

MEMORANDUM

DATE: January 3, 2017

TO: Planning and Zoning Board

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

SUBJECT: Proposed Ordinance 2017-02, regarding Section 158.006, Definitions, and Section 158.153(B)(1), Height Regulations

At the Planning and Zoning Board ("Board") meeting on December 13, 2016, the Board discussed Section 158.153(B)(1) of the Town's Land Development Code. The Board discussed the merits of continuing to allow features such as elevators and rooftop decks for single-family construction and reached consensus that preserving the ability to incorporate these features remains desirable. However, the Board acknowledged that the size and height of elevators and stairwells to access rooftop decks could likely be reduced for single-family construction, so as to minimize potential negative impacts to neighboring properties. The Board reached consensus to direct Staff to bring forward language for the Board to consider that would incorporate the following:

- Reduce the square footage footprint of the allowable features to the minimum required by Florida Building Code; and
- Reduce the height to the minimum required to provide the allowable uses; and
- If using an elevator, require the additional required egress to comply with the height restriction for the zoning district; and
- If using only a stairwell, require the stairwell to be placed so as to limit it to a single run of stairs, rather than a double run.

Proposed Ordinance 2017-02, attached, incorporates the above direction. The ordinance also adds the commonly held definition for the word "adjoining," since the Town's current Code does not include a definition for this word even though the word is utilized throughout the Code. Therefore, a common law definition has been provided and is consistent with the historic application of the word.

Recommended Action: Consider Ordinance 2017-02 during duly noticed Public Hearing and provide a recommendation to the Town Commission.

ORDINANCE 2017-02

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING WITHIN TITLE 15 LAND DEVELOPMENT CODE, CHAPTER 158, ZONING CODE; AMENDING SECTION 158.006, DEFINITIONS; AMENDING SECTION 158.153(B)(1), HEIGHT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Town of Longboat Key (Town) is a barrier island with unique natural attributes and limited development; and

WHEREAS, the Town's Land Development Code serves to preserve and enhance the Town's character 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's Zoning Code provides Lot, Yard, and Bulk regulations for single family, multi-family and commercial structures to ensure compatibility of uses and structures within the community; and

WHEREAS, the Town's Zoning Code has historically allowed single family residential structures to have rooftop decks, provided such decks observe the maximum height limits within the applicable zoning district; and

WHEREAS, the Town's Zoning Code allows additional structure height, over and above the maximum height allowed in any zoning district, for features such as elevators, enclosed stairwells, and enclosed mechanical equipment; and

WHEREAS, it is the Town's desire to continue to allow rooftop decks on single family residential structures, provided the features for accessing such rooftop decks (i.e., stairwells and elevators) are minimized to avoid any negative impacts to neighboring properties; and

WHEREAS, the Town seeks to amend the Town's Land Development Code to provide additional parameters for controlling the height and square footage of elevators, enclosed stairwells, and enclosed mechanical equipment in single-family home construction; and

WHEREAS, after due public notice, the Town's Planning and Zoning Board held a public hearing on _____, 2017, to consider the proposed Zoning Code 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 _____, 2017, and considered the recommendations of the Town's Planning and Zoning Board; and

WHEREAS, on _____, 2017, the Town Commission conducted a duly noticed first public hearing on the proposed Zoning Code amendments; and

WHEREAS, on _____, 2017, the Town Commission conducted a duly noticed second public hearing on the proposed Zoning Code amendments and the Town Commission approved the amendments.

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

SECTION 1. The above recitals are true and correct and are hereby incorporated fully by reference.

SECTION 2. Chapter 158, Zoning Code, Article I, General Provisions, Section 158.006, Definitions, is hereby amended to add the following definition:

"Adjoining." Having a common border, line or wall.

SECTION 3. Chapter 158, Zoning Code, Article IV, General Regulations, Division 2, Lot, yard and bulk regulations, is hereby amended as follows:

158.153 - Height regulations.

