these words during Second Reading. Staff explained to DEO that there might be a potential change to the words “Stability” and “Opportunity.” The DEO indicated that, so long as the intent does not change, the DEO would not need to perform a second review prior to adoption.

In light of DEO’s response, Staff has provided the following terms that might be substituted for “Stability” and “Opportunity.” These terms are only potential suggestions and there may be others that might appropriately serve to convey the intent.

Current Terminology

Stability Areas: Real properties, the development of which are mature in nature and whose development character is not anticipated to change beyond what currently exists.

Opportunity Areas: Areas suitable and capable of redevelopment.

Potential Terminology

Stability

Mature
Non-Transitional
Established
Conventional
Traditional

Opportunity

Enhancement
Transitional
Renewal
Adaptive
Exploratory