

**ORDINANCE 2019-05**

**AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, MODIFYING AND AMENDING TITLE 15 LAND DEVELOPMENT CODE, CHAPTER 158: ZONING CODE; MODIFYING AND AMENDING ARTICLE V, SUPPLEMENTAL DEVELOPMENT STANDARDS; AMENDING SECTION 158.095, ACCESSORY USE OR STRUCTURE; AMENDING SECTION 158.099, STRUCTURES OVER WATER; AMENDING SECTION 158.100, OFF-STREET PARKING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, Section 158.095, of the Town Zoning Code, provides standards and regulations for accessory uses and structures; and

**WHEREAS**, the Town recognizes pickle ball as a recreational activity that should comply with the same standards as other similar recreational activities in the Town; and

**WHEREAS**, Section 158.099, of the Town Zoning Code, provides standards and regulations for structures over water; and

**WHEREAS**, the Town recognizes the importance of protecting public rights, public welfare, public riparian property rights; and

**WHEREAS**, the Town recognizes the importance of recreational boating opportunities, the marine and boating industry, and boat facilities to the Town of Longboat Key's economy; and

**WHEREAS**, Section 158.100, of the Town Zoning Code, maintains standards and regulations for off-street parking and loading; and

**WHEREAS**, the Town wants to ensure that all buildings and developments with multiple uses provide the number of parking spaces as required by the Town Zoning Code; and

**WHEREAS**, the Town wants to be able to review, consider, approve, approve with conditions, or disapprove parking waivers for properties in the T-3 (Low-Medium Density

Tourist Resort Commercial District) and T-6 (High-Density Tourist Resort Commercial District) zoning districts; and

**WHEREAS**, the Town wants to be able to review, consider, approve, approve with conditions, or disapprove parking flexibility for properties that utilize alternative modes of transportation; and

**WHEREAS**, the Town's Planning and Zoning Board held a public hearing on May 21, 2019, and considered the evidence and testimony relating to the proposed text amendment provided by Town Staff and public comment regarding the subject zoning code amendment; and

**WHEREAS**, the Town's Planning and Zoning Board found that the proposed zoning text amendment is consistent with the Town of Longboat Key Comprehensive Plan and forwarded the zoning text amendment to the Town Commission for consideration; and

**WHEREAS**, on \_\_\_\_\_, 2019, the Town Commission conducted a duly noticed initial public hearing on the proposed Zoning Code amendment; and

**WHEREAS**, on \_\_\_\_\_, 2019, the Town Commission conducted a duly noticed second public hearing on the proposed Zoning Code amendment and the Town Commission approved the amendments.

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

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

SECTION 2. Section 158.095 (E) (1) and (2), is hereby modified to read:

(E) *Tennis, Pickle Ball courts.*

- (1) Courts shall not be permitted within the required yard area unless the Planning and Zoning Board grants a Special Exception, and in no event shall the courts be located as follows:
  - (a) Within 20 feet of a street.
  - (b) Within 20 feet of residential property.
  - (c) Within ten feet of any commercial property, including hotel and motel uses.
  - (d) Within any required gulf waterfront yard.
- (2) In required yards, only an open-wire-mesh fence shall be permitted not exceeding a height of 12 feet. No court lights shall be permitted in an R-4SF or R-6SF district. In other districts, upon application, court

lighting may be permitted of such a type, intensity, frequency and design as will not interfere with the public safety or with neighboring uses. In determining the maximum coverage of a lot by a building, courts shall be counted in the computation if they are not open space. (See Subsection 158.030(E).)

SECTION 3. Section 158.099 (A) (4) (a), is hereby modified to read:

- (a) For properties abutting a canal, lagoon, bayou or pass, a dock, boat lift, piling or pile-mounted davit shall project into the water no more than 30 feet, measured from the mean high-water line, or 30 percent of the width of the navigable waterway, whichever is less. To the extent possible a new dock, boat lift, piling, or pile mounted davit shall not be located directly across from existing structures over water in a manner that creates a navigational hazard or interference with another vessel.

SECTION 4. Section 158.100 (G), is hereby modified to read:

(G) *Collective provision.*

(1) Owners or operators of two or more contiguous commercial buildings or uses of the same type of zoning classification requiring off-street parking facilities may make collective provision for the facilities, provided that the total of the parking spaces when combined or used together shall not be less than the sum of the requirements computed separately and provided that the combined facility is compatible with the zoning uses being served.

