

## M E M O R A N D U M

**TO:** Howard Tipton, Town Manager

**FROM:** Allen Parsons, AICP, Director  
Planning, Zoning & Building Department

**REPORT DATE:** January 18, 2023

**MEETING DATE:** February 6, 2023

**SUBJECT:** Ordinance 2023-02, Amending Permitted Uses in the Bay Isles Mixed Use Community (MUC-1) Zoning District to Incorporate the INS Zoning District Allowable Uses

### **Recommended Action**

Forward Ordinance 2023-02, to the March 6, 2023 Town Commission Regular Meeting for second reading and public hearing.

### **Background**

Ordinance 2023-02 is the first of four related public hearings, on the Town Commission's February 6, 2023 Regular Meeting agenda, associated with the Town's development plans for the Town Center Green property, located at 600 Bay Isles Road. This first request is a Zoning Text Amendment to expand the range of publicly-oriented uses that have been planned for the site.

The second public hearing (Ordinance 2023-04) would add the Town Center Green property into Town Code Chapter 92, which regulates public properties usage including hours and where pets are and are not allowed. The third (Ordinance 2023-03) and fourth (Site Development Plan Order 2023-01) public hearings, which will be combined, will specifically entitle the Town Center Green public uses, long range plan and current development within the subject site's Mixed-Use Community – Bay Isles (MUC-1) Zoning District.

As noted, the Town Center Green is located within the much larger MUC-1 Zoning District. The MUC-1 Zoning District allows a fairly broad range of residential, non-residential and recreational uses<sup>1</sup>. The Town, through various workshop meetings, citizen's surveys and Town Commission direction, developed an overall plan for the Town Center Green site. The Town has been developing the site using a three-phased approach:

- Phase 1- Initial Outdoor Venue (clearing and initial grading);
- Phase 2- Outdoor Venue and Stage; and
- Phase 3- Future Building Facilities through Partnership opportunities.

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<sup>1</sup> Permitted Uses include: Multifamily developments, Worship Centers, Golf Courses, Marinas, Parks and Recreation Areas, Restaurants, Tennis Courts, Government Buildings, Community Residential Homes and all Uses that are allowed within the Office-Institutional (OI) and Limited Commercial (C-1) zoning districts.

The planning has also included an anticipated range of uses for the entire site, including:

- Public Parks, Open Space and Recreation Areas;
- Government Buildings and Services;
- Continuing Education and Civic Centers;
- Non-Profit Cultural Centers; and
- Accessory uses to the above.

Public Parks, Open Space and Recreation Areas and Government Buildings and Services uses are identified as permitted uses in the MUC-1 Zoning District. The Continuing Education and Civic Centers and Non-Profit Cultural Centers uses, however, are not explicitly identified in the MUC-1 Zoning District as permitted uses. Those uses are among those permitted within the INS (Community Facility Institutional District) Zoning District.

The purpose of the proposed Zoning Text Amendment, Ordinance 2023-02, is to amend the MUC-1 Zoning District Use Regulations table (Sec. 158.075(B)) to be consistent with previous direction of the Commission on the Phase 3 planned uses of the site. The amendment incorporates the INS Zoning District uses, permitted with Site Development Plan review and Special Exception, into the MUC-1 Zoning District as permitted uses. This would be similar to the MUC-1 Zoning District's incorporation of all uses permitted and allowed within the OI and C-1 Zoning Districts. The current language in the table, under 'Permitted Uses With Site Development Plan Review', Item 8, reads: "Uses permitted with Site Development Plan review and Special Exception uses in OI and C-1 districts." The proposed text amendment will amend the language as follows: "Uses permitted with Site Development Plan review and Special Exception uses in OI, C-1, and INS districts."

The incorporation of additional INS uses into the MUC-1 Zoning District is consistent with the Comprehensive Plan and specifically Future Land Use (FLU) Policies. It is consistent with FLU Goal 1, which states:

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

The proposed Zoning Text Amendment meets FLU Goal 1, as it incorporates uses into MUC-1 that are responsive to the social and economic needs of the community. These uses have been identified as part of several community surveys conducted by the Town. The text amendment is also consistent with FLU Policy 1.1.13, which describes the various Future Land Use categories. Additionally, the proposed text amendment is also consistent with Future Land Use Policy 1.4.1, which states:

“FLU Policy 1.4.1: The Town will encourage the realization of a vibrant Town Center that includes the Town Hall and the public tennis complex area as well as commercial, office, institutional, residential and tourism uses. The Town may maintain a Town Center zoning overlay district within the MUC-1 future land use category for the area depicted on Figure 2. Within the Town Center zoning overlay district, additional nonresidential lot coverage up to 10%, and additional nonresidential and residential height up to one story may be allowed through the Outline Development Plan process to achieve a compact, pedestrian-friendly, attractive design supportive of mixed uses. Residential uses are limited to predominantly senior living communities including but not limited to age-restricted, independent living senior communities. The zoning overlay district may also provide additional incentives for design flexibility and expedited permitting to encourage the development of a central place within the Town for civic and community life.”

The addition of the INS uses into the MUC-1 Zoning District is consistent with Policy 1.4.1, as it incorporates institutional uses into the MUC-1 Zoning District, and promotes the realization of a vibrant Town Center.

The proposed Zoning Text Amendment meets the intent of both the Comprehensive Plan and the Zoning Code. The Mixed Use Community Future Land Use category describes these designated areas allowing a mix of residential and nonresidential uses and specifically calls for maintaining open space and recreational uses, with no limit to the amount of recreational acreage. The Institutional Future Land Use category is identified as being intended for use by public and semi-public facilities including government buildings and civic centers. All of which is what is intended for the Town Center Green.

The Planning & Zoning Board (P&Z Board) held a public hearing on January 17, 2023 and recommended approval (6-0) of incorporating the INS allowable uses into the MUC-1 Zoning District. The P&Z Board recommended that reference to the INS Zoning District be added to item #8, in the MUC-1 Use Regulations Table, “Permitted Uses With Site Development Plan Review” column, which incorporates allowable uses in the OI and C-1 Zoning Districts. Staff had initially drafted the incorporation of INS allowable uses as a new stand-alone item #12. Staff is supportive of this minor revision.

### **Staff Recommendation**

Forward Ordinance 2023-02, to the March 6, 2023 Town Commission Regular Meeting for second reading and public hearing.

### **Attachment**

- A. Ordinance 2023-02 (Available in Town Clerk’s Office)
- B. PowerPoint Presentation (Available in Town Clerk’s Office)

- C. Materials distributed to P&Z Board on January 17, 2023 (Available in Town Clerk's Office)

**End of Agenda Item**