(A) No building or structure shall have a greater number of stories, nor have an aggregate height of a greater number of feet than is permitted in the district in which the building or structure is located, except as noted in subsection (B) below.

(B) No exceptions to the height regulations shall be permitted except as specifically provided for below:

(1) One television or dish antenna per principal structure and enclosed elevator shafts and vestibule, enclosed stairwells and landings, and enclosed mechanical equipment areas, as follows:

(a) For structures other than single-family, the enclosed elevator shafts and vestibules, enclosed stairwells and landings, and enclosed mechanical equipment areas shall not exceeding 15 percent of the roof area and shall not exceeding the height regulations by more than ten feet of the zoning district in which it is located; however, the elevator shafts and vestibules, enclosed stairwells and landings, and mechanical equipment areas, their location and visibility from adjoining streets or properties and those properties directly across a public right-of-way or public canal, should be the subject of site plan review considerations. Parapet walls shall also be permitted as an exception to the height regulations where such wall is required pursuant to the Florida Building Code in conjunction with an enclosed stairwell.

(b) For single-family construction, an enclosed elevator shaft and vestibule, enclosed stairwell and landing, and enclosed mechanical equipment area shall not exceed 10 percent of the roof area and shall be the minimum height necessary to accommodate the specified features, not to exceed the height regulations by more than ten feet of the zoning district in which it is located; however, the elevator shaft and vestibule, enclosed stairwell and landing, and mechanical equipment area, their location and visibility from adjoining streets or properties and those properties directly across a public right-of-way or public canal, should be the subject of site plan review considerations. If an elevator is utilized, the required secondary egress must comply with the maximum height for the zoning district in which is it located and shall not be allowed additional height under this section. The square footage footprint for an elevator shaft and vestibule, enclosed stairwell and landing, and enclosed mechanical area shall be the minimum area required to comply with Florida Building Code. Enclosed stairwells allowed additional height under this section shall be located so as to utilize a single run of stairs, rather than a double run. Parapet walls shall also be permitted as an exception to the height regulations where such wall is required pursuant to the Florida Building Code in conjunction with an enclosed stairwell. Notwithstanding the foregoing, parapet walls or protective fencing around rooftop decks shall not exceed the maximum height of the zoning district in which it is located.

SECTION 4. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

SECTION 5. Repeal of Ordinances in Conflict. All other ordinances of the Town of Longboat Key, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 6. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Longboat Key.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon its adoption, as provided by law.

Passed on first reading and public hearing the ____ day of _____, 2017.

Adopted on second reading and public hearing the ____ day of _____, 2017.

Terry A. Gans, Mayor

ATTEST:

Trish Granger, Town Clerk



ORDINANCE 2017-02: HEIGHT REGULATIONS

Planning & Zoning Board

January 17, 2017



CURRENT SECTION 158.153(B)(1)

- 158.153(B). No exceptions to the height regulations shall be permitted except as specifically provided for below:
 - (1) One television or dish antenna per principal structure and enclosed elevator shafts, enclosed stairwells, and enclosed mechanical equipment areas not exceeding 15 percent of roof area and not exceeding the height regulations by more than ten feet of the district in which it is located; however, the elevator shafts, stairwells, and mechanical equipment areas, their location and visibility from adjoining streets or properties, should be the subject of site plan review considerations. Parapet walls shall also be permitted as an exception to the height regulations where such wall is required pursuant to the building code in conjunction with an enclosed stairwell.



PROPOSED REVISIONS

- **Split single-family into its own paragraph**

- Restrict the square footage footprint of the allowable features to the minimum required by Florida Building Code
- Restrict the height to the minimum required to provide the allowable uses
- If using an elevator, require the additional required egress (stairwell) to comply with the height restriction for the zoning district
- If using only a stairwell, require the stairwell to be placed so as to limit it to a single run of stairs, rather than a double run

- **Add clarifying language regarding required components of elevator shafts and stairwells, per Florida Building Code**

- **Add a definition for “adjoining” to Section 158.006**