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

SET	DISTRICT
Set 1:	C-1, Limited Commercial; C-2, General Commercial; C-3, Highway-Oriented Commercial; M-1, Marine Commercial Service; OI, Office/Institutional
Set 2:	INS, Community Facility Institutional
Set 3:	All Open Space Zoning Classifications
Set 4:	MUC-1 (Mixed Use Community - Bay Isles); MUC-2 (Mixed Use Community - Islandside); MUC-3 (Mixed Use Community - Promenade/Water Club)
Set 5:	T-3, Low-Medium Density Tourist Resort Commercial; and T-6, High Density Tourist Resort Commercial

SECTION 5. Section 158.100 (O), is hereby modified to read:

(O) *Parking flexibility.* The parking flexibility provisions in this Subsection are limited to properties located in OI, Office/Institutional, C-1, Limited Commercial, C-2 General Commercial, C-3, Highway-Oriented Commercial, M-1, Marine Commercial Service, T-3, Low-Medium Density Tourist Resort Commercial District, or T-6, High-Density Tourist Resort Commercial District. Off-street parking requirements may be met through additional and alternative measures provided in this Subsection. These measures shall be requested during Site Development Plan review, and if approved shall be made conditional in accordance with Subsection (N) (1).

SECTION 6. Section 150.100 (P), is hereby modified to read:

(P) *Parking Waivers.* Parking Waivers shall be requested during Site Development Plan review, and if approved shall be made conditional in accordance with Subsection (N)(1).

(1) The Planning and Zoning Board may grant a Parking Waiver not to exceed 20 percent of overall required parking for commercial uses located on a site within 500 feet of a residential or tourism development, if the board finds substantial competent evidence that:

- (a) The commercial use is patronized by pedestrian traffic proportionate to the requested reduction in parking spaces;
- (b) The existing density and approved future density of the surrounding residential or tourism development provides sufficient population within 2,000 feet of the commercial use;
- (c) The design of the pedestrian connectivity between the commercial use and the residential or tourism development is reasonable and safe; and
- (d) The type and character of the commercial use is such that pedestrian traffic would be expected.

(2) The Planning and Zoning Board may grant a Parking Waiver of one required parking space for every three bicycle spaces above the minimum requirement that are part of on-site bicycle rack system, not to exceed ten percent of overall required automobile parking, for commercial uses that have bicycle traffic if the board finds substantial competent evidence that:

- (a) The cycling connectivity between the commercial use and the residential or tourism development is reasonable and safe;
- (b) The commercial use is patronized by bicycle traffic proportionate to the requested reduction in parking spaces; and
- (c) The type and character of the commercial use is such that bicycle traffic would be expected.

(3) For commercial uses abutting the water, the Planning and Zoning Board may grant a Parking Waiver not to exceed 20 percent of the required parking as follows:

- (a) An approved boat slip on the property may be counted for a required parking space when the board finds substantial competent evidence that the commercial use is patronized by customers who travel to the business by boat and the reduction in parking spaces is proportionate to the number of on-site boat slips provided; or
  - (b) Substantial competent evidence that the commercial use is patronized by a proportionate share of customers who travel to the business by means of water in a vessel that does not typically utilize a boat slip (e.g., kayak, canoe, etc.).
- (4) The Planning and Zoning Board may grant a Parking Waiver for on-street parking spaces immediately adjacent to the site of the commercial use, not to exceed ten percent of the required parking spaces, where the board finds the following:
- (a) On-street parking is permitted on both sides of the right-of-way;
  - (b) Sufficient improved right-of-way width is evidenced and maintained;
  - (c) A linear length of at least 25 feet along the right-of-way for each alternative space;
  - (d) On-street spaces shall not be located closer than 30 feet from an intersection or 15 feet from a driveway; and
  - (e) Utilization of on-street parking shall not be in conflict with the Town Code, including, but not limited to, the Chapters included within title 7 Traffic Code.
- (5) The Planning and Zoning Board may grant a Parking Waiver, not to exceed ten percent of the required parking spaces, for alternative transportation options. Alternative transportation options that may be considered by the Town include, but are not limited to, the following:
- (a) Private and public carpools and vans;
  - (b) Subscription bus service;
  - (c) Ride sharing;
  - (d) Park and Ride program; and
  - (e) Shuttle Service.
- (6) For all Parking Waivers, substantial competent evidence shall be provided that a reduction in required parking will not result in unauthorized on-street parking or in the use of parking provided by nearby businesses without a shared parking agreement.
- (7) For all Parking Waivers, substantial competent evidence 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, or similar organizations. Documented patron surveys and other data gathering methodologies and sources may also be considered by the board.
- (8) If applicable, the maximum utilization of other off-street parking alternatives for the commercial site shall be implemented prior to the granting of Parking Waivers.

(9) For all Parking Waivers, sworn testimony shall be provided regarding the requested Parking Waiver as it relates to the commercial use.

SECTION 7. 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 8. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Longboat Key.

SECTION 9. 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 \_\_\_\_\_, 2019.

Adopted on second reading and public hearing the \_\_\_\_ day of \_\_\_\_\_, 2019.

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George L. Spoll, Mayor

ATTEST:

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Trish Shinkle, Town Clerk