

M E M O R A N D U M

TO: Tom Harmer, Town Manager

FROM: Planning and Zoning Board and
Allen Parsons, Director, Planning, Zoning and Building Department

REPORT DATE: February 6, 2020

MEETING DATE: February 18, 2020

SUBJECT: Discussion Regarding Planning & Zoning Board Preliminary
Recommendations on Single-Family Residential Structure Height and
Compatibility

Recommended Action

Provide feedback and direction to Planning & Zoning Board and staff.

Town Commission Direction

At their April 15, 2019 Goals & Objectives Workshop Meeting, the Town Commission (Commission) heard community concerns that there are many examples of newer single-family home construction that do not relate to the scale and character of existing homes. Concerns included observations that many new dwellings are much larger and taller than adjacent residences, especially those that are required to be elevated by Federal Emergency Management Agency (FEMA) and Town-specific flood resistance requirements and that also include second floors. The general concern is that these new homes can loom over adjacent yards and nearby single-story homes that were built on grade.

The Commission requested to have a workshop meeting discussion on the Town's Daylight Plane standards and other options for addressing compatibility when new or redeveloped structures are built with contrasting heights relative to existing nearby structures.

The Commission held discussion on this topic at their October 15, 2019 Regular Workshop Meeting and addressed a number of topics including:

- Federal Emergency Management Agency (FEMA) requirements;
- Options to consider lowering maximum height of homes;
- Creation of nonconforming structures, if regulations are modified;
- Options to modify the way Daylight Plane may be measured and regulated;
- Daylight Plane waivers that have been granted; and
- Engaging architectural expertise on Daylight Plane requirements.

Following discussion, there was consensus to authorize the Planning & Zoning Board (P&Z Board) to have further discussions and make recommendations relating to the height of single-family structures and Daylight Plane requirements. The P&Z Board has held two workshop discussions on this topic.

At their December 17, 2019 Regular Meeting discussion, the P&Z Board deliberated on numerous factors that govern how the Town of Longboat Key (Town) regulates building heights and how those factors, along with market demands, influence the development and compatibility of new single-family residential structures that are noticeably taller than surrounding development.

The P&Z Board identified the following topics for more detailed consideration:

- **Enhanced privacy standards**, including screening and design features.
- **Criteria to address scale and massing of homes**, including the potential for required articulation and mitigating measures.
- **Options to modify existing Daylight Plane requirements**, including measuring from grade instead of from a structure's Minimum Habitable Elevation and/or applying a single Daylight Plane angle requirement, regardless of lot width.
- **Use of an "Overlay" Zoning District** that would apply differing (e.g. reduced) height requirements in area, or neighborhood specific, contexts, such as for properties West of Gulf of Mexico Drive as they have increased minimum habitable floor elevation heights.

At their January 23, 2019 Regular Meeting discussion, the P&Z Board narrowed its recommendations to two topic areas: enhanced privacy guidelines/standards and modifications to the Town's Daylight Plane requirements. The P&Z Board thoroughly reviewed and discussed criteria to address scale and massing of homes and use of an overlay district and is intentionally not making a recommendation at this time, in those areas. Prior to the Planning Staff preparing potential Zoning Code language and/or amendments to the Zoning Code, the P&Z Board, by consensus, is seeking feedback from the Commission on its current recommendations noted above and further described below.

Privacy Related Guidelines or Standards: The P&Z Board considered the potential to add building review guidelines or standards that contribute to factors of compatibility, including the size, shape, form of the houses, their architecture, and the relationship of each house to the street and nearby houses. Options provided by staff addressing scale and massing were not recommended for further consideration.

The P&Z Board did reach consensus to further develop standards to address ground level impacts with additional screening and buffering (i.e. vegetative and/or fence/wall). Existing Zoning Code requirements (Sec. 158.103) mandate some screening requirements where a nonresidential use abuts a residential district or where a multi-family district or use abuts a single-family district, but not in cases where new, larger-scale single-family structures may be abutting existing lower-scale single-family structures.

Modification of Existing Daylight Plane Requirements: The P&Z Board initially sought further information on the potential to modify existing Daylight Plane¹ requirements including measuring from grade instead of from a structure's Minimum Habitable Elevation and/or applying a single Daylight Plane angle requirement, regardless of lot width.

After deliberation the P&Z Board recommended that the Daylight Plane measurement begin from a property's existing grade, instead of from the minimum habitable floor elevation and the P&Z Board recommended to apply a single Daylight Plane angle requirement of 75° degrees, regardless of a property's width. These recommendations would have the effect of simplifying understanding of Daylight Plane requirements, as the concept of measuring height from a starting point, other than at grade, can be confusing to the public. In addition, the concept of having a Daylight Plane angle change with a property's width can also be confusing to the public. The P&Z Board's

¹ The Zoning Code defines daylight plane as "*The angle in degrees for single-family homes measured from side lot line boundaries projecting upward toward the center of the parcel beginning at minimum habitable floor elevation as established by law.*" The required angle for daylight plane is dependent upon the width of a lot. For example, if a property is 100 feet wide, the required daylight plane angle is 50 degrees. The angle lessens as the width of the property becomes greater (Note: 50° to 65° degrees is the maximum lower and upper limit, respectively).

recommendations, described below, would generally have the effect of being more permissive than existing requirements. This is intentional, as the P&Z Board's deliberations reflected that the competing goals of generally elevating structures for resiliency over time and maintaining an existing at-grade single-story character can be viewed as conflicting. The consensus recommendation reflected a desire to encourage redevelopment, with homes that are elevated to meet floodplain requirements and a recognition that the scale of houses may increase.

Two illustrations of the recommended Daylight Plane requirements applied to new single-family home designs, on two different lot sizes (100 ft. wide and 60 ft. wide, respectively) are provided in the official memorandum available in the Town Clerk's Office.

The P&Z Board will be seeking Commission feedback on the topic area of compatibility in general and the current focus of their recommendations limiting changes to Privacy Standards and Daylight Plane calculations.

Staff Recommendation

Provide feedback and direction to Planning & Zoning Board and staff.

Attachments

- A. P&Z Board Memo, December 17, 2019 (Available in Town Clerk's Office)
- B. P&Z Board Memo, January 23, 2020 (Available in Town Clerk's Office)
- C. Memorandum from Town Attorney, Re: Bert Harris Act, June 14, 2017 (Available in Town Clerk's Office)
- D. PowerPoint Presentation (Available in Town Clerk's Office)

End of Agenda Item